Ties that Bind: The Role of Family Dynamics in the Islamization of the Central Islamic Lands, 700-900 CE

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the faculty of theology and religion
in candidacy for the degree of doctor of philosophy

By

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For Katie VanDusen, Zeno Chrysostomides, and Angelo Koyzis.
May your memories be eternal.

This thesis would not have been completed without the help of many colleagues, friends, and family. Simply listing each individual feels as though it would cheapen their very meaningful contributions, from the unexpected kind word of a stranger that buoyed me enough to keep going to endless hours of support, advice, and care of close friends and colleagues. These things cannot and should not be quantified in a page. They meant and will always mean too much for that. However, thanking people is important. Please know that the thanks portrayed here is negligible compared to the extent of my gratitude for the hours of work, play, and support that made this thesis possible.

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Ties that Bind: The Role of Family Dynamics in the Islamization of the Central Islamic Lands, 700-900 CE - A thesis submitted to the Faculty of Theology and Religion in candidacy for the degree of Doctor of Philosophy by Anna Chrysostomides, St. Antony's College, Michaelmas 2017**.**

Short Abstract

This study explores Islamization and conversion as a process of socialisation, one best illustrated in sources discussing daily human interaction, and argues for several nuances to the understanding of Islamization and conversion in the Islamic world. It focuses on the familial relationship as one of the most important types of social interactions that would have facilitated conversion in the central Islamic lands – the Levant, the Arabian Peninsula, Mesopotamia, and Fars during the 8th-9th centuries CE.

This thesis is based upon the concept that it is integral to the study of conversion to Islam in the 700s-800s to be aware of a variety of behaviours associated with conversion ranging from Islamization of outward actions with no religious affiliation to Islam, to full religious conversion in the 8th-9th centuries. With this variety in mind, it has found, first, that the expectations of non-Muslim wives by Muslim husbands, in particular, encouraged religious code switching. Second, even when a person fully converted, family ties often kept them within the social and ritual world of their previous tradition. Third, conversion was not always a choice; women were often passively part of a household conversion. Fourth, Christian women in some communities may have sought conversion to Islam as a way to divorce their husband and retain the potential for remarriage. Fifth, a hierarchy based upon religious affiliation and social class formed in the 9th century; a Muslim man could either marry a woman or only keep her as a concubine depending on her religion and/or status. Sixth, in the 8th-9th centuries several Muslim jurists favoured matrilineal religious inheritance over patrilineal. Seventh, baptism may have been practiced by a majority of Muslims in the 8th-late-9th centuries suggesting not only a required change in how we view Islam in the 700s-800s, but also in how we view Islamization.

Long Abstract

This study explores Islamization and conversion from Christianity to Islam as a process of socialisation, one best illustrated in sources discussing daily human interaction, and argues for several nuances to the understanding of Islamization and conversion in the Islamic world. It focuses on the familial relationship as one of the most important types of social interactions that would have facilitated conversion in the central Islamic lands – the Levant, the Arabian Peninsula, Mesopotamia, and Fars during the 8th-9th centuries.

This thesis is based upon the concept that it is integral to the study of conversion to Islam in the 700s-800s to be aware of a variety of behaviours associated with conversion ranging from Islamization of outward actions with no religious affiliation to Islam, to full religious conversion in the 8th-9th centuries. This study will use theoretical models from: Theodore Long and Jeffrey Hadden, who emphasise that conversion is a type of socialisation and whose definition of socialisation will be employed; David A. Snow and Richard Machalek, who question claims of membership to religious communities from recent converts, explore the concept of social displays of conversion, and evidence through case studies that converts can be most easily recognised through speech acts; C. David Gartrell and Zane K. Shannon, who demarcate a difference between social rewards for religious conversion and belief/religious practice rewards; and lastly Henri Gooren, whose global definition of conversion is intended to be widely applicable in time, culture and geographic location and includes non-sequential, potentially simultaneous, phases of conversion as well as emphasises that conversion is influenced by socialisation, especially that of 'significant others,' who he defines as relatives, friends, and acquaintances, and which can include family networks.

With this variety of behaviours in mind, it has found, first, that the expectations of non-Muslim wives by Muslim husbands, in particular, encouraged religious code switching. This often applied to regulations regarding purity and divorce that put domestic or social pressure on the wife to comply with Islamic norms. Second, even when a person fully converted, family ties often kept them within the social and ritual world of their previous tradition. There are several Christian neo-martyr narratives suggesting that extended Christian-Muslim family networks existed in the 8th-9th centuries, in addition to Muslim legal sources on inheritance accounting for non-Muslim family members.

Third, conversion was not always a choice; women were often passively part of a household conversion. When the male head of a family converted, he, and society at large, assumed that the wife and children were included in his conversion. With the threat of potential violence should one apostatise from Islam and the common Christian abhorrence of divorce, women would have to outwardly affiliate with Islam regardless of their personal faith. In some cases apostasy was not a choice either. Jurists often prescribed that female apostates from Islam be confined to the home, still expected to perform their normal duties but not allowed any privileges until they were 'convinced' to return to Islam.

Fourth, in addition to the accepted ability to have multiple wives in Islamic tradition, Christians in the Church of the East provinces following local conventions also could have multiple wives. The legal sources occasionally touch upon this topic, particularly regarding whether or not the Christian husband can remain with his now-Muslim wife/wives. A scenario of one Christian man with four converted Muslim wives comes up in the legal literature, leaving one to imagine how the children in this family might affiliate religiously.

Fifth, women's conversion to Islam was an especially problematic topic for early Muslim jurists. There was debate over whether or not Muslim women could be married to non-Muslim men, or whether their affiliation with Islam automatically separated the couple. Some 8th-9th-century jurists allowed Muslim women to remain married to non-Muslim men. Those jurists who insisted that the couple be separated, or that the couple was separated by default, prescribed that the Muslim woman follow the usual practice of an *'idda*, or waiting period after separation or divorce. If the non-Muslim husband chose to convert to Islam during her *'idda* the relationship continued on as normal. If he did not, the couple was permanently separated. This scenario is often accompanied by prescriptions that the wife 'invite' her husband to Islam, and when actually practiced, would have functioned as an incentive for conversion.

Sixth, Christian women in some communities may have sought conversion to Islam as a way to divorce their husband and retain the potential for remarriage. The Church of the East begins to allow divorce for participating in non-Christian acts and apostasy in the 8th century, possibly as a response to Islamization. The Syriac Orthodox and Melkite communities, which were in territories thought to have converted significantly after the 9th century, were less lenient regarding divorce and inter-religious marriage.

Seventh, a hierarchy based upon religious affiliation and social class formed in the 9th century; a Muslim man could either marry a woman or only keep her as a concubine depending on her religion and/or status. Free Muslim women were the most eligible for marriage, followed by slave Muslim women and free Christian and Jewish women. Slave Christian and Jewish women were only allowed to be kept as concubines and both forms of

relationships with Zoroastrians were discouraged. This same hierarchy of Muslims, Christians and Jews, Zoroastrians and others, also begins to be applied to the children of exogamous marriages regarding which parent they inherit their religious affiliation from. When applied to children Christianity is often ranked above Judaism.

Eighth, in the 8th-9th centuries several Muslim jurists favoured matrilineal religious inheritance equally as often as patrilineal. Regrettably, the potential relationship with Jewish matrilineal inheritance practices is outside the scope of this thesis; however, the acceptance of matrilineal inheritance is particularly interesting considering that all of the jurists who embraced it also allowed Muslim men to marry non-Muslim women. This combination of juristic prescriptions would have resulted in families with a Muslim patriarchal head of household but Christian wives and children.

Ninth, consideration of Muslim exegetical reactions to mention of *ṣibgha*, the Muslim-Arabic word for baptism, in Qur'ān 2:137-138 provides evidence that baptism may have been practiced by a majority of Muslims in the 8th-late-9th centuries. This suggests not only a required change in how we view Islam in the 700s-800s, but also in how we view Islamization. Rather than a process towards 21st-century norms, Islamization needs to be defined in terms of what form Islam took in each period in which it is studied.

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Chapter 1
Introduction

> The Prophet said, 'The rewards (of deeds) are according to the intention, and everybody will get the reward for what he has intended. So whoever emigrates for God's and His Messenger's sake, his emmigration will be for God and His Messenger; and whoever emigrates for worldly benefits, or to marry a woman, then his emigration will be for the thing for which he had emigrated.'[1]

The 8th-9th centuries CE in the central Islamic lands of Fars, Mesopotamia, the Levant and the Arabian Peninsula were a time of vast transformation for both Muslim communities, and the *dhimmī* communities living under their rule. The 8th century saw a change of dynasty, from the Umayyads (r.c. 661-750) to the Abbasids (r.c. 750-945), alongside major changes in identity groups - a move from a society split between conquerors and the conquered to an emphasis on affiliation to distinct religious communities. The 800s in particular have been singled out by Richard Bulliet as witnessing the first widespread conversions to Islam.

These were the centuries during which Islamic theology, rituals, and law were being debated and saw the very first steps towards canonization. They witnessed the establishment of Islamic *fiqh* and *ḥadīth* collections as well as the formation of Christian civil law for the three main communities living under Muslim rule. The translation movement, involving people from multiple religious traditions but especially Syriac speaking Christians, began in Baghdad in the 9th century; as did the first major wave of conversion to Islam from the conquered populace in Fars.[2]

Muslims were the ruling minority in the 8th-9th-century central Islamic lands. They lived surrounded by diverse religious communities consisting of Zoroastrians, Jews, and Christians, to name a few of the most prominent. *Dhimmī* communities are often viewed as interchangeable within the early Islamic legal tradition, although with some caveats. The

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1 'Emigration' (هجر) was a term commonly used for conversion. Translation based upon the English in Muḥammad b. Ismāʻīl Bukhārī, *Ṣaḥīḥ Bukhārī*, ed. and trans. Muhammad Muhsin Khan, (Riyadh: Darussalam Publishers & Distrtributors, 1997), vol. 7, English and Arabic p. 22-23, no. 5070, with minor changes.
قال النبي ﷺ : العمل بالنية، وإنما لامرى ما نوى، فمن كانت هجرته إلى الله ورسوله فهجرته إلى الله و رسوله، و من كانت هجرته إلى دنيا يصيبها أو امرأة ينكحها، فهجرته إلى ما ماجر إليه

2 Richard W. Bulliet, *Conversion to Islam in the Medieval Period: An Essay in Quantitative History*,

restrictions, rules, and regulations that were applied to *dhimmīs,* and all of the social-historical implications that we can read from them, likely affected each community and reflected their condition and how they were viewed by the ruling Muslim elite. Despite the illusion of interchangeability in the Islamic sources, any regulation or any commonly held view or stereotype would have affected each community differently. There are significant insights to be gained from studying all of the *dhimmī* communities under Muslim rule and the social dynamics involved in their slow conversion to Islam as part of a single project. However, a work of such breadth would by necessity require a good grasp of the many languages used by the Jewish, Zoroastrian, Christian, and Muslim communities as well as an in-depth understanding of each community's history and the changes in their identity after the conquest. Such a project is desperately needed to better understand the world of early Islam, however, it is not possible within the limits of a D.Phil. thesis. This study will attempt to contribute towards a more comprehensive understanding of the Islamization and conversion of the many communities of the central Islamic lands to Islam by focusing on the three main Christian communities of the Near East, the Melkite, Syrian Orthodox, and the Church of the East.

Christians under the Abbasids were occasionally regulated in the clothes they wore, what animal they rode and how they rode it, as well as how they navigated the streets and whether or not they could rebuild churches.[3] The tenets of the *ghiyār*, later known as the *Shurūt 'Umar,* were initially formed during the conquest and loosely consolidated in the early 700s, but were actually systematised and enforced by the Abbasid Caliph al-Mutawakkil (r. 847-861). These regulations restricted clothing, transportation, education, and rebuilding of sacred spaces.[4] While these regulations may not have been consistently enforced, Christians and Jews throughout the central Islamic lands certainly would have

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(Cambridge: Harvard University Press, 1979), Ch. 3 "Iran."

3 For a complete study on these regulations known as the *ghiyār* and later ast the *Shurūt 'Umar*, see Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire - From Surrender to Coexistence*, (Cambridge, Cambridge University Press, 2001).

4 Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 63-67; 95-107. Levy-Rubin's argument has been convincingly questioned by Luke Yarbrough, "Origins of the ghiyār," *Journal of the American Oriental*

been affected by them to some extent, and in rather invasive ways.[5] When enforced these regulations dictated what the *Ahl al-Kitāb*, or People of the Book, wore out of the house, where they could be employed.

However, Christians under Abbasid rule also flourished - the 1st century of the Abbasids saw the beginning of Christians writing in the new *lingua franca*, Arabic. They took the language of conquerors and made it their own, as apologetics and debate between the Abrahamic faiths arose. This was the century of the famous defenders of the eastern churches, sometimes called the Christian *mutakallimūn* - the Melkite, Theodore Abu Qurrah (fl.c. 755-830), the Syrian Orthodox church father Abu Ra'itah (d.c. 855), and the Church of the East theologian 'Ammār al-Baṣrī (d.c. 845).[6] The Melkite neo-martyr narratives of the Levant, as introduced in detail below were also written under Abbasid rule, some in Greek and some in Arabic. These polemical texts were intended to imbue the laity with basic Christian tenets, flaws in Islam, and prescribed behaviours in Christian-Muslim interaction.[7]

Aside from restrictions and polemics, there were Christians present in the elite intellectual, social, and political spheres. Syriac-speaking Christians played a significant role in the well-known translation movement in Baghdad which flourished in the early Abbasid period and was fundamental to early Islamic medicine, philosophy, and science.[8] They were also intellectuals and teachers in their own right, shaping some of the brightest minds of their day - both al-Farābī (870-950) and Ibn Sīnā/Avicenna (980-1037) were tutored by Christians.[9]

Society, vol.134 no.1 (2014).

5 Ibid, 97-99.

6 Sidney Griffith, *The Beginnings of Christian Theology in Arabic: Muslim-Christian Encounters in the Early Islamic Period*, (Aldershot: Ashgate, 2002), vii. See also Sidney Griffith, *The Church in the Shadow of the Mosque*: *Christians and Muslims in the World of Islam*, (Princeton, N.J.: Princeton University Press, 2008), 77-88. For the reality of the debates inspiring these apologetics see, Robert Hoyland, *Seeing Islam as Others Saw It: a Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam*, (Princeton, N.J.: Darwin Press, 1997), 456-458.

7 Sidney Griffith, "Christians, Muslims, and Neo-Martyrs: Saints' Lives and Holy Land History," *Sharing the Sacred: Religious Contacts and Conflicts in the Holy Land, First-Fifteenth-centuries CE*, eds. Arieh Kofsky and Guy G. Stroumsa, (Jerusalem: Yad Izhak Ben Zvi, 1990),168-169. For a detailed study on this genre see, David Vila, *Christian Martyrs in the First Abbasid Century and the Development of an Apologetic Against Islam*, (Ph.D. Disssertation: Saint Louis University, 1999).

8 Griffith, *The Church in the Shadow of the Mosque*, 17.

9 Ibid, 18.

About forty years before the Abbasid takeover, the Umayyad Caliph ‘Umar ibn ‘Abd al-‘Aziz (r. 717-720) had begun a move towards equal treatment of non-Arab Muslims via fiscal policies, which will be described below, as well as new restrictions on Jews and Christians via the *ghiyār*. This policy created possible motivations for conversion to Islam as well as further integration of new, non-Arab Muslims into elite society,[10] thereby facilitating conversion to Islam. The early Abbasid era also marked the waning of restrictions for conversion based on affiliation with an Arab tribe, also known as clientage. As clientage affiliations became more titular and political than practical in the 9th century, it became even easier for Christians to convert to Islam. They no longer had to have a complex social relationship where they owed something for protection and membership to a tribe.[11]

For the privileged populations living in urban cultural centres, the populations most accessible through text-based research, these were centuries of motion and change. Their world was becoming increasingly Islamicized with each passing generation, and Islam, with the power and prestige of an immense empire backing it, was developing into a world religion. It is all too easy to become caught up in these great events and to forget the rhythm of daily life, to forget that amidst all this people were still social creatures who sought the comfort of others, who had familial relationships and traditions.

As the *ḥadīth* quoted at the beginning of this chapter states, people emigrated and/or converted for many reasons, marriage - a distinctly social practice - being one of them. Looking behind the curtain of great intellectual production and political machinations into the world of family networks provides a new dimension to the consideration of Islamization and conversion to Islam. Women, in particular, come to the forefront in ways hardly recognised previously, and unsurprisingly they had a significant role to play in the transition of the central Islamic lands to a majority Muslim community.

This study explores Islamization and conversion as a process of socialisation, one

10 Griffith, *Beginnings of Christian Theology in Arabic*, I.164; and *The Church in the Shadow of the Mosque*, 15.

11 Patricia Crone, *Slaves on Horses: The Evolution of the Islamic Polity*, (Cambridge: Cambridge University Press, 1980), 57 and 66-67; and Daniel Pipes, "Mawlas: Freed slaves and converts in early Islam," *Slavery &*

best illustrated in sources discussing daily human interaction, and argues for several nuances to the understanding of Islamization and conversion in the Islamic world. It focuses on the familial relationship as one of the most important types of social interactions that would have facilitated conversion in the central Islamic lands – the Levant, the Arabian Peninsula, Mesopotamia, and Fars during the 8th-9th centuries.

This thesis is based upon the concept that it is integral to the study of conversion to Islam in the 700s-800s to be aware of a variety of behaviours associated with conversion ranging from Islamization of outward actions with no religious affiliation to Islam, to full religious conversion in the 8th-9th centuries. With this variety in mind, it has found, first, that the expectations of non-Muslim wives by Muslim husbands, in particular, encouraged religious code switching, defined in 2.4. Second, even when a person fully converted, family ties often kept them within the social and ritual world of their previous tradition. Third, conversion was not always a choice; women were often passively part of a household conversion. When the male head of a family converted, he, and society at large, assumed that the wife and children were included in his conversion. With the threat of potential violence should one apostatise from Islam and the common Christian abhorrence of divorce, women would have to outwardly affiliate with Islam regardless of their personal faith. In some cases apostasy was not a choice either. Jurists often prescribed that female apostates from Islam be confined to the home, still expected to perform their normal duties but not allowed any privileges until they were 'convinced' to return to Islam. Fourth, Christian women in some communities may have sought conversion to Islam as a way to divorce their husband and retain the potential for remarriage. The Church of the East begins to allow divorce for participating in non-Christian acts and apostasy in the 8th century, possibly as a response to Islamization. Fifth, a hierarchy based upon religious affiliation and social class formed in the 9th century; a Muslim man could either marry a woman or only keep her as a concubine depending on her religion and/or status. This same hierarchy begins to be applied

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Abolition, vol. 1.2, (1980), 155-158.

to the children of exogamous marriages regarding which parent they inherit their religious affiliation from. Sixth, in the 8th-9th centuries several Muslim jurists favoured matrilineal religious inheritance over patrilineal. Seventh, baptism may have been practiced by a majority of Muslims in the 8th-late-9th centuries suggesting not only a required change in how we view Islam in the 700s-800s, but also in how we view Islamization. Rather than a process towards 21st-century norms, Islamization needs to be defined in terms of what form Islam took in each period in which it is studied.

1.1 *Organization*

This thesis is separated into 8 chapters. Chapter 1 is the introduction, providing a historical context for the topic at hand as well as introducing Islamic and Christian primary source material. Considerable attention is given to explaining the Islamic material as there are several multi-authored and layered texts. Chapter 2 is a literature review of social scientific theories on conversion, and historical works specifically on conversion to Islam in late antiquity and the early middle ages. This chapter also includes a definition of terms relating to conversion which will be used throughout the study.

Chapters 3 and 4 cover Islamic sources on exogamy. Chapter 3 introduces and contextualises the topic before moving into a discussion of the ‘ulāma's developing hierarchy of religious communities in terms of marriageability - one that placed free Muslims at the top and equated free Christians and Jews with Muslim slave women. For Muslim men, relationships with Christian and Jewish slave women were limited to being sexual only, while those 'above' them in the hierarchy were eligible for marriage. This chapter also discusses the social expectations surrounding marriage to a Muslim and divorce from one - Christian women married to Muslim men would have been expected in some areas to ritually purify themselves as Muslim women did and to perform an *‘idda*, or waiting period after divorce, the same as Muslim women. Chapter 4 focuses on apostasy for both men and women as well as initiatives to convert to Islam related to marriage, particularly

situations in which the wife converts before her husband. Women were predominantly expected to be held captive in their husband's home and 'convinced' to return to Islam should they apostatize while men were supposed to be killed. However, the death penalty for apostasy does not appear to have been commonly carried out, as there are debates within the *muṣannafāt* and *fiqh* literature regarding how many times a male apostate can be asked to return. The rest of the literature focuses mainly on the male apostate's marital arrangements rather than funeral or inheritance arrangments. This chapter also discusses the much-debated issue of what to do if a woman converts to Islam before her husband and whether or not Muslim women were at any point allowed to be married to Christian men. The prohibition of Muslim women being married to non-Muslim men appears to have been equally represented in the 8th century by those who allowed these unions to continue. The 9th century sees a decline in the acceptance of Muslim women and non-Muslim men; however, the sources show that these arrangements still occured.

Chapter 5 discusses the Christian sources on exogamy and divorce, focusing on the Melkite, Syriac Orthodox, and Church of the East respectively. Divorce, in particular, is crucial to the topic of Islamization, as it may have been a mechanism through which wealthy or skilled Christian women could have sepparated themselves of Islamicized or converted husbands. This however; would most likely only have been possible within the Church of the East and its lenience regarding divorce may have been reactionary to Islamization. Conversion to Islam, on the other hand, would have allowed wealthy or skilled women the opportunity to divorce with less social stigma and even remarry if they so chose. In some areas, particularly in the 9th century, Islamic jurists held that Islam itself separated spouses after conversion, therefore they would not have to bother with a prohibition on women divorcing their husbands in either tradition. Additionally, converting to Islam would have allowed them the possibility of remarriage and therefore a way to support themselves and their children.

Chapters 6 and 7 focus on the children of exogamous marriage. Chapter 6 provides

an introduction to the topic and contextual information regarding Christian and Muslim views of children's socialisation, as well as an exploration of the spread of Arabic and Islamic education as a possible mechanism through which Islamization spread. This chapter also details the Islamic primary source material regarding with which religion the children of these unions should affiliate, suggesting that matrilineal religious inheritance was as commonly held in the 8th and 9th centuries as patrilineal or hierarchical systems of religious inheritance. Chapter 7 explores the topic of initiation rituals and the Islamic concept of *fiṭra*, a theory of inherent religiosity or lack thereof. Baptism appears to have been a topic that generated confusion for both Christians and Muslims in the 8th-9th centuries, even appearing in extensive debates within Qur'ānic exegetical works. This chapter exhibits one of the many reasons that Islamization, and conversion to Islam as an aspect of Islamization, has historically been a difficult topic in the early centuries AH. The Muslim community was in a formative period - only beginning to create its theology, ritual, and laws during these centuries. There were a variety of pre-Islamic religious practices extant within the Islam of the 8th-9th centuries that were continued in one guise or another in different areas either temporarily, on and off, or which became part of what is considered 21st-century Islam. Baptism, as one of these rituals, did not remain common to Islam throughout the world; however, it appears to have been practiced in the central Islamic lands in the 8th-9th centuries. Chapter 8 is the conclusion.

1.2 *Setting the Scene: Conversion in Islam in the 7th and early 8th centuries*

Early Islamic conversion narratives rarely indicate the convert's original religion. In fact, conversion narratives of individuals are relatively rare, and not repeated and venerated in the same way someone with a background in Christianity might expect. Islam does not have a word that matches exactly the English word for 'conversion,' rather the term *aslama*, meaning to submit, represents the act of converting to Islam.[12] More specifically, the

12 Yasin Dutton, "Conversion to Islam: the Qur'anic paradigm," in *Religious Conversion: Contemporary*

semantic range of 'conversion' and 'aslama' are different. The former is about change of state from one thing to another while the latter is about submission to a greater power, whether military, political, or religious. This could indicate historic conceptualizations of this process that differ from the assumptions of Anglo-American scholars whose world-view has been strongly influenced by the protestant reformation as will be discussed in chapter 2. For now, it will suffice to say that conversion to Islam is here viewed as a process of socialisation, one that involves interactions with colleagues, friends, and family alongside, if not above, spiritual rewards. Social ties and interactions are certainly considered to be more important to conversion than social, political, or fiscal advancement, although these ambitions may well have played a role in many conversions.

For those 'submitting' to Muslim rule in the 8th-9th centuries, Islam would have been a powerful political, economic, and social force in addition to a burgeoning minority religion. The Qur'ānic verse 28:53, about converts to Islam, states 'We have believed in it; indeed, it is the truth from our Lord. Indeed we were, [even] before it, Muslims [submitting to Allah.]'.[13] Yasin Dutton describes the Qur'ānic narrative of conversion as taking up the Abrahamic way of worship through the 'outward practice' of Muḥammad. This means of envisioning conversion may have appealed to Jews and Christians who could convert and still feel as though they are participating in the same sacred narrative.[14]

Socialisation played a large factor in the conversions of the earliest Muslims, who were Muḥammad's household and friends as well as Abu Bakr's friends. Muṣ'ab ibn 'Abd Allāh al-Zubayrī's (d. 236/851) *Kitāb Nasab Quraysh*, which records those appointed by the Prophet to proselytize in Medina pre-Emigration, functions as another example. The people he converted are reported as having 'submitted' because of their admiration of his character - likely friends who already knew his character or people who became his friends and

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Practices and Controversies eds. Christopher Lamb and M. Darrol Bryant, (London: Cassell, 1999), 151.

13 *The Qur'ān: Arabic Text with Corresponding English Meanings*, ed. and trans. Saheeh International, (Jeddah, Saudi Arabia: Abul-Qasim Publishing House, 1997); and Dutton, "Conversion to Islam: the Qur'anic paradigm," 152.

14 Dutton, "Conversion to Islam: the Qur'anic paradigm," 152.

discovered it.[15] Even if this were not factually accurate, it is significant that the Abbasid-era Muslims committing these sources to writing wanted these early characters to be known as being charismatic, sociable, admirable people. These are the examples that later Muslims are encouraged to follow, suggesting an emphasis on sociability.

Al-Balādhurī's *Futūḥ al-Buldān*, a classic record of the conquest, discusses what might be the conversion of certain cities and groups, but also might simply mean that they submitted to the Muslim forces and accepted their terms of surrender.[16] *Aslama* can mean both 'to submit,' in this context to Muslim rule, and 'to become Muslim' (lit. 'to submit to God's will').[17] For example, when discussing Tabālah and Jurash, he records that:

> The people of Tabālah and Jurash submitted/converted (*aslama*) without a fight. So the Messenger of God...let them act freely in their submission/conversion (*'alā mā aslamū 'alayhi*). On the People of the Book in the two places he placed a tax.[18]

There are several places within this work and other conquest narratives where this vague language surrounding surrender and conversion are evident. [19] It is likely because, for the period of the conquest and a significant part of the Umayyad period, both Muslims and non-Muslims alike viewed the social dichotomy in terms of conquered and conquerors rather than via religious groups such as People of the Book, Zoroastrians and Muslims.

This tendency appears in most Muslim historic sources wishing to portray a more established Islamic past. The authors assume that collaboration or surrender was the equivalent of conversion. However, this was not necessarily the case, both because it is increasingly evident that the near east was not predominantly Muslim until, at the earliest, the 9th century in Iran and Iraq and at the latest the 13th century in Egypt and the Levant,

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15 Ibid, 160.

16 Richard Bulliet, "Conversion Stories in Early Islam," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands*, (Toronto, Pontifical Institute of Mediaeval Studies, 1990), 123.

17 Ibid, 123. Also, Edward William Lane and Stanley Lane-Poole, "سلم" *Arabic-English Lexicon*, (New York: Fredrick Ungar Publishing Company).

18 Translation from Bulliet, "Conversion Stories in Early Islam," 123-124. Arabic edition: Aḥmad b. Yaḥyā al-Balādhurī, *Kitāb Futūḥ al-Buldān*, 3 vols. in 1, ed. S.D. Munajjid, (al-Qāhira: Maktabat al-Nahḍah al-Miṣrīyah, 1956-1957), 71:
أسلم أهل تبالة و جرش عن غير قتال. فأقرّهم رسول الله صلى الله عليه و سلم على ما أسلموا عليه, وجعل على كل حالم ممن بهما من أهل الكتاب ديناراً

19 Richard Bulliet, "Conversion Stories in Early Islam," p. 123.

but also because non-Muslim sources survive which describe conquering armies of people with various ethnic and religious affiliations, including Christians.[20]

The records Balādhurī and other authors may have had access to likely protrayed a worldview where surrender to the conquering forces and acceptance of what those early conquering groups percieved as Islam were not necessarily separate categories, or were at least categories whose definitions were significantly intermingled.[21] Donald Whitcomb exhibits archaeological evidence for what he terms a, 'transitional phase,' during the reign of Umayyad Caliph Muʿāwiya (r. 661-680). This transition is between the more inclusive religious views associated with the conquest and *rāshidūn*, or first four 'rightly guided' caliphs, after Muḥammad's death and the reign of ʿAbd al-Mālik (r. 685-705), who heralds a more developed and exclusive phase of Muslim rule and an emphasis on religious identity.[22] Such a transitional phase would suggest that until sometime around the late 7th-early 8th century, surrender to Islam was an ambiguous concept potentially applied to either political, social and religious affiliation, singly or in all possible combinations. This is not necessarily to say that the individuals 'submitting' were unaware of what they were doing, but rather that the terminology of submission applied to multiple contexts which have not been well preserved in the sources.

ʿAbd al-Razzāq (d. 826) in his *Muṣannaf* which records predominantly early 8th-century material and which is introduced properly in the Islamic Primary Sources section below, includes a *ḥadīth* preserving a need for clarification of the meaning of 'submit' for Christians. Apparently one of the problems the early community ran into was Christians who thought of themselves as having 'submitted' to the one Abrahamic God. These Christians would therefore have had no problem claiming to have submitted, which would

20 Robert Hoyland, *In God's Path: The Arab Conquests and the Creation of an Islamic Empire*, (New York, Oxford University Press, 2015), 60.

21 Bulliet, "Conversion Stories in Early Islam," 123. Aziz al-Azmeh, *The Emergence of Islam in Late Antiquity: Allāh and His People* (Cambridge: Cambridge University Press, 2014), p. 388, 392. Harry Munt, "What Did Conversion to Islam Mean in Seventh-Century Arabia," in Ed. A.C.S. Peacock, *Islamization: Comparative Perspectives from History*, (Edinburgh: Edinburgh University Press): 83-101.

22 Donald Whitcomb, "Notes for an Archaeology of Muʿāwiya: Material Culture in the Transitional Period of Believers," in *Christians and Others in the Umayyad State*, Eds. Fred M. Donner and Antoine Borrut

have, as discussed above, sounded exactly the same as converting to Islam to early Muslims. The discussion from the *Muṣannaf* is between Muḥammad and a Christian named Abū Ḥārith who has a different understanding of the implications of '*aslama*.'

> He [Muḥammad] said to the Christian man: Submit (*aslama*) Abū Ḥārith!
> So the Christian said: I have already submitted.
> So he [Muḥammad] said to him: Submit Abū Ḥārith!
> So he [Abū Ḥārith] said: I have already submitted.
> So he [Muḥammad] said to him a third [time]: Submit Abū Ḥārith!
> So he [Abū Ḥārith] said: I submitted before you.
> So he [Muḥammad] became angry and said: You are lying. Between you and Islam are three [things]: You drink wine - but he did not say: drink - and you eat pork, and you allege that God has a son.[23]

Here Abū Ḥārith's definition of *aslama* lines up with Qur'ān 28:53 quoted above. He feels completely justified claiming that he has 'submitted' to God and maintaining his Christian faith and practice. Meanwhile Muḥammad, who it is implied was under the impression that Abū Ḥarith had become a Muslim, is unsatisfied with Abū Ḥārith's obvious continuation of a Christian lifestyle and asks him to truly become Muslim by practicing its orthopraxy. It is ambiguous here whether Abū Ḥarith means 'I submitted before you' (أسلمت قبلك) as 'I submitted in your presence' or as 'I submitted before you did.' Either Abū Ḥarith literally became Muslim in Muḥammad's presence or he is claiming to have 'submitted' to the Abrahamic deity before Muḥammad became a monotheist. Muḥammad's anger and subsequent listing of Abū Ḥārith's very Christian transgressions imply that Abū Ḥārith has likely used the ambiguous meaning of '*aslama*' to his advantage at some point before the narrative takes place. In any case, Abū Ḥārith's chosen understanding of this word is quite different than Muḥammad's.

Returning to the very beginnings of the conquest, the 'faithful/believers' were likely a group of people from various Abrahamic traditions, in whichever forms existed in the Hijaz,

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(University of Chicago Press, 2016): 11-28.

23 'Abd al-Razzāq, Abī Bakr, *al-Muṣannaf*, 11 vols., ed. Qāsimī, Ḥabīb al-Raḥmān, (Beirut: al-Majlis al-'Ilmī, 1970-1972) vol. 10, p. 316:

أن رسول الله ﷺ قال لرجل نصراني: أسلم أبا الحارث! فقال النصراني: قد أسلمت، فقال له: أسلم أبا الحرث! فقال: قد أسلمت، فقال له الثالثة: أسلم أبا الحارث! فقال: قد أسلمت قبلك، فغضب و قال: كذبت، حال بينك و بين الإسلام خلال ثلاث: شربك الخمر - و لم يقل: شربك - و أكلك الخنزير، و دعاوك الله ولداً

united in a single goal of conquest and the spread of monotheism. While they were one group, they also seem to have allowed for differentiation of each community within the larger whole, all likely identifying as distinct traditions under the nominal overarching desire to harken back to a primordial 'Abrahamic' monotheism. The *Constitution of Medina*, a preserved document between Muḥammad and his community and allies in Medina, represented a pact amongst a 'righteous community,' or *umma* who would war with the *mushrikūn*, or 'those who associate others with God.' Those who signed were referred to as *mu'min*, which could mean 'the faithful/the believers' or 'the loyal,' and amongst those who signed were Muslims, Jews, as well as likely Christians and other, unlabeled, monotheists.[24] The agreement even says, 'the Muslims have their religion and the Jews theirs,' despite their common purpose as a single *umma*.[25]

There were several non-Arab, non-Muslim groups who were a part of the conquest army from each conquested area — natives of al-Andalus, Berbers, Syrians, Slavs, Copts and Sassanians - in terms of faith, covering multiple Christianities as well as forms of Judaism.[26] These non-Muslims and non-Arabs were part of the actual fighting as well as guides, spies, workmen and messengers.[27] The garrison lifestyle and the continual exposure to new groups and cultures of conquesting armies slowly created a sense of Arab and/or conqueror identities amongst the soldiers.[28] As these soldiers moved out of their garrison cities and intermarried with the local populations and as the local populations moved into garrison cities to provide services, which similarly resulted in intermarriage, we start to see a shift towards discussions of religious affiliation as more important than the conquered/conquerors categorization. However, this does not mean that the mentality of the

24 Hoyland, *In God's Path*, 57. See also, Fred M. Donner, *Muhammad and the Believers*: *At the Origins of Islam*, (Cambridge, M.A.: The Belknap Press of Harvard University Press, 2010).
25 Hoyland, *In God's Path*, 57. For a study explicitly on the Constitution of Medina see Michael Lecker, *The "Constitution of Medina": Muḥammad's First Legal Document*, (Princeton, N.J.: The Darwin Press, Inc., 2004).
26 Wadād al-Qāḍī, "Non-Muslims in the Muslim Conquest Army in Early Islam," in *Christians and Others in the Umayyad State*, Eds. Donner and Borrut (University of Chicago Press, 2016), 94-101.
27 al-Qāḍī, "Non-Muslims in the Muslim Conquest Army in Early Islam," 103-111; and Hoyland, *In God's Path*, 164-167.
28 Hoyland, *In God's Path*, 61; and Nehemia Levtzion, "Toward a Comparative Study of Islamization," in *Conversion to Islam*, ed. Nehemia Levtzion, (London: Holmes & Meier Publishers, Inc., 1979), 7-8.

conquests completely fades, it inevitably remained. In the 8th century the conquest mentality intertwined with a developing class system which placed Arab Muslims at the top of the social hierarchy.

By 717 there were enough disgruntled new, non-Arab Muslims to cause the Umayyads considerable discomfort. ‘Umar ibn ‘Abd al-‘Aziz, known for his piety as well as internal consolidation of the Umayyad Caliphate, as one of his many reforms, granted non-Arab Muslims the same taxation and economic rights as Arab Muslims.[29] The almost 100-year gap between the conquest of the Levant and Persia and this ruling, amongst other evidence, suggests that the conqueror-conquered dichotomy remained even within Islamic social and political circles. Conversion therefore may have let new Muslims into a type of elevated social class and allowed them certain economic privileges and trade deals, but it would have required clientage to a tribe and therefore would not have made them the equal to Arab Muslims, even in the early to mid-8th century.

A version of ‘Umar ibn ‘Abd al-‘Aziz's tax reform, is preserved by the Egyptian Ibn ‘Abd al-Ḥakam (d. 872). In this copy, ‘Umar expects certain behaviours from newly converted Muslims, namely emigration to the Muslim garrison cities (*amṣār*) or certain cultivatable lands upon converting and, in theory, forfeiting their former lands to the Muslim community as *fay’*.[30] This expectation is one of a mid-point, a movement towards understanding that Islam binds these new Muslims to the conquerors in a way that Arab Muslim society struggled with for another two centuries. ‘Umar's *ghiyār* restrictions of *dhimmī*s also exhibit recognition of distinct religious communities as part of the conqueror and conquered dichotomy as they named specific *dhimmī* religious communities.[31]

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29 For a detailed study on ‘Umar II's tax reforms see, H.A.R. Gibb, "The Fiscal Rescript of ‘Umar II," *Arabica*, vol. 2.1 (1955): 1-16. For his life and other reforms, see Cobb, P.M., “ʿUmar (II) b. ʿAbd al-ʿAzīz”, in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (Brill, 2012).

30 English from Gibb, "The Fiscal Rescript of ‘Umar II," 3 and 8. Arabic edition: Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar b. ‘Abd al-‘Azīz: ‘alā mā rawāhu al-Imām Mālik ibn Anas wa-aṣḥābuh*, ed. Aḥmad ‘Ubayd (Miṣr: al-Maktabah al-‘Arabīyah, 1927), 94-95. This text also contains several examples of the term 'emmigration' being used in the context of conversion. Thank you to Edward Coghill for this reference.

31 Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 89-91.

In the mid-8th century, around the 740s-750s, the attitude of conquered and conquerors finally ran its course. This coincides with what Robert Hoyland refers to as a shift from the final moments of the conquest period to the Abbasid era and creation of Islamic culture.[32] The mid-8th century is when details of the practicalities surrounding religious affiliation begin to be discussed in the Islamic *fiqh*. However, religious affiliation may have included more dimensions than one might necessarily assume from a 21st-century vantage point. While society in the central Islamic lands may have begun to move past the concepts of conquered and conquerors, religious affiliation itself brought with it connotations of political power and social hierarchy alongside piety and faith - all of which were signalled by public or social actions and associations.[33]

1.3 *Timeline*

The Islamic sources dictate the timeline of this study, rather than the Christian sources. As it is conversion to Islam under consideration, it is predominantly the formation of the Muslim community which shapes this process; albeit in dialogue with the reactions of the indigenous communities of varying faiths.

This study begins in the first decades of the 8th century, just after what Donald Whitcomb had termed the 'transitional phase,' beginning after the *rāshidūn*, or first four 'rightly guided' caliphs. This term encompasses the changes made regarding the Islamic ruling class - its articulations of power and relationships with conquered populations - during the reign of the Umayyad Caliph Muʻāwiya (r. 661-680). It ends with the death of the Caliph ʻAbd al-Mālik (r. 685-705) who heralded a more exclusively Muslim outlook and representation of government.[34] Society in the central Islamic lands in the early decades of the 8th century moves from being conceptualized by a division between conquerors and the conquered to one of distinct religious communities. These decades also mark a change in

32 Hoyland, *In God's Path,* 3 and 207.
33 Ibid, 5.
34 Whitcomb, "Notes for an Archaeology of Muʻāwiya," 11-28.

Islamic jurisprudence, discussed in detail below, where *ḥadīth* as a term becomes specifically associated with the life of Muḥammad, as opposed to its previous loose association with 7th-century legal rulings and opinions, known as *ra'y*. Islam becomes an articulation of caliphal power in the early 700s as well, with ‘Abd al-Mālik's changes to coinage and building projects as described by Whitcomb's 'transitional phase.' Conversion in the 8th century is more recognisable as a social choice associated with religious affiliation, rather than the ambiguity between submission and a change of communal affiliation and faith seen in the 7th.

The late 800s and early decades of the 900s are when this study comes to a close, a time when the four mainstream *Sunnī* legal schools began to develop, signaling a change in the way in which authority amongst Muslims was publicly expressed as well as a canonization and stabilization of the early sources. The focus is on the formative period of conversion before the law schools, or *madhhab*s, formed - a time when the early Islamic sources were still in flux. The final decades of the 800s, occasionally including material from the first decade of the 900s, and the canonization that comes with them form a natural end point. This being said, sources from other times and places will be used to supplement points where appropriate.

1.4 *Geography and Demographics*

The primary source material upon which this study is based comes from a constellation of Islamic and Christian urban cultural centres scattered throughout the central Islamic lands in the 8th and 9th centuries including Jerusalem, Antioch, Edessa, Seleucia-Ctesiphon, Mecca, Medina, Damascus, Basra, Kufa, and Baghdad.[35] These are occasionally supplemented with material from Egypt, North Africa and Cordoba.

35 Lucas, Scott C., "Where are the Legal Ḥadīth? A study of the *Muṣannaf* of Ibn Ibn Abī Shayba," *Islamic Law and Society*, vol. 15.3 (2008), 286. For additional information on the importance of Kufa and Baṣra in Islamic legal thought, see Scott C. Lucas, *Constructive Critics, Ḥadīth Literature, and the Articulation of Sunnī*

The Islamic and Christian source material represents the religious elites and upper classes in these urban areas, and while this may at first glance appear to be a weakness, it may actually be useful for the study of conversion to Islam. Conversion is a type of socialisation meaning that any future convert must have a social relationship with a Muslim for *aslama* to occur, this was far more likely in cities and the early Muslim garrison towns than amongst less privileged people in rural areas. This thesis uses the terms 'religious elites' and 'laity' with the understanding that this was a less strict dichotomy in Islam than Christianity, due to the different systems of authority within the two religious traditions. However, for the purposes of this study, as it includes both Christian and Muslim sources, these terms are used for convenience to reference those who were invested in boundary maintenance and those who were not. Additionally, women have been rarely considered regarding conversion to Islam. This study focuses on family networks and legal sources which frequently mention women, in the hopes that it may provide a more equal representation of conversion regarding gender.[36]

The Christian communities under discussion existed throughout the central Islamic lands. The Melkites, or those who agreed with the Council of Chalcedon, thrived in the Levant. Jerusalem and the surrounding monasteries functioned as their main cultural centre, although Antioch and Alexandria were also influential.[37] The Syriac Orthodox communities with bishops in Jerusalem and Acre that reported to a patriarch in Antioch were also mainly

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Islam (Leiden: Brill, 2004), 67-73 and 355-62.

36 Rodney Stark in particular, amongst others, has made strong arguments suggesting that women have historically been early converts to new religions and generally more religious than men. For discussion of this issue, see Rodney Stark, *The Triumph of Christianity: How the Jesus Movement became the World's Largest Religion*, (New York, NY: Harper Collins Publishers, 2011) 121-136, especially 122; Rodney Stark, "Physiology and Faith: Addressing the 'Universal' Gender Difference in Religious Commitment," *Journal for the Scientific Study of Religion*, vol. 41, no. 3, (Sep., 2002), 495-507. Alan S. Miller and Rodney Stark, "Gender and Religiousness: Can Socialisation Expalanations be Saved?" *American Journal of Sociology*, vol. 107, no. 6 (May 2002), 1399-1423; Larry F. Forthun, Nancy J. Bell, Charles W. Peek, and Sheh-Wei Sun, "Religiosity, Sensation Seeking, and Alcohol/Drug Use in Denominational and Gender Contexts," *Journal of Drug Issues* (1999) 29:75-90; Darren E. Sherkat, Christopher Ellison, "Recent Developments and Current Controversies in the Sociology of Religion," *Annual Review of Sociology* (1999) 25: 363-94.

37 Griffith, "'Melkites,' 'Jacobites' and the Christological controversies in Arabic in Third/Ninth-Century Syria," in *Syrian Christians Under Islam: The First Thousand Years*, ed. David Thomas, (Leiden: Brill, 2001), 9 and 11.

located in the Levant.[38] The Church of the East was predominantly in Syria, Iraq, and Fars with influences as far as the Persian Gulf, Central Asia, India, and China.[39] They also supported a presence in the area around Jerusalem and in the 9th century they had enough followers in Jerusalem to support a bishop there.[40] The Church of the East community was led by a catholicos in Seleucia-Ctesiphon under the Sassanians and Umayyads and in the 9th century moved this office to Baghdad.[41]

In terms of source material, this means that the majority of the canon law used in this study covers the geographical range of the Levant, Iraq, and Iran; while the neo-martyr narratives and the *Summa Theologiae Arabica* are from the Levant.

Tracing the geography of the Islamic legal texts, both jurisprudence and *ḥadīth* collections, can be somewhat difficult due to the layered and mobile nature of the sources. Both jurisprudence and *ḥadīth* collections were multi-author works and on top of that, due to a tradition of traveling to study under famous masters that arose in the mid-8th century, they are also works that potentially contain influences from a multitude of societies within the central Islamic lands. The potential geographical influences on each source have been traced to a reasonable extent for the purposes of this study, and all of them exhibit material from multiple cities.

Regarding the timing of conversion for the geographical areas under consideration in this study, it is commonly agreed upon that Iran was the earliest region to become majority Muslim in the early 9th century, with Iraq closely following in the late 9th century.[42] Egypt

38 Moshe Gil, *A History of Palestine, 634-1099*, (Cambridge: Cambridge University Press, 1992), 447.
39 Uriel Simonsohn, "The Introduction and Formalization of Civil Law in the East Syrian Church in the Late Sasanian-Early Islamic Periods," *History Compass*, vol. 14.5 (2016), 232.
40 Gil, *A History of Palestine*, 430; and Robert Schick, *The Christian Communities of Palestine from Byzantine to Islamic Rule: a Historical and Archaeological Study*, (Princeton, N.J.: Darwin Press, 1995), 178.

41 Simonsohn, "The Introduction and Formalization of Civil Law," 232.
42 Bulliet, *Conversion to Islam in the Medieval Period*, Chs. 3 "Iran" and 7 "Iraq;" Michael Morony, "The Effects of the Muslim Conquest on the Persian Population of Iraq," *Iran* vol. 14 (1976): 41-59. See also Hoyland, *Seeing Islam as Others Saw It*, 342: 'The rate of conversion must have varied substantially from community to community. The Jews, who had long been used to living as a minority under foreign rule, probably fared best; the Christians had a history of persecution by the infidel upon which they could draw strength; but Zoroastrians, who had always enjoyed state patronage, were unable to cope with being political and religious underdogs, and so more quickly succumbed to Islamization. (ft 20) The speed of the latter

and the Levant likely did not become majority Muslim until well into the Mamluk period, despite Bulliet's claim that these areas had converted by the late 9th century.[43] Taking into consideration Richard Bulliet's claims in comparison with more recent scholarship, including textual and archaeological evidence, it would seem that he may have been measuring Islamization as opposed to conversion for each region.[44]

1.5 Primary Source Choices

The primary sources used in this study, discussed in detail below, have been chosen in an attempt to cover the 8th-9th-century central Islamic lands and the variety of Sunnī Muslim and Christian communities therein as reliably as possible.

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process was also linked to the potential for interaction and intermarriage with Muslims. In Egypt, where the Muslim presence was meagre for the first two centuries of Islam, conversion was very slow; but in Khurasan and Iraq, which bore the brunt of early Muslim settlement, opportunities for social intercourse were numerous and conversions more frequent.'

43 Bethany J. Walker, "The Islamization of Central Jordan in the 7th-9th-centuries: Lessons Learned from Hisbān," *Jerusalem Studies in Arabic and Islam*, vol. 40 (2013), 143-175; Nehemia Levtzion, "Conversion to Islam in Syria and Palestine - Survival of Christian Communities," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands Eighth to Eighteenth-centuries*, eds. Michael Gervers and Ramzi Jibran Bikhazi, (Toronto: Pontifical Institute of Medieaeval Studies, 1990): 289-311; Bulliet, *Conversion to Islam in the Medieval Period*, 92-103 and 104-113; Donald P. Little, "Coptic Conversion to Islam Under the Baḥrī Mamlūks, 692-755/1293-1354," *Bulletin of the School of Oriental and African Studies*, vol 39.3 (1976): 552-569; and Donald P. Little, "Coptic Converts to Islam during the Baḥrī Mamluk Period," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands Eighth to Eighteenth-centuries*, eds. Michael Gervers and Ramzi Jibran Bikhazi, (Toronto: Pontifical Institute of Medieaeval Studies, 1990): 263-288; Linda G. Jones,"Islām al-Kāfir fī Ḥāl al-Khuṭba: Concerning the Conversion of 'Infidels' to Islam during the Muslim Friday Sermon in Mamluk Egypt" *Anuario De Estudios Medievales*, vol. 42.1 (2012): 53-75; John Iskander, "Islamization in Medieval Egypt: The Copto-Arabic 'Apocalypse of Samuel' as a Source for the Social and Religious History of Medieval Copts," *Medieval Encounters*, vol. 4.3 (1998): 219-227.

44 Further discussion of the complications and ambiguities involved in using naming practices as a measure of religious conversion is included in chapter two of this work. For further studies regarding the difficulty of applying naming practices to a study of religions conversion, see: Marie Legendre, "Perméabilité linguistique et anthroponymique entre Copte et Arabe: l'exemple de comptes en caractères Coptes du Fayoum Fatimide," *Coptica Argentoratensia: Textes et documents Troisième université d'été de papyrologie copte* (Strasbourg, 18-26 julliet 2010), eds. Catherine Louis, and Tonio Sebastian Richter, (Paris: Éditions de Boccard, 2014): 325-440. Christian Décobert, "Sur l'arabisation et l'Islamization de l'Égypte médiévale," in *Itinéraires d'Égypte: Mélanges offerts au pére Maurice Martin,* eds. Christian Décobert and Maurice Martin, (Cairo: Institut français d'archéologie orientale du Caire, 1992): 273-300; P. Guichard, "L'anthroponymie des zones de contact entre monde chrétien et monde musulman: de Palerme à Tolède," in eds. M. Bourin, J.M. Martin, and F. Menant, *L'Anthroponymie document de l'histoire sociale des mondes méditerranéens médiévaux*, (Roma: Ecole français de Rome, 1996): 109-122; C. Aillet, *Lex Mozarabes, Christianisme, Islamization et Arabisation en Péninsule Ibérique (IXe-XIIe siècle)*, (Madrid: Bibliothèque de la Casa de Velasquez, 2010). A. Nef, "Anthroponymie et jarâ'id de Sicile: une approche renouvelée de la structure sociale des communautés arabo-musulmanes de l'île sous les Normands," in eds. M. Bourin, J.M. Martin, and F. Menant, *L'Anthroponymie document de l'histoire sociale des mondes méditerranéens médiévaux*, (Roma: Ecole français de Rome, 1996): 123-142; and Arietta Papaconstantinou,"'What remains behind': Hellenism and Romanitas in Christian Egypt after the Arab conquest," in eds. H.M. Cotton, Robert Hoyland, J.J. Price, and D.J. Wasserstein, *From Hellenism to Islam: Cultural and linguistic Change in the Roman Near East*, (Cambridge: Cambridge

While there are a growing number of documentary sources from Egypt that could produce an interesting local, Egyptian, perspective on the social dynamics of the Islamization of family networks, this thesis aims to cover the more central parts of the *Dār al-Islām* to provide a macroscopic survey of the conversion of the Near East to Islam.[45] Legal and hagiographical sources, taken from and circulated through large parts of the central Islamic lands show attempts at identity construction and boundary formation between Christianity and Islam by community leaders. The legal and hagiographical texts show both what people were doing through the nature of the disputes that required mediation and questions asked of bishops, as well as what the religious elite wanted people to be doing through the prescriptions and citations of precedent. These documents can speak to wide-spread trends and social tensions for example: habits of child rearing in inter-religious families and how people may have enacted different religious identities at different times. Documentary evidence, while undeniably useful, speaks to a more local environment, providing information about individuals in an area, with whom and about what they may have been corresponding, and what they inherited from who. The state of current research on conversion and Islamization in the 8th-9th centuries is still in its early development, where the macroscopic trends need to be established, either through many local studies of documentary evidence throughout the early Islamic world, which would be difficult as there are very few sources of documentary evidence for Syria, Iraq, and Iran, or through the study of a source available consistently from all areas of the Islamic world. In this case legal texts are one of the most commonly available sources in the *Dār al-Islām*.

University Press, 2009): 444-463.

45 For a handful of many other, examples of the usefulness of documentary sources from Egypt, see T. G. Wilfong, *Women of Jeme: Lives in a Coptic Town in Late Antique Egypt*, (Ann Arbor: The University of Michigan Press, 2002); Petra Sijpesteijn, Berkel M.L.M. van, Bushkens L.P.H.M (eds) *Legal Documents as Sources for the History of Muslim Societies: Studies in Honour of Rudolph Peters*, (Leiden: Brill, 2017); Petra Sijpesteijn, S*haping a Muslim State: the World of a Mid-Eighth-Century Egyptian Official*, (Oxford: Oxford University Press, 2013); Petra Sijpesteijn, From Al-Andalus to Khurasan: Documents from the Medieval Muslim World, (Leiden: Brill, 20007); Jennifer Cromwell, *Recording Village Life: a Coptic Scribe in Early Islamic Egypt*, (Ann Arbor: University of Michigan Press, 2017). From the central Islamic lands, documentary evidence is so scarce that Andreas Görke and Konrad Hirschler have edited a volume that suggests using manuscript notes as documentary evidence, *Manuscript Notes as Documentary Sources*, (Beirut: Ergon Verlag Würzburg in Kommission, 2011).

The *Muṣannafāt* of ‘Abd al Razzāq and Ibn Abī Shayba, discussed in detail below, were chosen because they preserve traditions about the actions and preferences of early leaders of the Muslim community, as well as legal precedents. These sources therefore also contain information about trends and issues that arose within their society from the early-8th century. Muḥammad b. Ismā’īl Bukhārī's *al-Jāmi‘ al-Ṣaḥīḥ* preserves similar material from the late-8th and early-9th centuries. While they preserve early sources, the *muṣannafāt* were not compiled in their entirety until after the *riḥlāt fī ṭalab al-‘ilm* became increasingly normative for *ḥadīth* compilers and jurists. This means that they contain both early material and material taken from across the central Islamic lands. The *fiqh* sources, one or more chosen from what eventually became the four main Sunnī legal schools discussed in detail below, were selected for this study to gain wide geographical coverage for the 8th-9th centuries. Like the *muṣannafāt*, they preserve early material but were also compiled into their present forms after the *riḥlāt fī ṭalab al-‘ilm* became commonplace. Therefore they, similarly, retain both early and geographically diverse material. The early law schools evolved out of local circles, grown around individual jurists with variations in policy and ruling on a microscopic level within urban centres while retaining regional trends between urban centres. The precedents preserved by the early texts of each legal school likely preserve trends from the main urban centres of the central Islamic lands. These works contain short traditions on specific topics, although they are incredibly difficult to trace directly to their geographic origins, they can tell us something of what people throughout the central Islamic lands were bringing to the jurists, who were considered educated and respected members of society, for mediation.

The Christian canon law in this study was chosen for similar reasons to the Islamic legal sources, to provide information about the three prominent Christian communities in the central Islamic lands, the Melkites, the Syrian Orthodox, and the Church of the East, during the 8th-9th centuries. This body of material is significantly easier to date and locate geographically than the Islamic sources, however, the canon law collections on their own do

not necessarily correlate to the Islamic legal sources as the law-making clergy were not as closely woven into society as the Muslim jurists. While they answered questions of priests who regularly associated with lay people, they did not necessarily always do so themselves. The Christian canon law collections required a supplement aimed towards laypeople in order to contextualise and understand them as a source for social history. Hence the use of neo-martyr narratives, written both as texts for veneration of saints but also written for the pedagogical purpose of making the laity aware of how to act in common social situations of mixing with Muslims to avoid sin, harm, or conversion. Lastly, the *Summa Theologicae Arabica*, the first Christian summa written in Arabic, is included as a source due to both its collection of Melkite canon law, but also because of the observations and complaints of its monastic author, who discusses Christians who act too much like Muslims.

1.6 *Islamic Primary Sources*

From Muḥammad's death onwards, his Companions and especially the following generation, those known as the 'Successors,' continued the project of establishing and maintaining the early Muslim community. The opinions of these generations - Muḥammad and Companions, and the Successors - became the solid basis for precedent in Islamic legal thought. Their actions and opinions were canonized and their names and reputations were later used to justify contemporary legal decisions; however this system took some time to evolve.

After Muḥammad's death, in which decade is still debated, Muslims began to record and pass on stories about the early community. This early tradition of preservation did not, at first, focus on Muḥammad himself, but rather those who lived after him and established the Muslim community. The judicial decisions based on independent reasoning, or *ra'y*, made by the Companions and the Successors were preserved as precedent alongside stories about the prophet himself. These traditions and preserved *ra'y* judgements formed what could be called early *fiqh*. The inclusion of a transmission chain, or *isnād*, today viewed as

an inherent part of *fiqh* and *ḥadīth* compilations providing the line of transmitters dating back to the original jurist, Companion, or Successor, were not considered necessary until sometime during the second civil war (c.680-692).[46]

It was not until the 690s or early decades of the 700s that traditions about Muḥammad via his family and his closest companions became the focus of *ḥadīth* collectors.[47] This falls within Whitcomb's previously mentioned 'transitional phase,' as well as the beginnings of Christian civil law throughout the central Islamic lands, discussed below. G.H.A. Juynboll credits the previously mentioned Umayyad Caliph Umar ibn ‘Abd al-‘Aziz (r. 717-720), according to Islamic tradition a prominent transmitter of prophetic *aḥādīth*, as the first major figure to promote an emphasis on traditions about Muḥammad as precedents for Islamic law.[48]

The urban cultural centres listed above all begin to value prophetic *aḥādīth* as an important source of precedent during the first two decades of the 700s.[49] In the decades following this shift towards the increasing prestige of prophetic traditions, certain early *ra'y* decisions become elevated to prophetic status - they begin to be transmitted as the words of Muḥammad as opposed to members of the early Islamic community.[50] This process of consolidating, and possibly even creating memories, of early Islam formed through circles of people who memorized the examples of the first two generations and their opinions on specific legal matters from a single, and later multiple, religious scholar(s).[51] These students became teachers and took on students of their own to memorize what had become sacred examples and opinions.

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46 G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of early Ḥadīth*, (Cambridge: Cambridge University Press, 1983), 18-19.

47 Ibid, 21-23 and 30-32. And Norman Calder, *Studies in Early Muslim Jurisprudence*, (Oxford: Clarendon Press, 1993), 167.

48 Juynboll, *Muslim Tradition*, 31-38. However, Juynboll does not think that ‘Umar II actually transmitted many prophetic *ḥadīth*.

49 Ibid, 39.

50 Ibid, 31. This is a point of debate amongst scholars of early *ḥadīh*. Here I am following Juynboll and Schacht. For a summary of variations of this opinion see, Harald Motzki, *Analysing Muslim Traditions: Studies in Legal, Exegetical and* Maghāzī Ḥadīth, (Leiden: Brill, 2010); and Harald Motzki, Ḥadīth*: Origins and Developments*, (Aldershot: Ashgate Variorum, 2004).

51 Gregor Schoeler*, The Genesis of Literature in Islam: From the Aural to the Read*, (Edinburgh: Edinburgh

As previously mentioned, Muslims were more likely to live in urban centres, and it is in these centres where the first groups of people who memorised these traditions and *ra'y* decisions resided and passed on their knowledge. These centres were likely isolated geographical schools with their own *fiqh* traditions until around the 720s-750s, when contact between centres can be traced via shared traditions and *isnād* chains.[52] At this point the roles of *qāḍī* and jurist could be, but were not always, intertwined. The role of *qāḍī* originated through the original tribal arbitrators (*ḥakams*) whose decisions carried more of a moral imperative than a legal one and were often obeyed regardless of their lack of official ability to practically implement their decisions.[53] The proto-*qāḍī*, as Wael Hallaq calls them, answered to the chief commander of their garrison town and played the part of assistant to the commander. Their jurisdiction originally only consisted of the new Muslim communities and soldiers from tribal groups.[54] Aside from acting as judge and deputy commander, amongst other assigned duties, the *qāḍīs* were in charge of religious education of the community after the Friday prayer. They were responsible for telling edifying stories about biblical and Qur'ānic characters, which included narratives about the companions and the life of Muḥammad. According to Hallaq, this initiated the study circle, which became the base of Islamic legal education and was the birth of the jurists.[55]

The jurists came into being as people who engaged with Islamic law through a sense of piety rather than an interest in the courts in the 700-740s CE. They did not necessarily have patrons or accrue any material benefit from their education, yet they gained a different form of prestige through social status and juristic authority.[56] Knowledge and exemplary conduct, regardless of origin or income, were the required criteria for jurists and they became an integral part of early Islamic courts. Consensus was an important part of the

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University Press, 2009), 41.

52 Juynboll, *Muslim Tradition*, 39. J. Robson, "Isnād," in: *Encyclopaedia of Islam, Second Edition*.

53 Wael B. Hallaq, *Sharī'a: Theory, Practice, Transformations,* (Cambridge: Cambridge University Press, 2009), 36-37.

54 Ibid.

55 Ibid, 37.

56 Ibid, 44; and Wael. B. Hallaq, *The Origins and Evolution of Islamic Law*, (Cambridge: Cambridge University Press, 2005), 63.

formation of the early Islamic legal system, and it could be sought by the *qāḍī* through consulting with local jurists.[57] It is unclear whether or not jurists physically attended court, however, from the 720s onward *qāḍīs* were encouraged to seek their council and it became a regular occurrence by the 740s. In Andalusia judges were required to consult jurists.[58]

The jurists created, memorised, and transmitted rulings. These figures would have been deeply embedded within their communities as sources of religious guidance and mediators of local disputes through the legitimising effect of their exemplary conduct and piety. Whether or not jurists in the 700s and 800s were *qāḍī*'s, they were seen as authority figures to which people could turn. The Umayyads and Abbasids, like many pre-industrial societies, lacked the means by which to settle high numbers of disputes in court or enforce laws on a large scale. Society therefore relied upon small, local networks of control. Disputes were largely dealt with through family, tribe, or neighborhood (*ḥāra*) matriarchs and patriarchs, some of whom would have been jurists.[59] Rather than seeking justice through litigation and punishment, early Islamic law functioned via a system of self-rule within these micro-communities, which was performed through local arbitration and mediation.[60]

It is the micro-community focus of the early Islamic legal system which inspires this study's use of *fiqh* as a primary source through which one can glean a realistic depiction of certain aspects of social history. The jurists who wrote early *fiqh* were not elites of a material nature, and though through their lifetime they became religious elites, they were doubly interwoven into their communities through both their extended family or tribal ties and the reputation they gained as pietistic, moral authorities on religion and behaviour. The jurists would have been the patriarchs to whom family members went to ask for mediation or arbitration, they would have seen the range of problems within their own micro-communities and through the study circles would have been exposed to other social issues within their wider urban area. The topics discussed by the jurists are a way of measuring the

57 Ibid.
58 Ibid, 52.
59 Ibid., 159-163.

types of questions they were asked, the disputes they had settled, and the debates of their local communities. While it is not safe to assume that people followed jurists' prescriptions and proscriptions, these early responses to local situations can speak to the attitudes of the local patriarchs embedded in the community on each particular topic, which would have very likely been reactionary to behaviours they either witnessed themselves or heard secondhand. Therefore we can see two levels of society through these early legal texts - both the cases that were brought to the jurists as local respected patriarchs and their reactive responses.

In the 740s-750s the practice of students traveling throughout the *Dār al-Islām* to learn under prestigious teachers of their choosing, known as *riḥlāt fī ṭalab al-ʻilm*, became common practice.[61] This created an environment encouraging the exchange and spread of traditions and nascent Islamic norms throughout the empire. It is this practice, performed by the majority of the Islamic primary source authors in this study, which justifies the use of the *fiqh* and *ḥadīth* collections as sources for the cultural centres of these central Islamic lands, as opposed to a smaller geographic area. Many of the jurists and transmitters whose work formed a part of these sources lived in multiple cities where the *ʻulāma*, those well versed in traditions or practitioners of law, taught and exchanged traditions and *ra'y*. It is no coincidence that the beginnings of this tradition and the social and legal ripples it creates in the Islamic, and likely *dhimmī* communities, coincides with the end of the conqueror vs. conquered attitude within the central *Dār al-Islām* and a move to identity formation focused primarily on religious affiliation.

The early development of the eponymous legal schools, viewed as a normative part of *Sunnī* Islam today, is partially due to communication networks established between the urban centres in the mid-700s.[62] This process of consolidation around a leading local figure begins in the early decades of the 800s, around the time of al-Shāfiʻī's death; however does

60 Ibid.
61 Juynboll, *Muslim Tradition*, 66.
62 Ibid.

not fully come into a form recognizable today until the early 900s.[63]

Of course, the consolidation of the *Sunnī* legal schools was influenced by many other factors. Before the mid-800s the jurists who participated in *fiqh* and *ḥadīth* collecting were not necessarily from the socially elite classes, but were also likely to be craftsmen or merchants.[64] The *'ulāma* begin to form a segment of the elite classes and build strong relationships with the politically elite as part of a widespread change in the nature of public authority around the late 800s and early 900s. This coincides with an increasing preference for written notebooks, a trend which began in the late 700s, recording basic teaching notes. These notebooks were aurally/orally passed from teacher to student who wrote their own, and the student's book was eventually checked and approved by the master, as described below.[65]

In the late 800s jurists begin to follow certain groups of scholars centred, in theory, around one main person. In practice each of the four predominant Sunnī legal schools actually began to canonize respected students of their eponymous founders alongside some preserved material from the founders themselves.[66] For example, in the burgeoning Ḥanafī *madhhab* followers had to somehow create a canon out of dozens of possible students of Abū Ḥanīfa. They ended up with a system which followed Abū Ḥanīfa's views on rituals, his student Abū Yūsuf's on procedure and transactions, and yet another student, Shaybānī's opinions on matters of personal status.[67]

This study stops around the year 900, when this shift in the nature of public authority and the now common *riḥlāt fī ṭalab al-'ilm* causes the crystallization of the *'ulāma* as the religious elite segment of society. From this point on the slow movement towards the idea of following one *madhhab* named for an eponymous master and the canonization of the

63 Calder, *Studies in Early Muslim Jurisprudence*, 163-166.
64 Ibid, 184-185.
65 Ibid; and Schoeler, *The Genesis of Literature in Islam*, 56 and 69.
66 Wael Hallaq, "From Regional to Personal Schools of Law? A Reevaluation," *Islamic Law and Society*, vol. 8.1 (2001), 21. For a detailed study on the formation of *taqlīd*, see, Wael Hallaq, *Authority, Continuity and Change in Islamic Law*, (Cambridge: Cambridge University Press, 2001).
67 Hallaq, "From Regional to Personal Schools," 9-10.

master's and his early students' *fiqh* begins.[68] These changes in the 900s pave the way for the opinions and allegiances of the ʻulāma to form the distinct legal schools known today. Part of the formation of the legal schools involved the canonization and regulation of how legal texts were preserved, from this point onward in written books of distinct style types intended for both specialist and non-specialist use.[69] Therefore the 900s function as a natural stopping point for this study.

1.6.a *From Hyponēma to Ḥadīth and Fiqh Collections*

The origin of many of the texts used in this study are not entirely aural/oral traditions, as previously mentioned, nor are they books intended for publication, but rather something more like classroom and/or lecture notes. In Classical Greek the term would be *hyponēma*. The *hyponēma* were usually passed down for a generation or two of students until they were systematised and formalized.[70] The originators of the texts will often be cited in this study - ʻAbd al-Razzāq, Ibn Abī Shayba, Mālik ibn Anas, al-Shāfiʻī, Aḥmad Ibn Ḥanbal, and Abū Ḥanīfa. For each of the Islamic sources used throughout this study, they were the original aural/oral publishers of their *hyponēma*, and would likely have certified these written notes by students.[71] However, that does not preclude potential later layers of material. The use of the originators' or compilers' names in this study does not indicate a belief that these are single-author works.

1.6.b *Muṣannafāt*

In the late 700s, as mentioned above, the primary sources record a shift in how religious legal knowledge was organized in recitation and writing. Scholars, possibly

68 The concept of following one master and a handful of his students as part of a *madhhab* is called *taqlīd.* Wael Hallaq, "From Regional to Personal Schools," 21.
69 Calder, *Studies in Early Muslim Jurisprudence*, 163-166.
70 Schoeler*, The Genesis of Literature in Islam*, 49-50. He also includes discussion of collections ordered by the caliphal court; however these were only for their own use.

influenced by the *kuttāb*, or state secretaries whose occupation involved drafting state correspondence, began to organize oral works and *hyponēma* into topical categories, for example: marriage, divorce, *dhimmī*s, pilgrimage, prayer, purity, etc., including the relevant traditions and opinions on these topics within their allotted section.[72] Some of the earliest sources used in this thesis are *muṣannafāt*: ‘Abd al-Razzāq’s *Muṣannaf* (d. 211/827), Ibn Abī Shayba's *Muṣannaf* (d. 235/849), both preserving traditions from the early 700s - before prophetic traditions rose in prestige; as well as Muḥammad b. Ismā‘īl Bukhārī's *Ṣaḥīḥ* (d. 256/870) which preserves traditions from the mid-700s through the mid-800s - after prophetic traditions became a sought after commodity.

The audience for these *hyponēma* were the users themselves, the religious judges, scholars, and students rather than the public.[73] While some may take this to mean that the issues developed within these texts were entirely abstract, this study disagrees. These traditions and opinions were considered sacred on some level, yes; however, they served as practical precedents for contemporary issues that arose, and regardless of their practicality provide a glimpse into the issues arising within the Muslim community.[74] Many of their students would be prepared to mediate disputes as necessary like their teachers did, as local religious authorities and often official judges, and none would have been immune from knowing what issues were present in their communities.

These religious scholars and judges, or *qādī*s, were not living monastic lifestyles, they had family, friends, neighbors, and generally lived normal, if privileged, lives. In the case of ‘Abd al-Razzāq and Ibn Abī Shayba, who lived during a time when the *‘ulāma* were transitioning from being majority craftsmen to forming a class of religious elite, being a *ḥadīth* collector and transmitter would not necessarily have set them apart from the average person.

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71 Ibid.
72 Ibid, 56 and 69.
73 Schoeler, *The Genesis of Literature in Islam*, 76.
74 Juynboll, *Muslim Tradition*, 31; and Uriel Simonsohn, "Conversion to Islam: A Case Study for the Use of Legal Sources," *History Compass*, vol. 11.8 (2013), 650.

‘Abd al-Razzāq (d. 211/827), originally from Yemen, acquired his narrations from three main teachers: Ibn Jurayj (d. 150/767), a Meccan; Ma‘mar b. Rāshid (d. 153/770), a Baṣran who moved to Ṣan‘ā’ - ‘Abd al-Razzāq's birth place; Sufyān al-Thawrī (d. 161/778), a Kufan; and Sufyān b. ‘Uyayna (d. 198/814), another Meccan.[75] Much of the sources used by ‘Abd al-Razzāq can be traced to contemporary works, mentioned by other sources, from these four teachers who were active in the mid-8th century. Sadly, his teachers' works are now all lost. ‘Abd al-Razzāq rarely claims that any of his narrations are prophetic, suggesting that he successfully preserves traditions from before the concept of prophetic *aḥādīth* became popular in the 690s-720s.[76] However, this trend likely took several decades to gain widespread prestige, so the *Muṣannaf* may contain layers of material from as late as the 770s. His *Muṣannaf* is the earliest Islamic legal source used as a source in this study, as he almost certainly preserves material from the early 700s. Although Harald Motzki claims that the narrations can reliably be traced back further, it seems safest to view these transmissions as being predominantly relevant to the time just before prophetic *aḥādīth* rose in prestige, as that is 4-5 generations before ‘Abd al-Razzāq's lifetime. His preserved traditions likely mirror major aspects of social trends during the early 8th century, and are useful to understanding how conversion was perceived and dealt with in the earliest decades of the 700s, the late Umayyad era and the beginning of this study's time range.

Ibn Abī Shayba (d. 235/849), a Kufan from a family of religious scholars, compiled mainly companion and successor opinions as well as some prophetic *ḥadīth*.[77] However, since there are very few prophetic *aḥādīth* within his collection,[78] as with ‘Abd al-Razzāq's work this suggests that Ibn Abī Shayba's traditions reflect the social realities of the early 8th century. The majority of his teachers were Iraqi, and the narrations included in his *Muṣannaf*

75 Harald Motzki, "The *Muṣannaf* of ‘Abd al-Razzāq al-Sa‘ānī as a Source of Authentic Aḥādīth of the First Century A.H.," *Journal of Near Eastern Studies,* Vol. 50.1 (Jan. 1991), 5.
76 Ibid, 5-6.
77 Pellat, Ch.. "Ibn Abī Shayba." *Encyclopaedia of Islam, Second Edition*; and Scott C. Lucas, "Where are the Legal Ḥadīth? A study of the *Muṣannaf* of Ibn Abī Shayba," *Islamic Law and Society* 15 (2008), 285-286.
78 1 in 11 narrations claim to be prophetic in origin, Lucas, "Where are the Legal Ḥadīth? A study of the *Muṣannaf* of Ibn Ibn Abī Shayba," 286.

come predominantly from Kufa and Baṣra.[79] He uses material from some of the same sources as ‘Abd al-Razzāq, most importantly Ibn Jurayj, Sufyān b. ‘Uyayna, and Sufyān al-Thawrī. However, the vast majority of his narrations are from the Kufan Wakī‘ b. al-Jarrāḥ (d. 197/812), and Lucas Scott suggests that Wakī‘ b. al-Jarrāḥ's lost work is extant in Ibn Abī Shayba's *Muṣannaf*.[80] For the purpose of this study it is assumed that a large part of the included themes would have reflected societal trends in the early 8th century.

While ‘Abd al-Razzāq and Ibn Abī Shayba preserve material before prophetic *aḥādīth* rose in prestige, Muḥammad b. Ismā‘īl Bukhārī's (d. 256/870) *al-Jāmi‘ al-Ṣaḥīḥ* preserves material after this shift, focusing on prophetic traditions.

Bukhārī supposedly heard from over 1,000 transmitters all over the central Islamic lands. Whether or not the number of transmitters whom he studied under is actually realistic, he certainly moved around participating in the, by his lifetime traditional, *riḥalāt fī ṭalab al-‘ilm*.[81] Due to his attested travels and the number of prophetic traditions he records, one can safely suggest that he preserves material from after the mid-700s throughout his own lifetime. Therefore the material of Bukhārī's *Ṣaḥīḥ* is used in this study to represent material from the mid-8th to mid-9th centuries.

1.6.c *Other Fiqh Works*

The remaining Islamic legal sources used for this study come from a mix of legal genres, although all fall under the category of *fiqh*. They have been chosen from the four main *Sunnī* legal schools, or *madhhab*s, Ḥanafī, Mālikī, Shāfi‘ī, and Ḥanbalī. While the *madhhabs* known today did not yet exist at the time these texts were written, the chosen texts do cover a time range within the 8th-9th centuries, a particularly interesting moment for the evolution of Islamic law. The use of early texts from each, originally geographically

79 Lucas, "Where are the Legal Ḥadīth? A study of the *Muṣannaf* of Ibn Abī Shayba," 285-286.
80 Ibid, 290. While originating in the eastern and southern parts of the Islamic world, these narrations were certainly transmitted and considered relevant in the western part of the *Dār al-Islām* as well. Notably, two Cordovans, Abū ‘Abd al-Raḥmān Baqī b. Makhlad (d. 276/889) and his student Abū Muḥammad ‘Abd Allāh b. Yūnus al-Qabrī (d. 330/941-2) were largely responsible for the preservation of ‘Ibn Abī Shayba's *Muṣannaf*. Lucas, Scott C., "Where are the Legal Ḥadīth? A study of the *Muṣannaf* of Ibn Abī Shayba," 285-286.

specific, *madhhab* ensures a fairly consistent coverage of the central Islamic lands.

Like the *muṣannafāt*, which are dated regarding the material they are preserving, the *fiqh* works will be dated similarly; however, the material the *fiqh* texts preserve is quite different. While the early *muṣannafāt* were works attempting to preserve either the *ra'y* of the early Islamic community, or the traditions of the Prophet, the *fiqh* works are attempting to preserve later material - that of their, often late 8th- early 9th century, eponymous founders, or simply the compiled jurisprudence of their local area during the 8th- and 9th centuries. The *fiqh* sources will be dated from the time of their eponymous author, who presumably marks a beginning point to the compilation of each collection of jurisprudence, through the beginning of canonization of the text via a generation or two of students. These sources, then, tend to cover the 9th century more or less, with a few exceptions which will be discussed as and when they appear.[82]

As discussed above, the first two decades of the 8th century can be characterised by geographically centred legal schools, which were initially isolated;[83] however, limited communication between centres began around the 720s-740s/50s.[84] By the 740s/50s the *riḥlāt fī ṭalab al-'ilm*, journeys for the sake of education, became popular and within a few decades turned into a tradition.[85] This, in turn, led to the development of the notebooks discussed above in the late 700s/early 800s to aid the memory of teachers and students.[86] The early-mid-800s show some signs of non-localized schools of law following one eponymous master beginning to evolve; however it was not until the late 800s/early 900s that the eponymous *Sunnī* legal schools would resemble anything recognisable to 21st-

81 Robson, J., "al-Bukhārī, Muḥammad b. Ismā'īl", in: *Encyclopaedia of Islam, Second Edition*.
82 This study largely follows Norman Calder's dating of fiqh texts.
83 Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, (Oxford: Clarendon Press, 1967) 1 and 7; Juynboll, *Muslim Tradition*, 18-19. Hallaq, "From Regional to Personal Schools of Law? A Reevaluation," 20. Calder, *Studies in Early Muslim Jurisprudence*, 163-166. Wael Hallaq has posited a nuance to this; rather than all of the religio-legal scholars of a specific area agreeing on any particular point of law, Hallaq suggests that they followed individuals of their choosing for certain rulings, e.g. one for divorce practices and another for prayer practices. They did not, as yet, have any type of loyalty to one scholar in particular, also known as *taqlīd*, but there may have been small regional tendencies, "From Regional to Personal Schools of Law? A Reevaluation," 20-22.
84 Juynboll, *Muslim Tradition*, 39.
85 Ibid, 66.

century Islam.[87] The *fiqh* texts used in this study roughly cover the time from the early 800s to the early 900s - from the start of written notebooks, which helped to consolidate and preserve material, through to the very beginnings of *madhhab* formation and textual canonisation.

Early Islamic *fiqh* texts cannot be considered one-author works. They are most frequently begun by a single author and then edited with the occasional addition by a generation or two of students who would have participated in *riḥlāt fī ṭalab al-'ilm*. Therefore they cover both large swathes of time, sometimes as much as a century if they are a product of several generations, and large geographical areas due to the tradition of travel to learn under various masters. The compilation, transmission, and editorial practices that have created the texts make these sources an excellent window into the social issues that came up in daily life in the 700s-800s. They are the texts of a community, and after the mid-700s they can increasingly be considered texts representing the constellation of urban centres in the central Islamic lands.

Fiqh texts have been chosen from the four Sunnī schools in an attempt to ensure as thorough coverage of the central Islamic lands as possible. These texts represent specific communities at a time when they were making a transition from local schools to eponymous and mobile intellectual groups. The combination of local tradition and mobility combine to form a near comprehensive coverage of the major urban, Muslim areas of the Levant, Iran, Iraq, and the Arabian Penninsula in the 9th century.

The *Ahl al-Milal wa-l-Ridda wa al-Zanādiqa wa Tārik al-Ṣalāh wa al-Farāi'ḍ min Kitāb al-Jāmi'*, known from this point onwards as the *Ahl al-Milal*, the Ḥanbalī text used in this study, is likely a compilation of the work of Aḥmad ibn Ḥanbal (d.243/855), his son

86 Juynboll, *Muslim Tradition*, 66; and Schoeler, *Genesis of Literature in Islam*, 56 and 69.
87 Juynboll, *Muslim Tradition*, 66; and Calder, *Studies in Early Muslim Jurisprudence*, 163-166 and 184-185.

‘Abd Allāh (d.903), and possibly the compiler Abū Bakr al-Khallal (d. 923).[88] Therefore, this study considers it an acceptable source for social issues and trends from the early 800s through to the late 800s. There is also a possibility that it may contain some material from the early 900s. As with any text of early Islamic *fiqh*, likely represents layers of materials from all of the people associated with it. This text contains material from Baghdad, Kufa, Baṣra, Mecca and Ṣan‘ā’.[89]

The Mālikī material forms both the earliest and some of the latest material present in this study. The *Mudawwana al-Kubrā*, while it may preserve some material from the lifetime of the Medinan jurist Mālik ibn Anas (d. 179/796), the text likely represents societal issues and trends present from roughly the early to mid-800s with an end date of written compilation crystalizing the material around a decade after the death of the compiler Saḥnūn (d. 240/855), in the 860s.[90] The jurisprudence within the text likely covers the Hijaz, Egypt and North Africa - particularly Qayrawan in Tunisia. However, Ṣaḥnūn travelled to the Hijaz to study and therefore it is likely that both the oldest and most recent layers in this text contain significant amounts of material from the Hijaz in addition to the material also likely present from Egypt and North Africa.[91]

The *Muwaṭṭa’*, another Mālikī text, was recorded throughout the central Islamic lands in the 9th century and possibly preserves some 8th-century material from the Hijaz, and/or may have been written as a development of the material in the *Mudawwana*.[92] The date of the preserved material within this text is debated, with some specialists in *fiqh* suggesting that it retains a significant portion of Mālik ibn Anas' own teachings, while

88 Susan Spectorsky, "Aḥmad ibn Ḥanbal," *Islamic Legal Thought: a Compendium of Muslim Jurists*, eds. David Stephan Powers and Susan A. Spectorsky, (Leiden: Brill, 2014), 91; and Laoust, H., “Aḥmad b. Ḥanbal”, in: Encyclopaedia of Islam, Second Edition.

89 Spectorsky, "Aḥmad ibn Ḥanbal," 86.

90 This is roughly the date that Calder gives this text. Calder, *Studies in Early Muslim Jurisprudence*, 17-19. This is around the same time as the available manuscripts from the *Summa Theologiae Arabica*. Ṣaḥnūn is a nickname implying shrewdness or similarity to a bird, his real name was ‘Abd al-Salām ibn Sa‘īd. Talbi, M., “Saḥnūn,” in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs.

91 Jonathan E. Brockopp, "Saḥnūn b. Sa‘īd," in *Islamic Legal Thought: a Compendium of Muslim Jurists*, eds. David Stephan Powers and Susan A. Spectorsky, (Leiden: Brill, 2014), 70.

92 Calder, *Studies in Early Muslim Jurisprudence*, 29.

others, who primarily research the recension of the Cordovan Yaḥyā ibn Yaḥyā al-Laythī (d. 234/848), claim that it is predominantly a 9th-century Cordovan work with the later layers written as a development of both its own material combined with the material within the *Mudawwana*.[93]

Regarding the Cordovan recension, Calder, who argues that the *Muwaṭṭa'* is a predominantly 9th-century source, claims that Baqī ibn Makhlad (d.276/889), a Mālikī who had been a student of Yaḥyā ibn Yaḥyā, heavily influenced the text after his *riḥalāt fī ṭalab al-'ilm* in the central Islamic lands.[94]

This study would suggest that even if parts of the *Muwaṭṭa'* represent later 9th-century material, some of the older material could originate from Mālik himself or at least the late 8th century, and the final layers of material represent issues and trends present within the central Islamic lands from the time of Mālik's death to the time of their written compilation. The majority of segments quoted from the *Muwaṭṭa'* in this thesis are from the Iraqi recension of Suwayd ibn Sa'īd al-Ḥadathānī (d. 240/854); however, at times the Cordovan recension is used.[95]

The *Kitāb al-Siyar*, is a work focusing on the 'law of nations,'[96] which prescribes modes of conduct between the *Dār al-Islām* and the *Dār al-Ḥarb* as well as between the state and *dhimmīs*, or those residing within the *Dār al-Islām* under a permanent contract, and therefore includes material on Christian-Muslim relations.[97] The *Siyar* is predominantly associated with Muḥammad Ibn al-Ḥasan al-Shaybānī (d. 805) and is the Ḥanafī text used in

93 Ignác Goldziher, *Muslim Studies*, vol. 2, ed. and trans. S.M. Stern, trans. C.R. Barber, (Chicago: Aldine, 1967), 204; and Yossef Rapoport, "Mālik ibn Anas," *Islamic Legal Thought: a Compendium of Muslim Jurists*, eds. David Stephan Powers and Susan A. Spectorsky, (Leiden: Brill, 2014), 40-41; claim that it preserves earlier material. Calder, *Studies in Early Muslim Jurisprudence*, 21-29 and 36-37, claims that its final layer is later than the *Mudawwana*.

94 Calder, *Studies in Early Muslim Jurisprudence*, 36-37.

95 For another perspective on the varying recensions of Mālik's *Muwṭṭa'*, see Umar F. Abd-Allah, *Mālik and Medina: Islamic Legal Reasoning in the Formative Period*, (Leiden: Brill, 2013), 60-61. Each recension used is labelled either within the text or footnotes.

96 *Siyar* is technically the plural of *sīra*. In the second century this term began to be used by chroniclers to mean biography, as well as by jurists, 'to mean the conduct of the state in its relationship with other communities,' Majid Khadduri, "Translator's Introduction," *The Islamic Law of Nations: Shaybānī's Siyar*, (Baltimore, Maryland: The Johns Hopkins Press, 1966) 39.

97 Khadduri "Translator's Introduction," 40.

this study. It is part of the *Kitāb al-Aṣl* material of the early Ḥanafī school and was likely the culmulative product of generations of jurists.[98] Shaybānī's name may have been attached to this compilation of works at a later date,[99] though that does not preclude the *Kitāb al-Aṣl* containing early, possibly even 8th-century, material. Rather it is likely that the layers of material, as with the other texts discussed, co-exist within the final written product. Calder posits that the majority of the *fiqh* in the work represents material from around the early 800s through to the 860s.[100] The geographical coverage is mainly Kufa, Mecca, and Baghdad with influence from multiple cities in the central Islamic lands, especially those in Khurasan, where the Ḥanafī *madhhab* flourished.[101]

The *Kitāb al-Umm*, a Shāfi'ī *madhhab* text, possibly actually began with traditions from Muḥammad ibn Idrīs al-Shāfi'ī (d. 204/820) himself. As with all *fiqh* texts, the *Kitāb al-Umm* had layers of generational and geographic influences. This text could cover social trends in cities from the Levant, the Arabian Peninsula - both the Hijaz and Yemen, Iraq, alongside some potential early 10th-century material from Egypt.[102] Calder dates the latest layers of text to c. 860s-the early 900s.[103] Allowing that some of the material may actually be preserved from Shāfi'ī, the text could cover a range from around the 790s through to the early 900s.

Each of the *fiqh* sources possibly provides insight into social issues and trends throughout the 800s. As no definitive date or author can be given for each text, they will be dealt with as general sources for this century, with the dates of the final layers of compilation as a guideline for which texts are more likely to cover earlier or later materials. Obviously with layered sources there will be times when a text with a later final layer may

98 Ibid, 70; and Calder, *Studies in Early Muslim Jurisprudence*, 49.
99 Calder, *Studies in Early Muslim Jurisprudence,* 49 and 51.
100 Ibid, 51.
101 Heffening, W. and Schacht, J., "Ḥanafiyya," in: *Encyclopaedia of Islam, Second Edition.*
102 Chaumont, E., "al-Shāfi'ī," in: *Encyclopaedia of Islam, Second Edition*.
103 Calder, *Studies in Early Muslim Jurisprudence*, 82-83. Although this text did not reach its final compiled and written form, published and widespread, until al-Dīn Bulqīnī (d. 805/1402) collected the various parts floating around the Islamic world into the compilation we know today. Calder, *Studies in Early Muslim Jurisprudence*, 82-83.

be portrayed as including earlier sources. The Islamic sources in their general chronological and geographical coverage will be juxtaposed with the Christian sources, whose neo-martyr narratives may be dated in a similarly general manner, but whose canon-law sources are, relatively speaking, more specifically dated as they are often based on notes from historic councils or preserved written letters of significant figures.

1.7 *Christian Sources*

1.7.a *Christian Communities*

The sources to be discussed below come from a mix of Christian communities from the central Islamic lands, namely Melkite, Syriac Orthodox, and Church of the East. Christians under Muslim rule were not necessarily all part of the same community, and were not even particularly accepting of each other on an elite theological level. However, Christianity is here explored as a culture of religiosity with certain key uniting factors regardless of geographic location – a belief in Jesus as son of God, despite the bickering over the particulars, and a belief in shared rituals such as the sacraments of baptism and eucharist.

There is still much work to be done with regards to understanding how lay Christians of all types during this period would have identified. Jack Tannous in his Ph.D. dissertation suggests, using the vitae of Theodota of Amid and Simon 'the mountaineer', as well as the legal correspondences of Jacob of Edessa, that the boundaries separating Christian communities with differing christologies were not clear cut or even obvious to the average lay person.[104] This study will take a similar stance on Christianity in the 8th - 9th centuries, viewing it as an overarching religious system where the lay populations did not necessarily recognise theological distinctions, but rather were more aware of shared Christian symbols and sacraments in juxtaposition to those of other religions.

This view of Christianity relies heavily on Anthony Cohen's definition of community

104 Jack Tannous, *Syria Between Byzantium and Islam: Making Incommensurables Speak,* Dissertation.

as a symbolic and contrastive construct which is derived from situational boundary perception. This perception enables people to demarcate separate groups where awareness of one's community is dependent on boundary consciousness. This definition of community includes a dependence on shared ambiguous symbols, symbolic discourse, and vocabulary of value which allow members to unite in the face of a different community.[105] This over-arching definition of the Christian community is particularly useful here, for the purpose of emphasizing that the averge layperson would have experienced layers of identity, so to speak, and would likely have viewed the differences between types of Christianity as well as identified as generally Christian when dealing with members of other religions or any social situation involving crossing inter-religious boundaries.

The distinctions made within each source seem to occasionally refer to opposing Christian groups and speak in terms of Christians versus pagans (often implying Muslims) or Christians versus Muslims. This study will explore evidence across confessional boundaries, demarcating which legal rulings come from which group in order to contribute to a greater understanding of the ways in which Christian religious elites viewed and reacted against exogamy as a threat of conversion as well as to better explore any potential nuances in policy regarding Christian-Muslim marriage between confessional groups. However, it is important to keep in mind that the different Christian communities as clearly defined, separate institutions whose canon law collections and patriarchs are quoted below may not represent how the average lay person would have viewed their community, its social norms, and where they fit within the wider grouping of Christianity.

1.7.b *Canon Law*

Princeton University, 2010, especially 230-231, 287-289, and 384-388.
105 Nigel Rapport and Joanna Overing, *Social and Cultural Anthropology – The Key Concepts*, (London: Routledge, 2007), 62-63.

The canon law used in this study falls under the technical category of 'civil law,' a type of law that was only coming into the sphere of the churches' authority from the end of late antiquity into the early middle ages.[106] Civil law became more commonly used by Christians under Muslim rule as a way of consolidating and defining the Christian community, as well as to meet the challenge from early Muslims that Christians had no law like the Muslims and Jews.[107]

While there were inevitably regional variances and the average lay person may not have followed the prescriptive canon laws, this study takes the attitude that the laws themselves were created in dialogue with a living community and represent responses to common practices of which the clergy dissaproved or wished to correct in some way. The Syriac Orthodox and Church of the East canons discussed in chapter 5 represent the significant movement in the 8th-9th centuries when the Christian communities under Muslim rule became social entities.[108]

The material that became the Syriac Orthodox and Church of the East canons, as found in the *Synodicon of the West Syrian Tradition*, the *Synodicon Orientale*, and the *Syrische Rechtsbücher* represents a mixture of letters between high ranking clergy and records of synods. Additionally the Church of the East used a Syriac translation of a Roman teaching manual, possibly including some provincial law, known as the *Syro-Roman Lawbook*. The *Syro-Roman Lawbook*, although initially translated in the 5th century, began to be practically applied in the 8th century in response to the civil law of the Jewish and Muslim communities.[109]

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106 Uriel Simonsohn, "The Introduction and Formalization of Civil Law in the East Syrian Church in the Late Sassanian-Early Islamic Periods," 231.
107 Simonsohn, "The Introduction and Formalization of Civil Law," 234 and 236; Patricia Crone, *Roman, Provincial, and Islamic Law: the Origins of the Islamic Patronate*, (Cambridge: Cambridge University Press, 1987), 12.
108 Simonsohn, "The Introduction and Formalization of Civil Law," 232.

109 Crone, *Roman, Provincial, and Islamic Law*, 12-14; and Hubert Kaufhold, *Syrische Texte zum islamischen Recht: Das dem nestorganischen Katholiken Johannes V. bar Abgare zugeschriebene Rechtsbuch* (Munich: Beck, 1971), 24-25 and 29-30. References initially found in Simonsohn, "The Introduction and Formalization of Civil Law," 236.

Obviously there is some difference in terms of legal background regarding Christian communities in formerly Sassanian territories (predominantly Church of the East) and those in formerly Byzantine territories (predominantly Syriac Orthodox and Melkite). Roman law would have been followed in the Levant. However, Roman law became diffused and mingled with provincial law in the eastern territories after Justinian, who supposedly attempted to centralise legal education in Constantinople, Beirut, and Rome in 533 only to have the entire system crumble soon after his lifetime around the 560s.[110] It seems to have survived, but in a form articulated through a lens of local customs.[111] Regarding the Church of the East, this community did not have its own set of civil laws, seeming content to follow those of Sassanian rule. As previously mentioned, it was not until the conquest and the beginnings of Islamic rule that they began to implement the *Syro-Roman Lawbook* and write civil laws of their own.

For Christian communities under Muslim rule law, hagiography, chronicles, and theology were all parts of a larger project to consolidate the Christian community as a coherent social group in competition with Jewish and politically elite Muslim communities.[112] The Melkites, Syriac Orthodox, and Church of the East all use a combination of these genres to create a boundary via the dichotomy of Christians vs Jews and Muslims. The authors and disseminators of these texts established where Christianity ended and other religions began in the face of an increasingly confusing Abrahamic spectrum of identity.[113] As they are all parts of a single project for each community, this study uses a mixture of canon law, neo-martyr narratives, and a 9th-century theological tract in an effort to catch an accurate cross section of a complicated and changing society in the 8th-9th centuries.

110 Crone, *Roman, Provincial, and Islamic Law*, 13.
111 Ibid, 14.
112 Simonsohn, "The Introduction and Formalization of Civil Law," 234.
113 Arietta Papaconstantinou, "Introduction," *Conversion in Late Antiquity: Christianity, Islam, and Beyond,*

1.7.c *Hagiography*

Neo-martyr narratives are descriptions of the lives and deaths of Christian martyrs under Muslim rule. Christianity for the first several centuries functioned very much as a cult of saints, with the celebration of local saint lives as major milestones throughout the year. Large festivals were held to honor the local martyrs and saints and involved, 'communal liturgical celebrations' with a panegyric homily at least loosely based on the saint's life, often accompanied by a procession and a festival.[114] Churches kept lists of their local holy men, and importantly, summaries of their lives.[115] Both rural areas and large cities had an abundance of local saints, as early as the 4th century, Chrysostom in his sermon "On the Holy Martyrs" claims that there were even more festivals for local martyrs in the countryside of Syria than in the cities. The festival in honor of a local saint was a major part of late antique and medieval Christian faith in Syria-Palestine. There is no reason to think that this tradition ceased after the conquest, in fact, each of the martyrs discussed below is part of a liturgical calendar listing the date of their festival. Each saint's local festival day is demarcated in the author's introduction to the neo-martyr narratives.

While some neo-martyr narratives can be found in the popular narrations of Anastasius of Sinai, and one, oddly, in a chronicle, most of the manuscripts would have resided with the clergy, providing us with an interesting conundrum. If these were intended for a lay audience, which reading them would suggest, as they involve almost entirely lay concerns, why were they predominantly available only in clerical and monastic settings? Priests would have rehashed these narratives with a new message for the laity annually at the saint's festival. A martyr's vita and their yearly representation were connected. This study primarily uses the clergy's summary texts for these occasions, which are interesting in the

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Papers from the Andrew W. Mellon Foundation Sawyer Seminar, University of Oxford, 2009-2010, eds. Arietta Papaconstantinou, Neil McLynn, and Daniel L. Scwartz (Farnham: Ashgate, 2015), xxix.

114 Johan Leemans, Wendy Mayer, Pauline Allen and Boudewijn Dehandschutter, *Let Us Die that We May Live: Greek Homilies on Christian Martyrs from Asia Minor, Palestine, and Syria, (c. AD 350-AD 450),* (New York: Routledge, 2003), 15. David Taylor, "Hagiographie et liturgie syriaque," in ed. André Binggeli, *Études Syriaques 9, L'hagiographie Syriaque*, (S.N. Librairie Orientaliste Paul Geuthner S.A., 2012), 79.

115 For a detailed discussion regarding hagiography, its annual use for saints festivals, and its transmission, in Syriac literature, see David Taylor, "Hagiographie et Liturgie Syriaque."

sense that they contain the didactic trends preserved through several of these annual cycles. These texts somehow went from liturgical collections to widespread oral tradition, most likely through the performance of panegyric homilies.

Aside from the solemn veneration of saints and requests for intercession, festivals celebrating local martyrs were social occasions. Bishops would often invite secular authorities, who, throughout the course of history were often not Christian. There is little evidence that this would have changed after the advent of Muslim rule. Often the bishops would have a fiscal or political motive for inviting secular authorities, and martyr festivals functioned to create and use social networks "profitable to all involved."[116] They were a way to wine and dine those in power.

Festivals also generated commercial activity. Markets and festivals went hand in hand, people could purchase food, drink, and goods. As early as the 4th century Basil of Caesarea complains in multiple homilies about the secular activities surrounding saints' celebrations distracting the attendees from the true purpose of the feast day,[117] and St. John Chrysostom of Antioch in his homily, "On Philogonius," lectures against viewing the yearly market that surrounded Philogonius' feast day in Antioch as more important than the liturgical service.[118] Contemporary to our martyr narratives, Aḥmad Ibn Ḥanbal, as preserved in the *'Ahl al-milal*, references a Christian festival in Syria as both a Christian festival and as a market.[119]

Considering the contexts of these texts as both written documents and aural experiences, we can say with relative certainty that there were two layers of audience for the neo-martyr narratives. There were the people who actually read the texts – the clergy, who may well have read them for personal reasons of veneration, but also used them as references for the creation of panegyric homilies on feast days. There were also the people

116 Leeman, *Let us Die that We May Live*, 18.
117 Basil of Caesarea, "Homily on Riches" and "Long Rules." in Leeman, "General Introduction," *Let us Die that We May Live*, 19.
118 Leeman, *Let Us Die that We May Live*, 19.
119 Abū Bakr al-Khallāl, *Kitāb Ahl al-Milal wa-al-riddah wa-al-zanādiqah wa-tārik al-ṣalāh wa-al-farāi'ḍ min kitāb al-Jāmi'*, ed. Ibrāhīm ibn Ḥamad ibn Ṣulṭān (al-Riyāḍ: Maktabat al-Ma'ārif lil-Nashr wa-al-Tawzī),

who experienced these texts as an aural phenomenon, the laity and potentially non-Christians, who heard these narratives incorporated into the panegyric homilies as part of the festivities of the saint day.

The neo-martyr narratives themselves were, for the most part, meant as models to be used, basically references for the clergy to consult – as living texts, presumably occasionally updated, they include the didactic messages which remained central to the local community over time. The manuscripts we have of each martyr's vitae are all at least from 100 years after the death of the martyr, who, at this point in Christian history could have been venerated by a small group as early as his imprisonment. This suggests that the thematic trends within these texts were useful to the community either throughout the years between the martyr's death and the creation of the manuscripts or, at the very least, the trends included were useful to communities in the 9th century. A consistent message shared amongst those included in this study is: it's never too late to return to Christianity after converting to Islam. While there are many other shared themes, this one in particular would suggest that either the clergy suspected that recently converted Muslims and/or their Christian families and friends were present. While the local festival most frequently named in Islamic sources is Easter, there is no reason to assume that this was the only one frequented by Muslims, especially those with Christian family and/or the recently converted.

The protagonists in these neo-martyr narratives convey a variety of didactic themes presumably intended to be conveyed to the laity through homilies. These martyrdoms functioned liturgically as a way of venerating the saints, didactically, as a way of teaching the laity about certain themes, and more generally as wide spread oral traditions. They contained polemic against Muslims,[120] examples of debate between Christians and Muslims, examples of why one might be tempted to convert to Islam and a reassurance that it is never too late to return to Christianity, and stories of people who were born Muslim converting

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121-123, nos. 132-133.

120 For a detailed discussion of neo-martyr narratives polemic nature, see David Vila, *Christian Martyrs in the First Abbasid Century and the Development of an Apologetic Against Islam*.

outright to Christianity.

The vacillating neo-martyrs, those who convert from Christianity to Islam and back again, in particular provide evidence of trends in society as well as a general idea of some prescriptive behaviours the clergy wished to instill within their flock. From the social dynamics played out within the narratives, it appears that there was quite a bit of socialisation between Christians and Muslims, they worked together, socialized together, and even married one another producing inter-religious families. In response, the messages conveyed through these tales by the clergy often emphasize avoiding any type of socialisation with Muslims, with the understanding that if one must do it that it is a risk but that one is welcome to return to Christianity at any time should they convert to Islam. Interaction is framed as a behaviour threatening Christians' very souls, and continually prescribed against. Which, of course, probably means that people were doing it anyway.

There are two sources included in this thesis from synaxaria: Elias of Heliopolis/Damascus (d. 779) and Bakchos the Younger (d.c. 787). There are around 4-8 extant texts mentioning each martyr, which span a few centuries. All of these range, as sources, from a mere mention of a name and a date or a few lines of a praising hymn to a full vita, and all of them are within compilations meant to be used primarily by the clergy or during the liturgy – hymn collections, synaxaria, menologia, and martyrologia. While a small number of the literate with the income to purchase books may have had collections of saints' lives or hymns in their homes – the provenance of these texts (when known) are clerical institutions.[121] Many versions of both Elias' and Bakchos' life are in Greek, which some may not expect to be the case after the late 700s; however, Greek survived as a language of hagiography in the Levant, particularly Palestine, until the 11th century.[122]

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121 For Elias of Heliopolis/Damascus, extant sources: the 10th-century *Georgian-Palestinian Calendar*; the 10th-century *Coislin.gr.303* compilation of saints lives and ascetic writings; and the monophysite 13th-century *Martyrologion of Rabban Silba.* For Bakchos the Younger: 10th-century *Georgian-Palestinian Calendar*; 10th-century *Synaxarion of Constantinople*; 10th-century *Paris.gr.1180*; 10th-century hymn fragment – *Sinai Gr 578*; undated Epitome, Athens, *Nat. Libr. 2108*, Fotiou Dimitrakopolou suggests that this is a summarization of the copy in *Paris.gr.1180*, possibly also 10th-century; 11th-century hymn fragment – *Sinai Gr 583*; 14th-century hymn fragment – *Paris.gr.1623*.

122 Christian C. Sahner, *Christian Martyrs under Islam: Religious Violence and the Making of the Muslim*

Elias of Damascus' life is present in *Paris Coislin 303*, which contains Greek martyrologies from the late 700s that did not gain popularity amongst the Byzantines. André Binggeli posits that, though the manuscript was copied in 10th-century Constantinople, it was based on an earlier manuscript from Jerusalem.[123] The narrative provides some details that help us to pinpoint it in time. The author mentions that capital punishment for apostasy from Islam is a new official line of punishment under the caliph al-Maḥdī (r. 775-85) and the amīr of Damascus Muḥammad ibn-Ibrāḥīm (r. 739/40-801) who was a relative of al-Maḥdī and whose role as amīr overlapped with al-Maḥdī's role as caliph. The author names the judge who presided over Elias' trial, Leithi, who Stamatina McGrath identifies as al-Layṯ ibn ʻAbd al-Raḥmān al-Faḥmī, a Persian Muslim jurist who was in Damascus around 777/78 and possibly 779.[124] The original narrative was possibly written by a bilingual Greek/Aramaic speaker or translated from an Arabic or Syriac original.[125] The saint remained popular in the Levant but not in Byzantium, as witnessed by the remaining manuscripts in which it can be found: the 10th-century *Georgian-Palestinian Calendar* and the monophysite 13th-century *Martyrologion of Rabban Silba*.

The earliest extant mention of Bakchos the Younger is from an early-10th-century manuscript, which Stephanos Efthymiadis and André Binggeli locate as a product of Constantinope. Once again this is likely a situation in which the original was composed in Palestine, Christian Sahner suggests Mar Saba, in the late-8th or early-9th century.[126] There are details within the text that point to a late-8th-century Palestinian origin. In addition to the section praising Jerusalem,[127] the author discusses themes that one would expect to see in a text of this time and place based on other contemporary sources. The details about his inter-

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World, (Forthcoming - Princeton & Oxford: Princeton University Press, 2018), 16. I am grateful to Christian Sahner for sharing a draft of his monograph in advance of publication.

123 Ibid, 20.

124 Stamatina McGrath, "Elias of Heliopolis: The Life of an Eighth-Century Syrian Saint," *Byzantine Authors: Literary Activities and Preoccupations, Texts and Translations dedicated to the Memory of Nicholas Oikonomides*, ed. John W. Nesbitt, (Leiden: Brill, 2003), 88.

125 Sahner, *Christian Martyrs under Islam*, 20; McGrath, "Elias of Heliopolis," 89.

126 Sahner, *Christian Martyrs under Islam*, 62.

127 Ibid.

religious family and the relationship between his converted Muslim father and Christian mother, as well as brief mentions of customs regarding how children of these relationships would have been raised, are ones that an outsider could not convincingly fabricate. Bakchos' difficulty in getting baptised because the clergy feared being found out by Muslim authorities, his family's need to relocate after converting to Christianity, and the betrayal by his sister-in-law, via an ambiguous Christian-Muslim spy character, are all details that only people living in the *Dār al-Islām* could have known. When authors write fictional portrayals of other societies they often include fantastic and anachronistic details, however, the themes present in the narrative of Bakchos the Younger correlate with the issues present within contemporary and near contemporary Christian and Muslim primary sources from the *Dār al-Islām*. They particularly harmonize with the issues that arise in the legal material and the complaints of Christians acting like Muslims in the Palestinian *Summa Theologicae Arabica*. Not only do the themes correlate with contemporary sources from the Islamic world, they also appealed to the laity all over the Levant in addition to Byzantium.

Bakchos' narrative contained the necessary characteristics to appeal to both Byzantines and Christians of the *Dār al-Islām*, as exemplified in the Greek, Byzantine sources, such as: 10th-century *Synaxarion of Constantinople*; 10th-century *Paris.gr.1180*; the undated, though possibly 10th-century Epitome, Athens, *Nat. Libr. 2108*; and 14th-century hymn fragment – *Paris.gr.1623*. Bakchos' life turns up in Levantine sources as well, he is mentioned in the 10th-century *Georgian-Palestinian Calendar* and there is a hymn fragment about him preserved in Sinai, the 11th-century *Sinai Gr 583*.

The lives of Elias of Damascus and Bakchos the Younger appealed to both Melkite and Syrian Orthodox Christians. The usefullness of these narratives to Levantine clergy, despite differences in confessional identity, points to narratives composed by those who lived in the world about which they were writing and uniquely captured important social issues that many Levantine Christians recognised and found relational.

1.7.d *Theology*

The *Summa Theologiae Arabica* is the earliest written compilation of Melkite theology in Arabic. It frequently mentions Christians who chose to make themselves appear as Muslims or at least Muslim sympathizers when it was socially expedient. The two manuscripts of this text available in the UK, and used for this study, are the St. Andrews 14 and the British Library Or 4950. The *Summa* manuscripts were copied in the 860 and 870s respectively, and the original was probably composed in the early to mid-9th century, most likely in the Mar Chariton monastery near Jerusalem. It is likely a single author text as it cross references itself, and the initial copier/potential author in the BL OR 1490 colophon is Stephen of Ramla.[128] The identity of the author is unknown, due to a date discrepancy within the manuscripts making the St. Andrews 14 appear to have been written before the BL OR 4950, which was previously thought to be the autograph copy. This, coupled with the unfortunate fact that the verb meaning to copy and write are the same in Arabic, make Stephen's role ambiguous.[129] However, Ramla, would be a plausible location of composition or origin of the author. It was the centre of Muslim authority in Palestine, which was still predominantly Christian at the time the *Summa* was written. Therefore, unlike the majority of cities in Palestine, Ramla would have had a significant Muslim elite population present amongst the local Christian community.[130]

128 Robert Hoyland, "Earliest Arabic Summa Theologiae," *Syriac Polemics, Studies in Honor of Gerrit Jan Reinink*, eds. Wout Jac Bekkum; Jan Willem Drijvers; Alexander Cornelis Klugkist, (Leuven: Peters 2007), 163.

129 Hoyland, "Earliest Arabic Summa Theologiae," 163-5.

Chapter 2

Literature Review and Terminology

2.1 *Introduction*

This chapter will highlight relevant literature to this thesis from sociology and anthropology as well as recent historical scholarship on conversion to Islam in the conquest, Umayyad, and Abbasid eras. Sociological and anthropological theory can aid the study of conversion to Islam in any period, and is especially helpful for the earliest centuries A.H. Primary sources in the 8th-9th centuries can only take a historian so far before she needs to fill certain holes left by time and degradation. While this thesis does not claim that humans are across the board the same throughout time and various cultures in different locations on the globe, it does suggest that a loose theoretical model based on observed human behaviours would be useful for understanding larger patterns potentially present within the sources. The working definitions of conversion, religious code switching and Islamization will be provided at the end of the chapter, as the definitions should be seen in the context of both the sociological theory and the concepts presented in the history literature review.

The early to mid-20th-century Anglo-American studies on conversion, both sociological/anthropological and historical included an inadvertent prejudice in their definitions of conversion - an ongoing association of religious conversion with a 'road to Damascus' Christian experience, first made popular by Augustine and later changed and spread by Calvinists and the American Great Awakening movements.[131] In the late-20th and early-21st centuries, sociologists, psychologists, religious studies academics, and anthropologists begin to agree that conversion experience differs by context according to social, religious, political, and gender factors. There was a strong move away from Calvinist

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130 Honigmann, E., "al-Ramla," *Encyclopaedia of Islam, Second Edition*.

131 'Road to Damascus' references the narrative of Saul/Paul's sudden conversion to Christianity on the road to Damascus, New Testament, Acts 9:1-19. Henri Gooren, *Religious Conversion and Disaffiliation: Tracing*

and Great Awakening influenced definitions of conversion.[132] Social factors, however, remain important consistently in considerations of the mechanism of religious conversion from the late 20th century onwards. There are historical studies of late antique conversion which include sociological/anthropological theory on conversion; however, very few studies on conversion consider these materials.[133]

In an attempt to ground this thesis in a firm theoretical base, this chapter will focus on terminology and theory, both in terms of sociology and anthropology, as well as social history regarding conversion to Islam. Next, there will be an overview of the conferences and conference volumes on conversion, and what they have contributed to the field and this study in particular. Lastly, this thesis' working definitions of conversion, religious code switching and Islamization will be provided.

Regarding sociologists and anthropologists, this study uses theoretical models from: Theodore Long and Jeffrey Hadden, who emphasise that conversion is a type of socialisation and define socialisation; David A. Snow and Richard Machalek, who question claims of membership to religious communities from recent converts, explore the concept of social displays of conversion, and evidence through case studies that converts can be most easily recognised through speech acts; C. David Gartrell and Zane K. Shannon, who demarcate a difference between social rewards for religious conversion and belief/religious practice rewards; and lastly Henri Gooren, whose global and anthropological definition of conversion is intended to be widely applicable in time, culture and geographic location and includes non-sequential, potentially simultenous, phases of conversion as well as emphasises that conversion is influenced by socialisation, especially that of 'significant others,' who he

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Patterns of Change in Faith Practices, (New York, N.Y.: Palgrave Macmillan, 2010), 12-14. See also discussion in Peacock, "Introduction," *Islamization*, (2017); and Papaconstantinou, "Introduction", (2015).

132 Gooren, *Religious Conversion and Disaffiliation*, 14 and 26-40.

133 Thomas Sizgorich, "Mind the Gap: Accidental Conversion and the Hagiographic Imaginary in the First Centuries A.H." in eds. H.M. Cotton, Robert Hoyland, J.J. Price, and D.J. Wasserstein, *From Hellenism to Islam: Cultural and Linguistic Change in the Roman Near East*, (Cambridge: Cambridge University Press, 2009), 163-174. Éric Rebillard, *Christians and Their Many Identities in Late Antiquity, North Africa, 200-450 CE*, (Ithaca: Cornell University Press, 2012).

defines as relatives, friends, and aquaintances.[134]

2.2 *Anthropology and Sociology Literature Review - Questions about Conversion, Terms, and Theory*

One cannot study a historical process of large-scale conversion without first understanding the phenomenon on its own. Therefore, in a historical context one must ask certain questions, such as: What is conversion? How do we know if someone has converted? Why did people convert? These questions have been addressed in this thesis with a strong influence from social science literature.

What is conversion?

Sociologists Theodore Long and Jeffrey Hadden recognise that conversion is considered a process of socialisation in most prior theory models. They attempt to create a new outlook on conversion from the perspective of socialisation as the primary cause of conversion, while also allowing for belief to play a role, albeit a role that comes after socialisation.[135] They compare religious conversion to more secular socialisation suggesting that, rather than being a separate category from the study of socialisation, conversion should be placed inside this larger conceptual category.[136] This mingling of religious and secular factors is particularly useful when considering the nature of conversion to early Islam, as the sources consistently include what we would consider more secular reasons for conversion alongside the spiritual.

Long and Hadden create a definition of socialisation, which, if we accept their theory that conversion is a type of socialisation, works well for looking at conversion to Islam in

134 Gooren, *Religious Conversion and Disaffiliation*, 47.
135 For an earlier sociological study on socialisation as a factor of conversion which often comes chronologically before belief in the new faith, see John Lofland and Rodney Stark, "Becoming a World-Saver: A Theory of Conversion to a Deviant Perspective," *American Sociological Review*, vol. 30.6, (1965): 862-875.
136 Theodore Long and Jeffrey Hadden, "Religious Conversion and the Concept of Socialisation: Integrating the Brainwashing and Drift Models," *Journal for the Scientific Study of Religion*, vol. 22.1 (1983), 2. Their discussion of socialisation in a secular setting can be found in, Theodore E. Long and Jeffrey K. Hadden, "A Reconception of socialisation," *Sociological Theory*, vol. 3.1 (1985): 39-49.

the 8th-9th centuries, with a few modifications, of course. Their definition is:

> socialisation is the process of creating and incorporating new members of a group from a pool of non-members, carried out by members and their allies.[137]

How do we know if someone has permanently converted, will revert back to their original faith, or is merely publicly acting like a convert for non-religious purposes?

This is a question occasionally implied about early converts to Islam, particularly considering the nature of the religious spectrum discussed by Arietta Papaconstantinou, below, and the potential for worldly gain discussed by non-Muslim authors about the temptations of converting to Islam. The short answer is, we cannot know whether accounts of conversion were lasting or sincere. However, David A. Snow and Richard Machalek allow for this inability to ever truly know if a convert is genuine while also devising a method for discerning whether, at the time, a convert is genuinely drawn to the new religious faith and community. Their skeptical approach to claimed membership in a religious community compliments, and when applied as a general theory explains, the religious vacillation evidenced in both Muslim and Christian primary source material.[138]

Snow and Machalek's research coined the term *demonstration event,* meaning 'a social display of conversion.' Such displays can be institutionalized or spontaneous and can symbolize a moment of truly coming to their new belief fully and/or function as an affirmation that they have chosen to become members of a religious community. In either case demonstration events can be used as a benchmark for a potential convert making the move into a new member.[139] The issue with this, obviously, is that sociologists have found that a demonstration event is not a consistently reliable indicator of conversion. Several

137 Long and Hadden, "Religious Conversion and the Concept of Socialisation," 5. Of course, conversion can also be considered from the other side as apostasy and abandonment of a community.
138 David A. Snow and Richard Machalek, "The Convert as a Social Type," *Sociological Theory*, vol. 1 (1983), 261-262.
139 Snow and Machalek, "The Convert as a Social Type," 262. For an example of this phenomenon in Muslim historical sources, see Jones, "Islām al-Kāfir fī Ḥāl al-Khuṭba"

studies have shown that these events rarely leave the person permanently changed and they often lapse back into their previous behaviours and worldviews.[140]

The sociological research around demonstration events takes on an interesting significance when one thinks of the *shahāda*, which, in the 8th-9th centuries, could be recited once before Muslim witnesses and taken as an act of conversion. This would explain the phenomenon of people who moved back and forth between converting to Islam and returning to their original religion, mentioned repeatedly in the primary source material and present in Uriel Simonsohn's articles discussed below. This is not to say that the *shahāda* facilitated insincere conversion and reversion to an original faith, but is rather intended to provide context from research on world religions for this behaviour present in the sources. The phenomenon of reversion to an original faith is, in this study, termed *vacillation* in the context of early conversion to Islam.[141]

Snow and Machalek distinguish what they call 'true converts' through consistent speech acts. People who have truly converted, in their study, managed to relate most conversations to their new religious belief, regardless of the beliefs of their conversation partners: 'It is their talk and reasoning that is symptomatic of the consciousness transformation that makes them unique among their peers.'[142] This is not something that comes through our primary source material on early conversions to Islam, although there is evidence of people using speech acts to either sound more Muslim or to be socially accommodating. Therefore, while their conclusion that converts can be 'discovered' by their speech acts is not necessarily useful to a historic study of conversion, it is worthwhile to note that speech acts are important conveyors of identity. People choose their diction for a reason, it shows what they are thinking, how they form their ideas, and/or how they wish to portray themselves. The same was true historically, and could just as likely have indicated politeness or an attempt to blend with peers as outright conversion to Islam.

140 Snow and Machalek, "The Convert as a Social Type," 262.
141 For a study focused on this phenomenon see, Uriel Simonsohn, "'Halting Between Two Opinions':

Why do people convert?

There are two categories of convert - passive and active. The practical difference being that a passive convert would have converted due to social pressures and would live publicly as though they had converted without truly considering themselves converts in terms of belief. An active convert would have chosen to convert of their own volition. When considering why a person may have converted, this is the first topic to address as it dictates whether they have chosen conversion of their own volition or had it thrust upon them. Regarding conversion to early Islam, this issue was first raised by Thomas Sizgorich and Uriel Simonsohn, discussed in the following section. Sizgorich and Simonsohn both addressed whether the process of conversion had to be conscious and driven by purpose or whether it could be passive.

Regarding those who felt driven to convert of their own volition, there may have been some element of worldly success, or perhaps even spiritual achievement associated with this action. People will often strive to better their lifestyle and mimic those who they perceive as better off in an attempt to move up in the world via being accepted by elites of one variety or another. This type of motive for adoption of Islam is one that the various Christian Churches and even some historians have long credited for the conversion of the Near East.[143] However, unlike the late antique and medieval Christian religious elite, this thesis would include the possibility of spiritual advancement as a relevant type of advancement and suggest that all of these desires to 'move up in the world,' so to speak, are natural aspect of human life. The drive of ambition and desire to accomplish professionally, socially, and for some spiritually, should have no negative connotations, and certainly does not here.

Conversion and Apostasy in Early Islam," *Medieval Encounters*, vol. 19 (2013): 342-370.
142 Snow and Machalek, "The Convert as a Social Type," 279-280.
143 For a nuanced discussion of this interpretation of inspiration to convert to Islam, see Uriel Simonsohn, "Conversion, Exemption, and Manipulation: Social Benefits and Conversion to Islam in Late Antiquity and the

C. David Gartrell and Zane K. Shannon, along similar lines, argue that religious conversion hinges upon an active weighing of various factors, both positive and negative, regarding joining a new religious community. Rewards fall into two categories: *social rewards* and *belief and/or religious practice rewards*. Potential converts can weigh up the balance between the positive and negative factors at any point during the conversion process, and may weigh up one category separately and distanced in time from the other category.[144] This thesis argues that social ties and the pressures accompanying those ties would have been a significant factor as well.

Can sociological theories based on modern case studies be responsibly applied to early Islam to supplement our understanding from the primary source material?

This thesis argues that yes, this is possible. Anthropologist Henri Gooren takes sociological theory on conversion and creates a system that can be used in anthropology. He works beyond the wealthy, educated, industrialised, rich, democratic countries and cultures paradigm (WEIRD) that sociological theory works within,[145] stretching the vocabulary and concepts from sociological work on conversion to cover a range of societies and cultures all over the globe. There is no reason to assume that this type of application cannot also work through different cultures in time.

Gooren's recognition of the global role of social networks as part of the conversion process, as well as his argument that conversion is influenced by significant others can be applied to history just as it has been researched and applied to diverse cultures around the

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Middle Ages," *Medieval Worlds*, vol. 6 (2017): 196-216.

144 C. David Gartrell and Zane K. Shannon, "Contacts, Cognitions, and Conversion: A Rational Choice Approach," in *Review of Religious Research*, vol. 27.1 (1985), 32-33.

145 The WEIRD paradigm was initially applied to the field of experimental psychology, which primarily performed studies from people who lived within this paradigm and assumed that the studies would be equally applicable to people throughout the world. Unsurprisingly the results are rarely universally applicable. However, this can also be applied to sociological theory and when considering theories of conversion and applying them to history one must be cautious not to fall into the same trap. For a commentary on the WEIRD paradigm in psychology, see Edouard Machery, "Explaining Why Experimental behaviour Varies Across Cultures: A Missing Step in 'The Weirdest People in the World,'" *Behavioural and Brain Sciences*, vol. 33 (2010): 61-135.

world in the 21st century. His phases of conversion are useful to this thesis, as they articulate shades of commitment in the processes of conversion and apostasy, the vocabulary for which historical scholarship on conversion to early Islam otherwise lacks.

Gooren argues for a list of five phases a person may go through with various religions in his/her lifetime although it can happen in two religions at once and in any order rather than linearly. With the exception of his definition of conversion, these factors will also be used throughout this thesis as terms to describe potential phases of conversion to Islam:

Pre-affiliation - people who have first come into contact with a religious group and are deciding whether or not they would like to be more formally affiliated. This particular term could be applied to people who participated in Muslim rituals without necessarily converting to Islam.[146]

Affiliation - becoming a formal member of a religious group, with the understanding that this may not form a 'central aspect of one's life or identity.'[147] This may describe women who were passive converts to Islam after their husband's conversion, and/or people who had nominally converted to Islam, yet still carried out Christian practices.

Conversion - referring to an inward personal change of 'religious worldview and identity,' based 'both on self-report and on attribution by others.' The 'others' mentioned can be either members of the religious group or non-members. It is possible that this group can still contain people who might have retained Christian rituals and beliefs, as will be expressed throughout this study a change of 'religious worldview and identity' does not always preclude participation in certain aspects of previously held traditions. However, for Islam this would certainly have involved some form of reciting the *shahāda* or verbally announcing one's conversion in a type of demonstration event.

Confession - this would refer to people such as notable theologians, clergy, or monastics, signifying for Gooren, 'a high level of participation inside the new religious group.'[148]

146 For a study regarding non-Muslims performing Muslim prayer, see Christopher Melchert, "Whether to Keep Unbelievers out of Sacred Zones: A Survey of Medieval Islamic Law," *Jerusalem Studies in Arabic and Islam*, vol. 40 (2013): 177-194.
147 Gooren, *Religious Conversion and Dissaffiliation*, 48.
148 Gooren, *Religious Conversion and Dissaffiliation*, 49.

Disaffiliation - can refer to 'an apostate rejecting a former membership or an inactive member who still self-identifies as a believer.' However, with an inactive member of a religious community, 'the difference between affiliation and disaffiliation can be very small.'[149] The similarities between dissaffiliation and affiliation create some of the boundary blurring scenarios which so vexed the religious elite of both traditions.

These phases are a useful lens for late antique and early medieval religious identity, where the specifics of belief may have played less of a role than in modern concepts of religiosity and identity. One must keep in mind that at any point for those living in the 8th-9th century, just as now, one could have experienced at least two of these 'phases' or 'modes' at once.[150] Pre-affiliation with a new religion can be experience simultaneously with affiliation or even potentially confession of a different faith. Allowing for the flexibility of Gooren's model for the conversion process throughout a person's lifetime significantly aids our understanding of vacillation and religious code switching as behaviours related to conversion in Islam.

Arietta Papaconstantinou, in her introduction to the 2015 edited volume *Conversion in Late Antiquity: Christianity, Islam, and Beyond*, critiques academics who treat religious conversion as though it means the same thing in different eras and cultures, claiming that this type of academic exercise involves an, 'intrinsically problematic assumption that religions have an essential nature that will remain unchanged in different cultural contexts.'[151] On the surface, this statement could be applied to a study of the nature of this thesis, one that takes into account the case studies and resulting theories of social science which, inevitably, study 20th- and 21st-century groups of people whose worldview and concepts of religiosity are absolutely different than the populations of the 8th-9th-century central Islamic lands.

To those so inclined, this study would agree with them that these are all issues. However, there are nuances to this straightforward argument that takes into account these

149 Ibid.
150 Ibid, 50.
151 Papaconstantinou, "Introduction," *Conversion in Late Antiquity,* xvi-xvii.

problems while allowing a combination of sociological and anthropological sources to be used when studying late antique and medieval conversion. It is not necessary to make any claims about the religions in and of themselves or their nature relating to conversion, although, the sociologists listed above, especially Gooren, argue that there are ways in which conversion to Christianity is experienced that are related to forms of expectation begun by Paul and Augustine and continued through the Calvinists and Great Awakenings.[152] How Christian or Muslim conversion looked and felt to those participating in this process, the spiritual phenomenology of conversion, is not part of this study. However, the consistent mechanisms through which people become members of new religious communities world-over, meaning various types of socialisation, are part of a consistent pattern. The nature of the socialisation itself and how it is percieved by converts may change, but there is always a type of socialisation present in the process of conversion regardless of where in the process it takes place or to which world religion a person is converting.

This thesis is not claiming that religion is static. Obviously how religion is observed, thought about, and participated in changes with time, culture, and some might argue, gender and sexuality. However, conversion is consistently a process of socialisation whatever form that socialisation takes, regardless of religion, era, or culture. The process of becoming a member of a new group is inevitably social alongside spiritual.

This study does not attempt to track the spiritual element of conversion, but rather explores the social element. While the nature of how one becomes socialized into a group changes with all of the previously mentioned variables, the fact that a person does become socialized does not change. In the end of her introduction, Papaconstantinou comes to a similar conclusion though she does not link this with her critiques of the field at the beginning of the article. She states simply and eloquently a major aspect of how this thesis considers conversion, 'Conversion, even when it is an individual act, is largely about joining

152 Gooren, *Religious Conversion and Dissaffiliation*, 12-14.

a new social group.'[153]

2.3 *Modern Studies on Conversion to Islam 8th-9th centuries*

This section will introduce historians who have significantly contributed to the study of conversion to Islam in the early period, and from whom this thesis primarily draws upon. The five authors, Richard Bulliet, Yohann Friedmann, Thomas Sizgorich, Jack Tannous, and Uriel Simonsohn form the methodological basis upon which this thesis rests. They use a range of legal, theological, historical, and hagiographical sources from the three Abrahamic faiths to glean evidence about both the religious elites and the laity. Aside from Bulliet's geographically based biographical dictionaries, these authors do not specify a particular area of the *Dār al-Islām*, rather they explore thematic approaches, covering wide swathes of territory using any piece of primary source material available to aid academic understanding of Muslim and non-Muslim relations during the first several centuries A.H. and how these daily interactions are related to the conversion of the Near East. In its limited geographical coverage of the central Islamic lands' urban centres this study differs from these earlier models of exploring conversion to Islam.

2.3.a *Bulliet*

One cannot write about conversion to Islam in the first 400 years A.H. without discussing the work of Richard Bulliet, whose 1979 study tracking conversion rates through onomastic evidence gained from biographical dictionaries reset the timeline for conversion to Islam. Bulliet argued that conversion did not happen as quickly or as throroughly as previously thought. His later work on conversion, two 1990s articles, define specific terms, such as *process* and *status*, intended to aid categorization of primary source material as well as academic thought, and argue for one time conversion where the convert forsakes his/her

153 Papaconstantinou, "Introduction," *Conversion in Late Antiquity,* xxxiv.

former community and fully embraces the new one. Interesingly, in light of his 1990s one-time, absolute definition of conversion as opposed to his more flexible 1979 implied definition, he also discusses Muslims and Christians participating in the same festivals. His final article on the subject defends his original use of onomastic evidence in a 2017 conference compilation and defends the changing definitions of the term conversion throughout his career.

The most well known study on conversion to Islam during the first few centuries of Muslim rule is Richard Bulliet's monograph *Conversion to Islam in the Medieval Period*. Although his methodology is often critiqued, his findings have not been systematically disproven.[154]

Despite personal misgivings about the concept of measuring the conversion rates of a population based on onomastic evidence, Bulliet's 1979 article, "Emergence of Muslim Society in Iran," discussed below, provides statistics regarding a transition period of religiously neutral names before the Islamic names are presented. His argument in "Emergence of Muslim Society in Iran," certainly supports the evidence for Islamization within primary sources used in the exogamy and conversion as well as the children of inter-religious marriages discussion in chapter 5 of this thesis.

In *Conversion to Islam in the Medieval Period* Bulliet claims to be measuring what he calls 'social conversion,' meaning a full outward, social change to contemporary Islamic norms, whatever those happened to be.[155] Though he does not go into detail he implies that, for his purposes, social conversion means appearing as Muslim to the general populace to the point where several generations later, offspring felt justified claiming that these ancestors were Muslim in biographical dictionaries. After all, the Persian names were usually only used at the very beginning of the genealogical lines as Muslim ancestors would have been the subject of interest for the compilers of these dictionaries.

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154 Although there have been several detailed studies for certain geographical areas of the *Dār al-Islām* that push conversion rates even farther back in time, as listed in footnote 43.
155 Bulliet, *Conversion to Islam in the Medieval Period*, 33-34.

Bulliet also suggests, using his definition of social conversion, that saying the *shahāda* and apostatising would have had very little meaning. This lines up with the number of hagiographical accounts of vacillation as well as the 8th-9th-century jurisprudence mentioning such incidents.[156] Even Bulliet allows for the inevitability that a convert would have conceived of a 'good Muslim life' in a manner, 'that was inevitably affected by how he conceived a good Christian, Jewish, or Zoroastrian life.'[157]

While he posits that reversion is unimportant to the study of conversion, this study disagrees. He claims that an individual could recite the *shahāda* and then perform none of the social changes and would therefore 'scarcely be noticeable as a member of the Muslim community.'[158] While this would have been possible for men in some parts of the *Dār al-Islām*, the case would not be the same for women, who did not always have agency in their conversion. He does not mention the concept of passive conversion at all. Women could and did convert of their own volition; however the legal and hagiographical evidence suggests that many women were simply assumed to have converted alongside their spouses. A woman in that position would have been considered Muslim by her community and, depending on the area and the century, could have been socially pressured to raise her children Muslim. Her religiously charged social actions would certainly have been noticed by other women, and could have been noticed by men, notably her husband or other male family members. In these cases the husband would have had agency in his and possibly his entire nuclear family's conversion, while spouses and children would have been expected to passively convert.

Women may not have 'appeared' to be Muslim in public, if they were wealthy enough to predominantly remain at home; however, they certainly would have influenced the lives of their family members via their actual convictions and beliefs despite how others assumed them to affiliate religiously. Women thought to be Muslim could have raised

156 See previously cited Simonsohn, "'Halting Between Two Opinions;'" Sizgorich, "Mind the Gap;" and Tannous, *Syria Between Byzantium and Islam*.
157 Bulliet, *Conversion to Islam in the Medieval Period*, 36.
158 Ibid, 37.

children who were nominally Muslim but maintained beliefs and practices that were Christian. These women would also have influenced other family members. If one of these women made it known that she had apostatised from Islam to the people with whom she spent her days, admittedly this was likely mostly family, it would certainly have been noticed by those she knew, if not society at large. Situations of women apostatising within Muslim households show up in the legal texts of the 8th-9th centuries.[159]

Considering his definition of social conversion it seems likely that he was actually tracking what this thesis would consider Islamization rather than conversion. Onomastic evidence can tell us about naming trends, which would have tied in to social leanings and pressures. We cannot know how many of the people in the early records of biographical dictionaries experienced a formal or personal conversion to Islam, and by Bulliet's own admission, there is no way to know whether these people lived in a manner which would have been considered appropriate for a Muslim at the time. What his data does definitively tell us is a general timeline regarding numbers of Islamization - people who, for whatever reason whether it was conversion or convention, adopted Muslim names and potentially lived in a way that was considered acceptable to the contemporary Muslim norms.

There are innumerable social situations in which the fluid boundaries between Christianity (amongst other religions) and Islam are important and not only inform us regarding certain aspects of the formation of Islam and certain trends adopted in Christianity and other faiths under Muslim rule, but complaints about the fluid boundaries can inform us regarding the nature of how the social dynamics of conversion functioned in late antiquity and the early medieval period. The religious elite preserved accounts of behaviour that was unacceptable to them, and these behaviours are exactly the type of boundary blurring behaviours and activities that can provide information about social interaction and pressures.

While Bulliet's critics attempt to systematically disprove his study in various ways, he himself states in a recent article that his 1979 work was meant to be a quantitative

159 See chapter 4.

analysis rather than any form of social history that attempted to look into local contexts, social networks, or the personal faith-based reasons for conversion amongst his sample groups. The study simply was not meant to be phenomenological or theological. Bulliet, despite using equations invented for tracking fruit fly development,[160] managed to do what he set out to do, create a quantitative analysis of what he calls 'social conversion' rates - one might read 'Islamization' - in the various districts of the *Dār al-Islām* based on onomastic evidence from biographical dictionaries. This model has formed the basis for the chronology of conversion to Islam even, if not especially, through academic efforts to disprove it.

The onomastic evidence works in *Conversion to Islam in the Medieval Period* because, as Bulliet himself states, it is based on sociological case study modes. When doing public opinion polls for quantitative analysis sociologists do not question anything deeper than how people identify, if they are Christian or Muslim, for example. Rather, they assume that the details of what that identity means to the individuals will average out if the population surveyed is large enough.[161] Considering the nature of Bulliet's study, it seems advisable to only use it for what it is useful for - a timeline of sorts to show large scale behavioural patterns, and possibly a record of Islamization. It cannot tell us about the manner of conversion, the social networks involved, or provide substantial evidence of motivation behind the assumed conversion to Islam; but it can tell us when the process of Islamization began to pick up speed, and that is useful.

In the previously mentioned 1979 article by Bulliet, "Emergence of Muslim Society in Iran," he lays out categories of onomastic patterns in comparison with conversion rates. His findings regarding religiously neutral names are compatable with the argument of this thesis.

Bulliet found that there were four main types of names that turned up in the Iranian biographical dictionaries. These were:

160 Bulliet, *Conversion to Islam in the Medieval Period*, 27.
161 Richard Bulliet, "The Conversion Curve Revisited," in *Islamization: Comparative Perspectives from History*, ed. A.C.S. Peacock, (Edinburgh: Edinburgh University Press, 2017), 75-76.

1) 'Arab names,' typically continuations of pre-Islamic names, such as Mu‘āwiya and Ja‘far;

2) 'Old Testament/Qur’ānic names,' names that would have been acceptable for any of the Abrahamic faiths, such as Yūsuf or Dāwūd;

3) 'Persian names,' Sassanian names continued in use, later harkening back to Sassanian times, such as Rustam or Bahrām; and

4) 'Unimpeachably Muslim names,' names that would, in theory, identify one as Muslim, such as Muḥammad, Aḥmad, al-Ḥasan, and al-Ḥusayn.[162]

Bulliet argues that in the early decades of conversion to Islam in an area, the Arab names and the 'Old Testament/Qur‘ānic names' are most common. He interprets this to mean that those who had converted to Islam were wary of being too obvious about their new affiliation.[163] While this is entirely possible, it is also likely that people who had not officially converted to Islam, but lived in these elite circles or perhaps were socializing in more Islamic ways, would have had reason to give their children ambiguous names, whether it was for the purpose of social expediency, so their children could be percieved however they chose, or perhaps because the parents themselves were responding to the 'community of believers' milieu in which monotheism generally was socially rewarded albeit with an emphasis on followers of Muḥammad in particular.

Additionally, if a family consisted of one Muslim spouse and a spouse of another Abrahamic faith, names such as these would have been ways for them to identify their family with both religious traditions, communities, and extended families, allowing their

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162 Richard Bulliet, "Conversion to Islam and the Emergence of Muslim Society in Iran," in *Conversion to Islam*, ed. Nehemia Levtzion, (London: Holmes & Meier Publishers, Inc., 1979), 43-44. The well known Abbasid, Muslim author al-Jāḥiẓ (d. 255/868-869), in his *al-Radd' alā' l-Naṣārā*, complains about Christians taking similar names. He says that Christians, 'call themselves good Muslim names like Hassan, Hussayn, ‘Abbās, Fadhl and ‘Ali. About the only names left which they have not appropriated are Muḥammad and Abū'l Qāsim.' From Jim Colville (ed. and trans.), *Sobriety and Mirth: a Selection of the Shorter Writings of al-Jāhiz*, (London: Kegan Paul, 2002), 77.
163 Bulliet, "Emergence of Muslim Society in Iran," 46-47.

children to blend in rather than stand out. Bulliet also shows that the curve of Muslim names does not map exactly onto his 'actual conversion' curve, suggesting that while naming practices are related to conversion, they do not line up entirely with known conversions to Islam but are rather a closely related phenomenon.[164] This could be explained by widespread socialisation to developing Islamic norms as opposed to belief, or Islamization rather than conversion. Inter-religious families that may have contained only one Muslim would have been drawn to such practices allowing their children to feel comfortable and included within any Abrahamic tradition.

In the 1990 volume, *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands*, *eighth to eighteenth-centuries*, Bulliet argues for the usefulness of the study of conversion to Islam in the early period, claiming that the study of conversion frames the early history of Islam. He describes non-Muslims' perspective towards early Muslims, saying they would have seen Muslims as, 'a *social* community, specific in time and place, with whom they had to deal.'[165]

As will be discussed throughout this thesis, Bulliet asserts that Christians and Muslims participated in each other's festivals and visited the same shrines more according to local custom than religious identity or affiliation.[166] However, while the latter is certainly in line with the arguments throughout this study, he offers no actual evidence of this.

It is this article in which he clarifies the separation of what he calls 'process' and 'status.' Process, he defines as, 'the manner in which members of one religious community leave that community and are recieved into another.'[167] While status is, 'the perception each community has of the other and in a particular time and place.'[168] Obviously these two concepts are related; however, they can occasionally become merged together in studies of

164 Ibid, 46-49.
165 Bulliet, "Process and Status in Conversion and Continuity," in *Conversion and Continuity*, *: Indigenous Christian Communities in Islamic Lands*, *eighth to eighteenth-centuries*, eds. Jibran Ramzi Bikhazi and Michael Gervers, (Toronto, Pontifical Institute of Mediaeval Studies, 1990), 4. My italics.
166 Ibid.
167 Ibid.
168 Ibid.

conversion and in the shaping of early Islamic history in general. This thesis will explore the concept of process, in particular one of many processes of conversion -- inter-religious marriage -- only including status where necessary for clarification or context.

In his second article in the 1990 volume, "Conversion Stories in Early Islam," Bulliet claims that changing religious identity was, 'symbolically to die in one community and be reborn in another.'[169] Since the 1990s the academic viewpoint on conversion has changed. Now it is more common to see conversion as a slow process that does not cut the convert off from their previous community, something this thesis argues to be the case.[170] Both Muslim and Christian legal, hagiographical, and theological evidence strongly suggests that conversion is significantly more complex than a one-time cut off from the convert's former community and a one-time admittance to a new community for the remainder of the convert's life. In the chapters below, the reader will see that inter-religious family networks did very much exist throughout the central Islamic lands in the 8th-9th centuries. Conversion hardly split families, as much as the religious elite of both traditions may have wished for this to be the case.

2.3.b *Friedmann*

2003 - Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition

In *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*, published in 2003, Yohanan Friedmann surveys the Sunnī Muslim legal and theological sources from the four legal schools on wide-ranging topics of inter-faith relations between Muslims and non-Muslims regarding subjects such as classifying the term 'unbeliever', apostasy, conversion, compulsion in religion, and interfaith marriages. The time range he covers is significantly longer than the 8th-9th centuries, spanning from the very earliest days of Islam through the 14th century CE and occasionally later. Friedmann's main aim was to

169 Bulliet, "Conversion Stories in Early Islam," 129.
170 See previously cited Simonsohn, "'Halting Between Two Opinions,'" "Conversion, Exemption, and Manipulation;" Sizgorich, "Mind the Gap;" and Tannous, *Syria Between Byzantium and Islam*.

create what he calls a survey of Sunnī Muslim 'ethos' rather than a work of political or social history; however his insights into interfaith relations in Muslim and non-Muslim societies gleaned from legal literature have been fundamental to this study.[171] Friedmann was the first to look in-depth at inter-faith marriages between Muslims and others through the legal literature of the Abrahamic faiths, citing many previously untranslated and/or unpublished examples. His conclusions that early Muslim legal views on Judaism and Christianity were more relaxed than previously thought form a fundamental foundation to the understanding of conversion to Islam in the first centuries A.H.,[172] as does his argument that women and children could be coerced to convert subtly or overtly by their husbands, fathers or societal expectations.[173] Many citations for primary source material in this thesis originated either directly from his bibliography or, indirectly, from the sources within his bibliography.

2.3.c *Sizgorich*

2009 - *Violence and Belief in Late Antiquity*

In Thomas Sizgorich's 2009 monograph, *Violence and Belief in Late Antiquity*, he created a conceptual bridge between Peter Brown's concepts of religious identity, practised forms of Christianity in late antiquity, Fred Donner's monograph *Muḥammad and the Believers*, and the later Abrahamic evidence for a spectrum of identity between religious communities in late anitquity. He describes the Arabian Peninsula pre-conquest as a 'borderland,' meaning 'a space which no one cultural or political force is able to exercise uncontested hegemony.'[174] Sizgorich, drawing upon anthropological theory, claims that borderlands are prone to hybrid identities, thereby suggesting that nascent Islam was absolutely a product of late antiquity in the context of Donner's 'Community of Believers.' He moves on to show, through mostly Christian and Muslim primary sources, that there is a

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171 Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition*, (New York, Cambridge University Presss, 2003), 11-12.
172 Ibid, 194-5.
173 Friedmann, *Tolerance and Coercion in Islam*, 160-193.
174 Sizgorich, *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam*, (Philadelphia: University of Pennsylvania Press, 2009), 150.

record of tolerance between the Abrahamic faiths in the 7th-9th centuries.[175] This, he argues, is partially due to the hybridity of the developing faith of Islam, as well as a need to form legitimacy for both the new religion and polity based on communal traditions and narratives - in this case those of Judaism and Christianity as the predominant religious traditions already sharing narratives with Islam in the conquered areas.[176]

2015 - "Mind the Gap: Accidental Conversion and the Hagiographic Imaginary in the First Centuries A.H,"

Thomas Sizgorich's article "Mind the Gap: Accidental Conversion and the Hagiographic Imaginary in the First Centuries A.H," uses hagiographical narratives in an attempt to glean insight into the ever elusive understanding of conversion by both Christians and Muslims living under early Muslim rule. He presents a world of fluid boundaries between Christianity and Islam, where as in many of the works mentioned here, family ties are not necessarily cut upon conversion, which often causes a certain amount of anxiety to the authors of these texts. Sizgorich argues that the neo-martyr narratives represent a change from pre-Islamic martyr narratives. While the former are often preoccupied with forced conversion or coercion, the latter are about 'the dangers of seduction, indeterminacy, and hybridity,' in an effort to create solid communal boundaries in an ever blending social world.[177] The method of using hagiographic narratives to glean insight into social historical phenomena is one that is used throughout this thesis and is owed first and foremost to Sizgorich.

2.3.d *Tannous*

2010 - *Syria Between Byzantium and Islam: Making Incommensurables Speak*

Jack Tannous in his 2010 dissertation, *Syria Between Byzantium and Islam: Making*

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175 Ibid, 150-153.
176 Ibid, 150.

Incommensurables Speak, focuses on what can be gleaned, from predominantly Christian sources, about the nature of belief and group affiliation amongst the average person in the Levant. Relevant to this thesis is his assertion that both the average lay person and possibly even monks, clergy, and ascetics may not have been so strictly tied to the theological disagreements and camps of eastern christendom as was previously thought. He highlights several incidents in the sources where there is significant interaction and friendly exchange between 'heretic' and 'orthodox' groups. Significantly, Tannous brings up the idea that there may have been a behaviour he terms 'confessional code-switching.'[178] A similar behaviour observed in both the Muslim and Christian sources in this thesis, below. He defines confessional code-switching as, 'where a person claimed allegiance to one group or another depending on the situation and the circumstances he found himself in.'[179] As we will discuss later in this chapter, this type of behaviour continued on well into the 8th-9th centuries in the context of the Islamic world, and complicates the primary source material discussing conversion. However, one main difference between Tannous' observations and the concept of religious code switching, is that religious code switching, as opposed to confessional code switching, was likely something *both* done purposefully for either social or professional reasons just as confesional code switching, *as well as unintentionally* as part of the process of Islamization, a type of socialisation to contemporary Islamic norms frequently commented upon by religious purists of both traditions.

2.3.e *Simonsohn*

2011 - A Common Justice: The Legal Allegiances of Christians and Jews Under Early Islam

Uriel Simonsohn is another unavoidable figure in the study of conversion to Islam. He is one of the main voices in the argument that the boundaries between Judaism, Christianity, and Islam may have been porous and navigable.

His 2011 monograph, *A Common Justice: The Legal Allegiances of Christians and*

177 Sizgorich, “Mind the Gap," 172.

Jews Under Early Islam, uses primary source material from Judaism, Christianity, and Islam to evidence inter-religious use of legal authorities in the 7th-9th centuries. His geographical area covers a broad swath of the *Dār al-Islām*, from Iraq to the Maghreb. This fluidity in use of juristic opinion by members of the three main Abrahamic faiths highlights a popular disregard for elite-defined communal boundaries as well as gives justification for the strict policing these boundaries by religious elites of all three traditions. Additionally, Simonsohn argues that this type of behaviour was common amongst monotheistic faiths before the conquest and these practices in the 7th-9th centuries were merely a continuance of previous non-elite practices.[180] Like Sizgorich and Tannous, Simonsohn's work represents a move toward a more integrated understanding of the Abrahamic faiths during the first few centuries A.H.

2013 - "'Halting Between Two Opinions': Conversion and Apostasy in Islam"

Using primary source material from the three main Abrahamic faiths, Simonsohn argues for the ease of conversion back and forth between Abrahamic traditions multiple times in a person's lifetime in his articles "'Halting Between Two Opinions,': Conversion and Apostasy in Islam," and "Conversion, Apostasy, and Penance: The Shifting Identities of Muslim Converts in the Early Islamic Period."

Simonsohn, in his 2013 article "'Halting Between Two Opinions': Conversion and Apostasy in Islam," discusses Jewish, Christian, and Muslim primary source material pointing towards the phenomenon of vacillation, or repeated conversion between Islam and other religions.[181] He compares Jewish ge'onim of Babylonia and Eastern Christian canon

178 Tannous, *Syria Between Byzantium and Islam,* 230-231.
179 Tannous, *Syria Between Byzantium and Islam,* 230-231.
180 Uriel Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews Under Early Islam*, (Philadelphia: University of Pennsylvania Press, 2011), 206.
181 In 2012 I submitted a University of Oxford M.Phil. dissertation on the subject of vacillation entitled, "Vacillation or Assimilation? Nebulous Boundaries and Religious Identity in the Early Islamic World" This dissertation used Christian and Muslim sources, small sections of which are incorporated into this thesis. I was pleased to see that Simonsohn's conclusions were similar to my own.

law.

This thesis partially owes its methodology of using legal materials as valid sources for social history to him in agreement with his understanding that the topics therein 'mirror actual cases prompted by real-life situations rather than merely theoretical legal deliberations.'[182] Like Tannous, Simonsohn provides an overview of Jacob of Edessa's legal material, though he contexutalizes it alongside contemporary, or near contemporary Jewish *ge'onim* and Muslim *ḥadīth* and *fiqh*. He claims that the frequency of vacillation between Judaism, Christianity and Islam support a continued social or familial adherence to both relious communities amongst recent converts to Islam. This continued association allowed for a smooth transition and implies that there is evidence for a lack of emmigration upon conversion to Islam in some areas and amongst some groups.[183]

While emigration to urban areas and/or Muslim sections of urban areas after converting to Islam was prescribed, it was not carried out. The opposite may actually have occured. Non-Muslims moved towards the garrison cities for work and converted after moving. Towards the end of the article Simonsohn states that further study must be carried out on the relations between apostates/converts and their families as well as social commitments of apostates/converts to their religious communities.[184] This familial aspect of the social dynamics of conversion is what this thesis aims to present.

2015 - "Conversion, Apostasy, and Penance: The Shifting Identities of Muslim Converts in the Early Islamic Period."

In Simonsohn's article, "Conversion, Apostasy, and Penance: The Shifting Identities of Muslim Converts in the Early Islamic Period," he elaborates on the concept of vacillators,

182 Simonsohn "'Halting Between Two Opinions,'" 343. He also justifies his use of legal sources for social history in "A Case Study for the Use of Legal Sources." This methodology is also used by Yohanan Friedmann in *Tolerance and Coersion*.
183 Simonsohn "'Halting Between Two Opinions,'" 369.
184 Ibid, 369.

people who converted to Islam and then back to their original religion. Basing his argument on Sunnī Muslim, Jewish, and Christian legal sources, he highlights passages where there is clear discussion of outright vacillation or where the religious elite from one or more of the three Abrahamic faiths is dealing with the fallout of someone converting back to their original faith.

Throughout, he discusses different social circumstances that cause enough attention from religious elite to end up in the legal literature as instances of vacillation: apostasy; inheritance; and inter-religious families. The discussion culminates in a statement towards the end of the article suggesting that individual studies focusing on each of these categories should be carried out in order to provide a more complete picture of conversion under early Islam, again, something this thesis strives for regarding inter-religious, here specifically Christian and Muslim, families.

While Simonsohn portrays his primary source material as referring strictly to vacillation between communities, it seems more accurate to describe many of these sources as portraying a spectrum of social behaviours associated with conversion ranging from religious code switching discussed below, through vacillation, to one-time conversion to Islam and all manner of behaviours that would fall in between these categories.

Simonsohn's sources, from any of the three Abrahamic faiths, could be complaining about social actions they have witnessed in an attempt to strictly maintain the boundaries between religions. Meanwhile, the behaviours about which they are complaining could have signified many different phenomena or personal meanings to the witnessed actors along the spectrum of behaviours associated with conversion. Basically, anything that is discussing vacillation could also be discussing religious code switching or something in between the two. This is not to say that vacillation did not happen, but rather that the bias and motives of the authors of our primary source texts must be taken into account. They are most often members of the religious elite of Judaism, Christianity and Islam, and therefore those who wish to control the permeability of the boundaries between faiths in an effort to distinguish

and maintain their own community.

2016 - "Communal Membership Despite Religious Exogamy: A Critical Examination of East and West Syrian Legal Sources of the Late Sassanian and Early Islamic Periods."

In this article Simonsohn explores the theme of exogamous marriage between non-Muslims and Muslims through legal and hagiographical sources from the Abrahamic traditions. "Communal Membership Despite Religious Exogamy," covers the former territories of the Sassanian empire, tracking the increasing importance of civil law, particularly laws regarding marriage in the Christian churches, both Syriac Orthodox and Church of the East, leading up to and after the advent of Muslim rule.[185]

An emphasis on Christian women's marital choices is a major theme of this work, and is relevant for this study. Simonsohn brings to light that as early as the 410 Synod of Isaac there is a canon allowing Christian men to, 'take wives from all the nations,' yet prohibiting them to give their daughters to non-Christian husbands. Marrying Christian women outside of the community appears to have been percieved as a threat to their religiosity, an action that, 'may cause them to be brought into paganism and Judaism.'[186] Apostasy as a result of inter-religious marriage continued to be considered a threat by Christian religious elites through the 8th century.[187]

"Communal Membership Despite Religious Exogamy," exhibits the importance of inter-religious family networks within early Islamic society. Simonsohn posits that evidence such as the above from the Synod of Isaac and the various Church of the East hagiographies with sub-plots involving inter-religious marriage and general inter-family religious diversity,

185 Once again Uriel Simonsohn and I were thinking along the same lines. This article was published just a few months after the fifth chapter in this thesis was presented for a Confirmation of Status examination at the University of Oxford in Michaelmas, 2015.
186 Uriel Simonsohn, "Communal Membership Despite Religious Exogamy: A Critical Examination of East and West Syrial Legal Sources of the Late Sasanian and Early Islamic Periods," *Journal of Near Eastern Studies*, vol. 75.2, (2016), 256. He is quoting Arthur Vööbus (ed. and trans.), *The Canons Ascribed to Mārūtā of Maipherqaṭ*, (Lovanii: E. Peeters, 1982), 439: 71, 440: 62 (canon 20).
187 Simonsohn, "Communal Membership Despite Religious Exogamy," 261-265.

exhibit that inter-religious family networks were common in the Sassanian empire before the coming of Islam. He proceeds to use 8th-century sources, such as the Catholicos Timothy I (r. 780-823) and the Metropolitan of Fars Išō'bokt (d.c. late 8th century) to prove that inter-religious family networks remained consistent aspects of society in these territories after the conquests.[188]

Simonsohn concludes that the number of mentions of Christians marrying non-Christians within canon law of the 8th century signifies that the phenomenon was common, and that the religious elite sought to curb inter-religious marriage as part of a larger effort to consolidate Christian communal identity.[189] This study is in agreeance with Simonsohn's conclusions and is indebted to him for proving the existence and importance of inter-religious marriage and familial networks to Islamization.

2.3.f *Conferences*

Conferences can exhibit the general trends in a field, but with conversion to Islam even the existence of conferences has been relatively infrequent, although that has changed in recent years. There have been four conferences on conversion to Islam that have produced materials applicable to this study. Until recently, there have been long gaps between conferences on the early history of this topic. The first volume was edited by Nehemia Levtzion, and represents the resulting papers from an academic seminar at SOAS from 1972-3, published in 1979 entitled *Conversion to Islam*. This compilation, ahead of its time in many ways, placed conversion to Islam in the first centuries A.H. within the context of global conversion to Islam, including historical as well as anthropological articles. The second conference came over a decade later, a symposium held at the University of Toronto in 1986, with the more elaborately titled compilation, *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, eighth to eighteenth-centuries*. This

188 Ibid, 261-262.

compilation, published in 1990, uses a comparative historical approach, containing articles from the *Dār al-Islām* up to the early modern period. The third conference was held at the University of Oxford two decades later in 2009-2010, the compilation for which was published in 2015 under the title, *Conversion in Late Antiquity: Christianity, Islam, and Beyond*. This compilation places conversion to Islam within the context of late antiquity, and has a historical but also comparative focus in terms of viewing conversion to Islam alongside the spread of Christianity. Only five years came between the conference at Oxford and the 2015 conference at St. Andrews on Islamization, resulting in the 2017 compilation entitled, *Islamization: Comparative Perspectives from History*. This final volume chooses the term Islamization over conversion to stress the gradual societal change to a Muslim majority in both the historical and anthropological disciplines. Like the 1979 *Conversion to Islam*, this most recent compilation on conversion views Islamization, including conversion to Islam, as a generational process that can be viewed as an isolated topic in various chronological and global contexts.

Why so long between conferences and compilations on conversion to Islam in the 20th century and the short gap between the two in the early 21st? It is difficult not to pin some of the increased interest in the topic on early 21st-century concerns - the increased visiblity of Islamic terrorist organisations, the rise of DA'ESH in the Middle East and especially the recruitment strategies of both. The claims of these fundamentalist groups to know a more authoritative version of Islamic history than those who have devoted their life to studying and teaching it, as well as their de-contextualised violent and exclusive vision of early Islam are difficult concepts for the modern historian of Islam. Hugh Kennedy has used the famous George Orwell quotation in this context, 'He who controls the past controls the future.'[190] Historians are keenly aware of this fact, and none of us want the future of Islam to be run by those who would harken back to a violent, exclusive past.

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189 Simonsohn, "Communal Membership Despite Religious Exogamy," 264-265.
190 Hugh Kennedy, "Daesh-Isis: The Use and Abuse of Early Islamic History," Keynote Lecture, *The Origins of the Islamic State: Sovereignty and Power in the Middle Ages*, Workshop, UCL March 2017.

However, there is another reason, one based in events within the world of scholarship, as opposed to current events. The conquest narrative of Islam changed in the late 20th century due to the emphasis on the rise of Islam and the Umayyad caliphate as a part of late antiquity.[191] This new context brought Islam into a different segment of history, including it amongst Judaism, Christianity, and Zoroastrainism and providing the scaffolding for new connections to be made between how these traditions evolved and came into being and the beginnings of Islam and the Umayyad and Abbasid caliphates. Where previous historians envisioned a medieval near eastern world of clear-cut boundaries, one time conversions, and an Islam that came out of Arabia almost fully formed, barely related to Judaism or Christianity, and consolidated as representing a religious community separate from the events of late antiquity, these later academics changed the shape of how the Arab conquest was percieved to have spread and which peoples formed that group of conquerors, as well as how those peoples interacted with the natives they encountered along the way.

At the same time as Islam began to be included in the context of late antiquity, it also began to be included as one of the Abrahamic faiths. Looking at Judaism, Christianity, and Islam together has given rise to new parallels and perspectives on the interactions of these three faiths and their influence upon one another in different times and locations.

It is no wonder that there is a rise in interest in the process of conversion when the early centuries A.H. are now imagined in the context of a late antique and Abrahamic *developing* religious community as well as a developing empire. When one envisions the conquest being carried out by Christians, Jews, and those monotheists who followed Muḥammad's message alongside those who may have sworn loyalty yet followed any number of Arabian indigenous religious traditions, it is no wonder that people have begun to question exactly what reports of conversion to Islam meant both to the convert and to those

191 Robert Hoyland, *Seeing Islam as Others Saw It; Muslims and Others in Early Islamic Society* (Aldershot: Ashgate Variorum, 2004), and *In God's Path*; Jonathan Berkey, *The Formation of Islam: Religion and Society in the Near East, 600-1800*, (Cambridge: Cambridge University Press, 2003); Fred Donner, *Muhammad and the Believers*; Thomas Sizgorich, *Violence and Belief in Late Antiquity*; Uriel Simonsohn, *A Common Justice*; Yohanan Friedmann, *Tolerance and Coercion in Islam*.

in the convert's previous and new religious and political community in the 7th century. The prospect that the religion people were converting to was consolidating and changing while its proportion of the population was changing from being a very small minority to something approaching a majority throughout the 8th-9th centuries, in a long and drawn out process, complicates how historians once viewed conversion and prompts questions regarding late Umayyad and early Abbasid era conversions as well.[192]

1979 - *Conversion to Islam*

Nehemia Levtzion, a well-known historian of Islam in Africa, led a seminar at SOAS in 1972-3 regarding what he called, 'the process of Islamization.' This seminar series turned into a compilation, which Levztion edited entitled *Conversion to Islam* in 1979.[193] Like this study, it took on a thematic approach to the spread of Islam - exploring conversion to Islam through various centuries and geographical locations in an attempt to create a comparative and well-rounded work. *Conversion to Islam* spanned the gap between historians and anthropologists, looking at historic and modern conversions to Islam side by side, and in doing so paved the way for the methodology used here,[194] allowing for the possibility of a consistent set of human behaviours regarding conversion. *Conversion to Islam*, did not take the step of viewing religious conversion as a type of socialisation, which is the key to making sense of this consistent behaviour in both unindistrualised, poor societies and industrialised, wealthy ones.

1990 - *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, eighth to eighteenth-centuries*

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192 Al-Qāḍī, "Non-Muslims in the Muslim Conquest Army in Early Islam," 83-128.
193 Anonymous, "The Legacy of Nehemia Levtzion 1935-2003," *Canadian Journal of African Studies/Revue Canadienne des Études Africaines*, Vol. 42.2/3, (2008), 234.
194 Nehemia Levtzion (ed.), *Conversion to Islam*, (London: Holmes & Meier Publishers, Inc., 1979).

In 1986 Ramzi Bikhazi and Michael Gervers ran a symposium at the University of Toronto, which resulted in their 1990 edited volume, *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands*, *eighth to eighteenth-centuries*. Rather than focusing on a geographical and temporal comparative approach regarding the spread of Islam, this conference was more traditionally historically oriented. Aside from Bulliet's contributions, previously discussed, Wadi Z. Haddad's chapter is particularly relevant to this thesis.

Wadi Z. Haddad, in his chapter 'Continuity and Change in Religious Adherence: Ninth-Century Baghdad,' provides a translation and annotation of a set of dialogues between ‘Abd Allāh b. Ismā‘īl al-Hāshimī, a Muslim with ‘Abd al-Masīḥ b. Isḥāq al-Kindī, a Christian, as well as a defense of Islam by a Christian convert, ‘Alī b. Rabbān al-Ṭabarī. [195] However, it is his introduction to the chapter that is significant here. He posits three reasons that the non-Muslim primary sources claim people convert to Islam: 1) worldly benefits - freedom from discrimination or persecution, tax relief, social climbing, employment promotion, and trade; 2) socialisation and/or doctrinal admiration - admiration of Muslim saints and pious Muslims; 3) lack of doctrinal understanding - he posits that the average lay person was unaware of distinctive theological claims present within Christianity and may not have been able to clearly distinguish between Christianity and Islam.

Haddad also adds that this last reason, alongside potential social benefits, may have enabled a smooth transition between affiliating with Christianity and affiliating with Islam.[196] The first two claims, while admittedly intended derisively by the Christian authors, have a tendency to appear in historians' analysis of conversion, at times without critical assessment. However, if one applies sociological theory to these sources, in addition to basic source analysis taking into consideration the bias of the authors, one comes to see a world in

195 Wadi Z. Haddad, "Continuity and Change in Religious Adherence: Ninth-Century Baghdad," in *Conversion and Continuity*, *: Indigenous Christian Communities in Islamic Lands*, (Toronto, Pontifical Institute of Mediaeval Studies, 1990), 35.
196 Ibid, 34.

which people will convert for a spectrum of reasons ranging from the practical to the spiritual, all tied together with the aspect of socialisation as a constant.

If one combines his third claim, that of doctrinal ignorance, with Bulliet's and this thesis' assertion that people in the 8th-9th centuries were more likely to participate in festivals and visit shrines associated with locality as opposed to religious affiliation, it appears increasingly likely that socialisation takes a significant role in the conversion of the uneducated lay population. This would have been especially true for inter-religious families who, even as religious affiliation began to play a larger role in festivities and ritual participation, would have had the ability to participate in family functions of both traditions or might even have experienced familial pressure to do so.

2015 - Conversion in Late Antiquity: Christianity, Islam, and Beyond, Papers from the Andrew W. Mellon Foundation Sawyer Seminar, University of Oxford, 2009-2010.

Arietta Papaconstantinou, in her introduction to the edited volume, *Conversion in Late Antiquity: Christianity, Islam, and Beyond*, discusses a few similar issues with the concept of conversion as used by historians of Islam and Christianity, as mentioned above. She specifically critiques historians who uncritically follow both what is often an upbringing in a Christian country, even if secular, and therefore inadvertently applying a more Christian concept of conversion to world religions. Similarly she also suggests that too much emphasis is placed on the psychological and/or spiritual aspect of conversion to Christianity because of the multitude of sources describing this process which, naturally, became a model for later authors who carried on the tradition, alongside critiquing those who assume that there was no personal or spiritual aspect to conversions to Islam because of a dirth of such descriptions in early Islamic source material.[197]

Papaconstantinou very clearly states the concept of the one time conversion to a new

197 Arietta Papaconstantinou, "Introduction," *Conversion in Late Antiquity,* xvi-xvii.

religious community, cutting all previous social and professional ties, is a fiction promoted as a model by the religious elite of numerous world religious traditions,[198] but especially the Abrahamic traditions. This thesis soundly agrees with her stance on this. She also argues that religious groups in the late antique Near East could be placed on a continuum with 'blurred distinctions' allowing small changes in actions or opinion to land a person on the other side of a religious boundary - a description of religious affiliation and identity in late antiquity and the early medieval period that this thesis supports.[199]

2017 - *Islamisation: Comparative Perspectives from History*

In his edited 2017 conference proceedings, *Islamisation: Comparative Perspectives from History*, Andrew Peacock attempted to collect globally comparative viewpoints on Islamization from the 7th-19th centuries. While in some ways this volume is an updated take on Levtzion's *Conversion to Islam*, it remains firmly rooted in social history, rather than including articles branching out into a solely anthropological perspective. In this sense it provides an update of sorts regarding studies of conversion and Islamization while also bringing the reader's attention to the potential difference in meaning between these two terms and creating a social historical context which allows for anthropological and sociological theory to be incorporated into a comparative historical framework. A combination prevously sorely needed in historical studies on conversion to Islam.

In Peacock's introduction, he emphasises that conversion and Islamization, as in Levtzion's compilation, are often seen as shades of the same phenomena, conversion being something personal while Islamization refers to larger generational or societal change over the *longue durée*.[200] He classifies other definitions of Islamization, for example - it is often defined as either a political process of change to Muslim rule or more cultural transitions

198 Ibid, xxv-xxvi.
199 Arietta Papaconstantinou, "Introduction," *Conversion in Late Antiquity,* xxix.
200 A.C.S. Peacock, "Introduction: Comparative Perspectives on Islamization," *Islamization: Comparative Perspectives from History*, (Edinburgh University Press, 2017), 1-3.

into Islamic norms regarding architecture, Arabic as *lingua franca*, and burial practices. However, Peacock does not give his own definition, allowing the broadness of the term Islamization and its associations with religious conversion work to his benefit in the volume, which includes many variations of the term.[201]

This volume includes an article entitled "'There Is No God But God': Islamization and Religious Code Switching, Eighth to Tenth-centuries," which provides a preliminary explanation of religious code switching as it is used in this study.

2.4 *This Thesis' Definitions of Islamization and Conversion*

The term Islamization will be defined here as *the social, linguistic, cultural, and political changes within societies living under Muslim rule, including the reported actions of individuals reflecting these changes that suggest assimilation to developing Islamic norms.* This refers to these changes, that do not necessarily include religious elements, but can. Flexibility in the inclusion of religious and faith-based elements when discussing Islamization is absolutely necessary due to the lack of separation of faith from other aspects of life in late antiquity and the early medieval period in the Near East. The terms conversion and Islamization overlap to some extent, but not completely. Islamization and conversion are related in a way comparable to the rectangle and square in geometry, where a square is always a rectangle because it has four right angles, a rectangle is not always a square because the sides are not always exactly the same length. Religious conversion can be part of Islamization because it is part of the cultural and social change of the Near East to what eventually became fully formed Islamic norms; however, populations could Islamise without necessarily converting from their original faith.

Therefore, conversion will be defined in this study partially through the lens of Gooren's phases of conversion, yet with some of Gartrell and Shannon's theories on social and belief rewards alongside Long and Haddon's categorisation of conversion as a type of

201 Peacock, "Introduction," *Islamisation*, 3.

socialisation. Conversion is here considered *an inward personal change of worldview or an outward, public, consistently performed change of worldview that can be either passive or active on the part of the convert for the purpose of percieved belief rewards, social rewards and/or required social norms*. For example, the martyr narrative of Bakchos the Younger will be discussed in detail in chapter 5, including the character of Bakchos' mother who passively converted outwardly to Islam through societal expectation rather than inwardly of her own volition. She is assumed to have converted, therefore it is a social reality that she has - despite her inwardly Christian beliefs. Consistency of behaviour marks the difference between Bakchos' mother, who is considered a passive convert, and people who perform religious code switching and are not considered converts. Religious code switching is defined here as *any speech act, change in appearance and/or participation in a social or religious ritual by those who identify with one religious community in the social or religious utterances, dress, or rituals of another religious community*.[202] Religious code switching happens in a conversation, a moment, albeit possibly always with the same people; however, the behaviour does not consistently carry across the entire range of a person's social interactions with those who are insiders (family, close friends) and those who are outsiders. Whereas passive, public converts would have acted in a consistent manner outwardly with everyone.

Marking a difference between passive conversion, where *converts have no agency in their conversion, but are converted by a societal expectation or active recruitment on the part of the new religious group*,[203] and active conversion where *the convert has agency in their own conversion, choosing to affiliate and convert to the new religious community*, in the primary sources is also important, as it can reveal the prevalence, or lack thereof, of social pressures on different segments of society to convert. Here these terms are used on a small scale to determine the variety of pressures involved in inter-religious families and how

202 Anna Chrysostomides,"'There Is No God But God': Islamization and Religious Code Switching, Eighth to Tenth-centuries," in *Islamisation: Comparative Perspectives from History*, ed. A.C.S. Peacock, (Edinburgh, Edinburgh University Press, 2017), 118-133.
203 Sizgorich,"Mind the Gap," 173.

these pressures may have contributed to Islamization and widespread conversion of the Near East to Islam over the *longue durée*. Noting the differences between these two types of conversion provides a more detailed picture of how gender played a role in the conversion process. Were women more likely to be 'coerced' into conversion than men? Or perhaps vice versa in different eras and geographical locals based on whether or not what became normative laws regarding exogamous marriage were enforced? One could write an entire monograph on this aspect of conversion to Islam alone.

Essentially, a certain amount of flexibility surrounding the idea of one-time conversion is required to understand the primary sources' material on religious boundary crossing and generational conversion from Christianity to Islam in the Near East within inter-religious family networks. Therefore, this study examines Islamization, including conversion, and behaviours related to conversion that could easily have been interpreted as crossing inter-religious boundaries by religious elites. These behaviours are: religious code-switching (either with or without a public affiliation to Islam), vacillation (converting from one religion to another multiple times within one's lifetime), and lasting conversion (passive and active).

2.5 *Conclusion*

Conversion to Islam, as a type of socialisation, namely Islamization with the addition of religious belief, in the context of a characteristically late antique/early medieval spectrum of monotheistic religious identities all based on the same base Abrahamic narratives and textual traditions, looks very different than Bulliet's, amongst others', late 20th-century definition of one-time conversion where all ties to the former religious community and belief were cut. In this more recent, and significantly more complex, conception of early Islam and its relation to other Abrahamic faiths, clarity of terms can aid our understanding of both conversion and the related behaviours present in primary sources.

Alongside a realistically complicated notion of religious identity formation in the late

antique and early medieval Near East come complications in describing the differing shades of identity and socially meaningful interactions. With this in mind, the terms in sections 2.2 and 2.4 will be used throughout this study as a comprehensive tool and to aid clear discussion. The context of conversion to Islam in this study is taken from a combination of the authors mentioned in section 2.3 as well as the 21st-century conference trends from 2.3.f - placing conversion to Islam in the world of late antiquity and late antique trends, some of which survived into the early medieval period, and using sociological and anthropological theory and terminology to stabalise the discussion, which could otherwise become quickly obfuscated.

Chapter 3

Islamic Sources on Exogamy Part 1

Context and Social Expectations

3.1 *What does inter-religious marriage in early Islamic law have to do with conversion?*

Family networks likely played a significant role in the Islamization of the central Islamic lands, yet it has not been fully examined as a factor contributing to conversion over the course of the *longue durée*. As shown in chapter 4, there is evidence that at times Muslim women found themselves in marriages with non-Muslim men. The children from these unions could have ended up with Christian names and a Muslim upbringing, especially considering the varieties of legal opinions on the subject discussed in chapter 6.[204] The opposite, of course, probably occurred quite frequently when Muslim men took Christian wives producing children who had Muslim names but may have been, either purposefully or inadvertently, raised to identify more with Christianity. After all, children would have spent more time with their mother, by default. Cases like these would make tracing conversion patterns by name almost impossible,[205] although an argument could be made for using naming practices as a means to track Islamization more generally.

In terms of numbers, inter-religious marriage was likely a significant social cause of conversion over generations. If a majority of inter-religious marriages resulted in one Muslim producing several more Muslims while one non-Muslim produced no officially non-

204 There were legal scholars in different camps, some suggesting that the child follow the religion of their father, regardless of what that religion was, and some claiming that the child should be Muslim, regardless of whether the father or mother was Muslim. Al-Shāfiʻī, *Kitāb al-umm*. ed. Maḥmūd Maṭrajī. (Beirut: Dār al-kutub al-ʻilmiyya, 1993), vol. 9., 334, lines 18-19. Mālik b. Anas and a Mālikī scholar Ashhab b. ʻAbd al-ʻAzīz (d. 204/ 819), both ruled that if a woman who had converted to Islam while pregnant with the child of her Christian husband would raise the child Christian, and if they divorced as one was supposed to do in these situations, Ashhab b. ʻAbd al-ʻAzīz adds that the child should be raised by the woman to legal adulthood. See *Tolerance and Coercion,* 174-175.

205 For example, the names listed in Islamic biographical dictionaries going back several generations could easily be retrojecting an Islamic identity onto an ancestor who happened to have a Muslim name. For the most well known study for tracing the conversion curve via names found in biographical dictionaries, see Bulliet, *Conversion to Islam in the Medieval Period*. For sources arguing against this methodology, see footnote 44.

Muslim offspring, the shift in numbers of people who identified publicly as Muslim would obviously increase. At least in theory, every Muslim man was obligated to raise his children to identify with his religious tradition, and while this may have taken quite some time to catch on as the norm it would appear that by the 9th century, as seen in the narrative of Bakchos the Younger, this process had begun. Before the overall population of the central Islamic lands adopted what eventually became the widespread norms seen in modern Islam, there were considerable variations which may have spread Islamization more than religious conversion to Islam.

The Christian *Chronicle of Zuqnin*, speaking about Mūsā ibn Muṣ'ab, the Abbasid governor of Mosul (r. ca. 769), says,

> Everything was revealed to him, just as it had been written concerning the Son of Destruction. And he quickly learned about those who took [Syrian] wives, bore Syrian children, mingled with Syrians, and were even indistinguishable from Arameans. He seized the leaders of the village where they were living and he struck their bodies with intense blows until they offered ransom which they brought him. And when he had caught all of them and had them thus ransom each other, he also sold everything they possessed and took [the proceeds] as his own.[206]

The author's opinion of Mūsā ibn Muṣ'ab's character is not the relevant point here, but rather the assumption that there were people in 8th-century Mosul who were marrying the local Christians, living, and raising their families in local traditional ways. The *Chronicle of Zuqnin* only uses the term for Syrian, *suryāyē*, and Aramaean, *'armāmāyē*, when speaking about Christians.[207] Here the chronicle depicts Muslims not only marrying local Christians, but actually living as part of their community, indistinguishable from them. It was so difficult for even the governor and Muslim leader to tell his own people from the locals, that Mūsā had to resort to torture and ransom in order to locate them.

The concept of inter-religious marriage was debated from the advent of Islam. As one can see from the Qur'ānic quotes below, some Muslim religious elites felt inter-religious marriage for men was acceptable, while others absolutely did not. Whether this

206 Amir Harrak, *The Chronicle of Zuqnin: Parts III and IV, A.D. 488-775,* (Toronto: Pontifical Institute of Mediaeval Studies, 1999) 226. Reference originally found in Michael Penn, *Envisioning Islam: Syriac Christians and the Early Muslim World*, (University of Pennsylvania Press, 2015), 142.
207 Penn, *Envisioning Islam*, 143.

was due to a fear of social dynamics influencing conversion in the other direction (Muslims converting to a non-Muslim religion) or involved other factors is unknown. However, it would seem that as Islam took hold as a religion whose members gained significant political power, there was an increase in debates concerning marriage to non-Muslims, indirectly condoning or condemning the familial and genealogical spread of Islam. Those who allowed inter-religious marriage between a Muslim man and a woman of the People of the Book won out in the end, but the path to that result was one of continous debate.

3.2 *Are Christians Mushrikūn? A Long-Running Debate*

The Qur'ān has two verses which directly address marriage to non-Muslims,[208] 2:221 reads:

> And do not marry polytheistic women (المُشركات) until they believe. And a believing slave woman is better than a polytheist, even though she might please you. And do not marry polytheistic men until they believe. And a believing slave is better than a polytheist, even though he might please you. Those invite [you] to the Fire, but Allah invites to Paradise and to forgiveness, by His permission. And He makes clear His verses to the people that perhaps they may remember.[209]

Mushrikūn,[210] or polytheists, was a term that could be used to describe Christians, especially from the late 10th-century onward.[211] Muslims in the 8th-9th centuries had difficulty assessing whether or not Christians or Christian-like religious communities are meant here. It is probably safest to suppose that the *mushrikūn* in the context of the Qur'ān could refer to several different religious communities.[212] It is predominantly in 9th-century and later works that *mushrikūn* is commonly used to refer to People of the Book, as will be seen in the

208 For a more general discussion of these verses, with the addition of Qur'ān 60:10, in the context of later Muslim jurists, see Friedmann, *Tolerance and Coercion in Islam,* 160-193.
209 *Qur'ān*, Surat al-Baqara (2):221, trans. Saheeh International.
210 For the remainder of this thesis I will use *mushrikūn/āt* (plural, masculine/feminine) and *mushrik/a* (singular) as its own term, maintaining it within translations as well as using it in discussion in order to preserve the flexibility of the word in Arabic.
211 G.R. Hawting, *The Idea of Idolatry and the Emergence of Islam: from Polemic to History*, (Cambridge: Cambridge University Press, 1999), 45-111.
212 Patricia Crone, "The Religion of the Qur'ānic Pagans: God and the Lesser Deities," *Arabica* 57 (2010), 192-200. Crone suggests that perhaps *mushrikūn* refers to a monotheistic Jewish-leaning community, yet not necessarily officially affiliated with Judaism, that incorporates angel worship into their belief structure.

debates discussed below. Regardless of the 7th-century meaning of *mushrikūn* in Qur'ān 2:221 one can, at the very least, see the 9th-century community debating the relationships between Muslims and members of other religious communities. This was presumably, in part, an attempt to contain the fledgling religion by keeping its members as personally distant from members of other traditions as possible due to a fear of social pressure to apostatize from Islam, and/or out of a fear of ritual contamination.

Ibn Abī Shayba (d. 849) quotes Qur'ān 2:221 when discussing a category of people who do not condone marriage with women of the People of the Book. This section includes narrations such as, 'He disliked marrying women of the People of the Book, but he did not find their food problematic.'[213]

The *ḥadīth* which contains the allusion to the Qur'ān 2:221 mention ['Abd Allāh] ibn 'Umar [ibn al-Khaṭṭāb]'s (d. 693) dislike of marriage with People of the Book.[214] It says,

> He disliked marrying women of the People of the Book, and he recited <<Do not marry *mushrikāt* until they believe.>>[215]

Here the *mushrikāt* seem to be associated with People of the Book, presumably including Christians.

In a 9th-century perspective, Abū Ja'far Muḥammad b. Jarīr al-Ṭabarī (839-923) records several traditions and opinions surrounding the section of 2:221 mentioned above in his *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān*, which will be known as al-Ṭabarī's *Tafsīr* from this point forward. Almost the entire discussion around this sentence involves a debate about

213 Ibn Abī Shayba *al-Muṣannaf*, vol. 6, 50:

أنه كان يكره نكاح نساء أهل الكتاب، و لا يرى بطعامهن بأساً

214 'Abd Allāh ibn 'Umar ibn al-Khaṭṭāb was the son of the caliph 'Umar ibn al-Khaṭṭāb and is one of the most frequently quoted early Muslim in traditions about the early community. Veccia Vaglieri, L., "ʿAbd Allāh b. ʿUmar b. al-Khaṭṭāb," in: *Encyclopaedia of Islam, Second Edition*.

215 Ibn Abī Shayba *al-Muṣannaf*, vol. 6, 50:

أبن عمر، أنه كره نكاح نساء أهل الكتاب، و قرأ: <<و لا تنكحوا المشركات حتى يؤمن>>

whether or not Jewish and Christian women fall into the category of *mushrikāt* in this context. He includes three main opinions: 1) That this verse should be read in the context of 5:5, discussed below; 2) that *mushrikāt* here involves a type of people specifically in the context of Meccan Arabs; and 3) that *mushrikāt* does apply to Jews and Christians in this verse.[216]

It is significant that the first thing he does regarding 2:221 is discuss Jewish and Christian women though they are not specifically mentioned in the verse. Clearly there is some debate amongst the religious elite as to which group of women *mushrikāt* refers to in 2:221. The first line of argument he records links this verse with Qur'ān 5:4-5,

> (4) *They ask you, [O Muḥammad], what has been made lawful for them. Say, 'Lawful for you are [all] good foods* and [game caught by] what you have trained of hunting animals which you train as God has taught you. So eat of what they catch for you, and mention the name of God upon it, and fear God.' Indeed, God is swift in account.

> (5) This day [all] good foods have been made lawful, *and the food of those who were given the scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women*[217] *from among the believers and chaste women from among those who were given the scripture before you,* when you have given them their due compensation, desiring chastity, not unlawful sexual intercourse or taking [secret] lovers. And whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.[218]

Here the Qur'ān condones both the food of and marriage to non-Muslim women, who 'were given the scripture before you,' commonly taken to mean the People of the Book.

The parts of these verses that al-Ṭabarī quotes together on the first page of his discussion of 2:221, specifically the sentence, 'Do not marry *mushrikāt* until they believe,' are italicized in the block quotes above. He also records various scholars' opinions on these verses, which appear in slightly different abbreviated forms, afterwards. The phrase 'women of the People of the Book are excluded,' appears frequently after the mention of *mushrikāt*;

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216 Abū Ja'far Muḥammad b. Jarīr Al-Ṭabarī, *Jāmi' al-bayān 'an ta'wīl āy al-Qur'ān*, 26 vols., ed. Abd al-Sind Hassan Yamāma (Cairo, 2001), 711-716.
217 The word commonly translated into English as 'chaste' here is actually المحصنت (al-muḥṣanat), discussed later in this chapter.
218 Qur'ān, 5:5, *Saheeh International*. Translation from www.quran.com.

exhibiting that some religious elites thought that in 2:221 *mushrikāt* does not apply to People of the Book.[219] However, the need for clarification suggests that some of the religious elites felt People of the Book were included in the category of *mushrikūn*.

Al-Ṭabarī also includes the opposing view as well, recording a statement claiming that Muḥammad forbade Muslims from marrying any non-Muslim: 'The Prophet of God forbade these types of women who were not among the believing migrant women, all [women] with a religion other than Islam.'[220] He then quotes a different aspect of 5:5, 'And whoever denies the faith - his work has become worthless.'[221] After this he includes a story about the Caliph ‘Umar becoming 'very angry' at two Muslims who married a Jewish and Christian woman respectively.[222]

Al-Shāfi‘ī (d. 820), in volume five of the *Kitāb al-Umm*, references both Qur’ān 5:5 and 2:221 when discussing whether or not a Muslim man may marry a *kitābī* woman, a woman of the People of the Book.[223] He clarifies the discrepancy highlighted by al-Ṭabarī by saying, 'Those who are free from the People of the Book are permitted, those who are free not slaves. As for what we said: marriage to a *mushrika* who is not a *kitābī* is not permitted.'[224] In the same volume, he also mentions that, in theory all *kitābī* food is acceptable. He lists Judaism, Christianity, Sabians and Samaritans in this category. However, later in this section he mentions that some religious elite thought Jewish slaughtered meat was allowed, while there was some disagreement about whether or not

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219 Al-Ṭabarī, *Tafsīr*, 711-12, (Cairo 2001 edition). Qur’ānic translation from *Saheeh International*, edition. After the Qur’ānic paraphrase he records Ibn Abās saying:

ثم استثنى نساء أهل الكتاب

And then quoting the relevant part of 5:5:

والمحصنت من الذين أوتوا ألكتب

220 Al-Ṭabarī, *Tafsīr*, 714 (Cairo 2001 edition):

عن أصناف النساء إلا ما كان خن المؤمنات المهاجرات، و حرم كل ذات دين غير الإسلام

221 Qur’ān 5:5, *Saheeh International*.

222 Al-Ṭabarī, *Tafsīr*, (714 Cairo 2001 edition):

و قد نكح طلحة بن عبيد الله يهودية، و نكح حذيفة بن اليمان نصرانية، فغضب عمر بن الخطاب رضى الله عنه غضباً شديداً، حتى هم بأن يسطو عليهما، فقالا: نحن نطلق يا أمير المؤمنين و لا تغضب. فقال: لئن حل طلاقهن، لقد حل نكاحهن، و لكن أنتزعهن منكم صغرة قماء

ً

223 From this point onward in this study *kitābī* will be used interchangeably with a 'person of the People of the Book,' literally coming from the word for 'book' it is one of the most commonly used terms in Arabic for this group.

224 Al-Shāfi‘ī, *Kitāb al-Umm*, vol. 5, p. 661:

إحلاله و من احرائر من أهل الكتاب، و الحرائر غير الإماء، كما قلنا: لا يحل نكاح مشركة غير كتابية

Christian slaughtered meat was permissible. The *Kitāb al-Umm* portrays the inedibility of meat slaughtered by Zoroastrians as unanimous, and claims that both Jewish and Christian women are permissible for Muslim men to marry.[225]

In a section about whether or not Muslims can marry Zoroastrian women, the *Ahl al-Milal* records Ibn Ḥanbal's opinion of who, exactly, falls under the category of *mushrikūn* in 2:221,

> Can a (Muslim) man marry a *mushrika*?
>
> ['Abd Allah's father (Ibn Ḥanbal)] said: The prophet said << Do not marry *mushrikāt*.>>[226]
>
> ['Abd Allah's father] said: [It means] people of idols, and he says they are polytheistic women, so it is not permissible for us to marry people of idols.
>
> He said: And People of the Book, they are also *mushrikūn* except that God the most almighty made it permissible to for us to marry them and eat their food.[227]

Here, Ibn Ḥanbal is represented as explaining the relationship between People of the Book and the term *mushrikūn*. As previously stated, it is obvious in 9th-century and later works that this term can be applied to People of the Book, causing confusion about verse 2:221, often used to claim that Muslims should not marry anyone who is non-Muslim. People of the Book are associators yet are also unavoidably declared acceptable to marry by the Qur'ān via 5:5.

According to the Qur'ān Jewish and Christian food and women, are licit.[228] However, the genre of *tafsīr* provides ample evidence of religiously elite Muslims who found ways to disagree. Qur'ān 5:5 was at times associated with Qur'ān 9:28 in the 9th century,

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225 Ibid, "Siyar al-Wāqidī" in vol. 5, section 'ذبيحة أهل الكتاب و نكاح نساؤهم,' p. 670-671:
قال الشافعى رضي الله عنه: من دان دين اليهود و النصارى من الصابئين و السامرة أكلت
و قد روى عن عمر أنه كتب إليه فيهم، أو في أحدهم، فكتب بمثل ما قلنا، فإذا كانوا يعرفون باليهودية أو النصرانية فقد علمنا أن النصارى فرق، فلا يجوز إذا جمعت النصرانية بينهم أن نزعم أن بعضهم تحل ذبيحته و نساؤه و بعضهم تحرم إلا بخبر يلزم مثله، و لم نعلم في هذا خبرا، فمن جمعه اليهودية و النصرانية فحكمه حكم و احد، و قال: لا تؤكل ذبيحة المجوسى و إن سمى الله عليها

226 Qur'ān 2:221, *Saheeh International*.

227 Abu Bakr al-Khallal, *Ahl al-Milal*, p. 246, no. 477.
أبي عبد الله [قال]: قلت فالرجل ينكح المشركة؟ قال: قال النبي - ﷺ - {لا تنكحوا المشركات}. قال: فأهل الإوثان، يقال لهم مشركات، فلا يحل لنا نكاح أهل الأوثان. قال: و أهل الكتاب يقال لهم أيضاً مشركون إلا أن الله عز وجل قد أحل لنا نكاحهم و ذبائحهم

> O you who have believed, indeed the polytheists are unclean, so let them not approach al-Masjid al-Haram after this, their [final] year. And if you fear privation, Allah will enrich you from His bounty if He wills. Indeed, Allah is Knowing and Wise.[229]

Qur'ān 9:28 inspired much debate in 9th-century and later *tafsīr* literature, with some claiming that the verse implies that People of the Book are intrinsically impure. Others suggests that People of the Book merely accrue ritual impurity, just as a Muslim might, and are therefore unable to remove the impurity due to either their inability to participate in ritual cleansing or their ignorance concerning the method of ritual cleansing.[230] In either case, the opinions on the purity of Jews and Christians is not particularly flattering, and may represent just a handful of many arguments put forth by the religious elite to discourage exogamy.

Qur'ān 5:5 also includes a warning about denying Islam, which al-Ṭabarī records in his discussion of 2:221 on multiple occasions (Whoever denies the faith - his work has become worthless, and he, in the Hereafter, will be among the losers.) suggesting that marriage was firmly associated with conversion early on in Islam's development as a religion and that this association, and the insecurities that went with it, continued on into the 9th century. Exogamous marriages with Jews and Christians were explicitly allowed by Islam's most sacred text, yet consistently provided trouble for the religious elite attempting to maintain a firm boundary between the burgeoning Islam and the more numerous other Abrahamic faiths.

3.3 *The Conquest and Exogamous Marriage*: *Precedent or a Different Time?*

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228 The prohibition of food is often used as a symbol for another religious group's intrinsic ritual contamination amongst the Abrahamic religions.
229 Qur'ān, 9:28, *Saheeh International*.
230 There was considerable debate as to whether or not non-Muslims were capable of performing cleansing rituals. See al-Ṭabarī, Muḥammad b. Jarīr, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*. (Beiruit: Dār al-Fikr, 1988), 9:135; and later Muslim jurists in Ze'ev Maghen, "Strangers and Brothers: The Ritual Status of Unbelievers in Islamic Jurisprudence," *Medieval Encounters* vol. 12.2 (2006), 203 and 207 respectively.

The initial conquest often functions as a precedent in this debate, a time when a Muslim, or whoever may have fallen into the category of 'Believers,' or *muqātila*, soldiers, were spreading out and settling down throughout the near east and found themselves in need of wives, yet miles away from Muslim women.[231] Ibn Abī Shayba narrates a *ḥadīth* concerning just this issue which discusses a situation that would have repeated itself during the many years of conquest,

> We witnessed [the battle of] al-Qādisiyya with happiness but on that day we did not have good fortune concerning a means to (سبيلاً) marry Muslim women. We married the Jewish and Christian women, some of us divorced and some of us refrained (أمسك) [from getting divorced].[232]

This *ḥadīth* highlights the situations of *muqātila* in the field during the conquest, far away from their place of origin and needing wives to start families. Al-Ṭabarī transmits a very similar account concerning the events after al-Qādisiyya, 'We married women of the peoples of the book (i.e., Christians and Jews), as we did not find many Muslim women.'[233] The process of the conqueror taking wives from the local population is not a new one; and despite the fact that early Muslim armies tended to remain aloof in garrison towns,[234] their women had to come from somewhere nearby, thus slowly increasing the number of inter-religious marriages, and social situations which invited Islamization and the behaviours associated with conversion. It is plausible that marrying non-Muslim women became

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231 For more information on non-Muslims in the conquest armies see, Wadād al-Qāḍī, "Non-Muslims in the Muslim Conquest Army in Early Islam," in *Christians and Others in the Umayyad State*, eds. Antoine Borrut and Fred M. Donner, (Chicago, The Oriental Institute of the University of Chicago Late Antique and Medieval Islamic Near East, No. 1, 2016), pp. 83-128.

232 Ibn Abī Shayba, *Muṣannaf*, vol. 6, p. 50:
شهدنا القادسية مع سعد و نحن يومئذ لا نجد سبيلاً إلى المسلمات و تزوجنا اليهوديات و النصرانيات، فمنا من طلق و منا من أمسك

233 Arabic: al-Ṭabarī, Muḥammad b. Jarīr, *Ta'rīkh al-rusul wa l-mulūk* (Annales), 15 vols., ed by M.J. de Goeje et al. (Leiden: E.J. Brill, 1879-1901), vol. I, 2375. English translation from Fred Donner, *The Early Islamic Conquests*, (Princeton, N.J.: Princeton University Press, 1981), 222.

234 Hugh Kennedy, *The Armies of the Caliphs*: Military and Society in the Early Islamic State, (London: Routledge, 2001), 4 and 7. Donner, *The Early Islamic Conquests*, 222. Aḥmad b. Yaḥyā al-Balādhurī, *Kitāb Futūḥ al-Buldān*, ed. M.J. de Goeje. (Leiden, 1866). In Levitzion, "Conversion to Islam in Syria and Palestine and the Survival of Christian Communities," 292. Although, there is evidence that families did eventually join the *muqātila* in Fusṭāṭ in 'Abd al-Ḥakam's, *Futūh Miṣr*, who mentions the parents of the *muqātila* joining them in Fusṭāṭ; and in Maqrizī's, *Khiṭāṭ*, vol. IV, who narrates a report concerning 'Amr b. al-'Aṣ asking a soldier, Qaysaba b. Kultūm al-Tujībī, to relocate his newly built family home in what was to become Fusṭāṭ to make

increasingly acceptable over time due to the constant repetition of scenarios resembling the narrations above.

It could have also been the case that, as the conquest armies were likely a mix of Abrahamic faith groups, being with Christian and Jewish women would not have initially been a problem. As Islam began to solidify an identity unique from Judaism and Christianity, the religious elite may have started to create barriers surrounding marriage outside of the community.[235] By the 9th century, when Islam was relatively well-established as its own religious group, the early leniency regarding what was now considered exogamous marriage could have become less acceptable to some.

Some transmitters appear to have used the excuse of *muqātila* and Muslims in borderlands needing wives to first allow and later rescind justification for marrying non-Muslim women. From the section in Ibn Abī Shayba's *Muṣannaf* entitled 'Those who dislike marriage with People of the Book' we have an explanation of why inter-religious marriage was excusable initially and now should no longer be accepted,

> I asked ʻAṭāʼ[b. Abī Rabāḥ (d. 115/733)] concerning marriage [with] Jewish and Christian women. He disliked that, so he said: That was when there were fewer Muslim women.[236]

For ʻAṭāʼ the conquest represented a different time regarding inter-religious marriage.

3.4 *Solidifying Boundaries - Opinions on Exogamous Marriage in the 8th-9th Centuries*

ʻAbd al-Razzāq (d. 827 CE) includes three sections on marrying non-Muslim women in his *Muṣannaf*, and two on divorcing them. The sections discussing marriage are entitled, 'Marriage (to) a woman of the People of the Book,'[237] 'Do not marry a woman from the People of the Book without a contract,'[238] and 'Marrying four [women] from the People of

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room for the mosque. Many thanks to Marie Legendre for these references.

235 For discussions about how the seventh-century conquest armies from the Arabian peninsula, that eventually come to be known as Muslims, would have identified, see, amongst several others, Robert Hoyland, *In God's Path*; and Fred Donner, *Muḥammad and the Believers*.

236 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 50:
سألت عطاء عن نكاح اليهوديات و النصرانيات؟ فكرهه، فقال: كان ذلك و المسلمات قليل

237 ʻAbd al-Razzāq, *Muṣannaf*, vol. 6, 78-79.

238 Ibid, vol. 6, 84-85.

the Book.'[239] All almost unanimously condone this practice with somewhat predictable statements such as, 'There is no harm in marrying women of the People of the Book, but do not marry Christian Arab women,'[240] 'There is no harm in marrying four [women] from the People of the Book,'[241] and ''Umar ibn al-Khaṭṭāb wrote: A Muslim man may marry a Christian woman, but a Christian [man] may not marry a Muslim woman.'[242] Additionally, there seems to be a note of caution. The section on marrying People of the Book, 'Do not marry women from the People of the Book without a contract (عهد),'[243] includes narrations echoing the title.[244] There is no suggestion that anyone might disapprove of marrying non-Muslim women in the slightest, although legal caution is advised.

In contrast, Ibn Abī Shayba includes sections on multiple opinions - some approving and some not. Ibn Abī Shayba's *Muṣannaf* has five sections on marrying non-Muslims, and one on divorcing them. The number of *ḥadīth* discussing marriage to non-Muslim women almost doubles between the two *muṣannafs*. Of these five sections there are two promoting a positive view towards such arrangements, 'Those who allow (رخص) marriage (to) a woman of the People of the Book,'[245] and 'How many People of the Book may a Muslim marry?'[246] The latter includes three narrations claiming that a Muslim man can marry up to four

239 Ibid, *Muṣannaf*, vol. 6, p. 79-80.

240 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, p. 78:

لا بأس بنكاح [نساء] أهل الكتاب، و لا تنكح نساء نصارى العرب

The issue of marrying Arab Christian women is an entirely different matter which needs to be examined separately. Ibn Abī Shayba also includes a section on this in his *Muṣannaf*.

241 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 79:

لا بأس بجمع أربع من أهل الكتاب

242 Ibid, vol. 6, 78-79:

كتب عمر بن الخطاب: أن المسلم ينكح النصرانية، و النصراني لا ينكح المسلمة

243 The term *‘ahd*, while it could refer to domestic agreements and, indeed, does in the Qur’an (17:34; 23:8; 70:32), it could here be a type of play on words, as it was often used to describe treaties of alliance with non-Muslims in the *Dār al-Ḥārb*, who were subsequently called the *ahl al-‘ahd*. From Schacht, J. "ʿAhd," *Encyclopaedia of Islam, Second Edition*.

244 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 84-85.

245 Ibn Abī Shayba, *al-Muṣannaf*, vol. 6., p. 50-51. This section oddly includes a tradition stating, 'It is bad (طلحة) to marry Christian women,' Ibn Abī Shayba, *al-Muṣannaf*, vol. 6, 50:

أن طلحة تزوج نصرانية

246 Ibid, vol. 6, 51.

Christian women, whether slave or free.[247] One cannot help but wonder about the religious dynamic in these households, where the Christians available to influence future children quite literally out-numbered the single Muslim. Despite commonly encountered legal rulings that children of a Muslim man be raised Muslim the odds do not appear to be in favour of the law in such arrangements. Again, we see a situation that would encourage religious code-switching amongst the children in addition to the wife/wives. Children from such unions would have been expected to participate in the social norm of being Muslim due to their paternal heritage, especially amongst paternal family members, and yet their most intimate familial upbringing would have been entirely performed by Christian women.

There are also two sections which promote a less than positive view of inter-religious marriage. These are entitled, 'Those who dislike marriage with People of the Book,'[248] in which we find the *ḥadīth* alluding to Qur'ān 2:221 discussed above, and containing the previously mentioned narration, 'He disliked marrying women of the People of the Book, but he did not find their food problematic.'[249]

For this narrator, as with Qur'ān 5:5, intrinsic impurity is not the issue with inter-marriage, again, as food is often used as the symbol for such concerns amongst Abrahamic religions. This narration therefore implies, when viewed within the context of the rest of the narrations concerning inter-religious marriage and conversion/apostasy in these collections, that fear of apostasy or adopting non-Muslim habits or opinions from one's spouse is a more serious concern than that of ritual contamination.

The remaining section in Ibn Abī Shayba's *Muṣannaf* discussing exogamous marriage, appears to represent neutral ground. Ibn Abī Shayba, as a compiler, comes across as unbiased on this particular topic. The section is entitled, 'Concerning women of the People of the Book if they are inimical to Muslims,' and contains four narrations detailing which *kitābī* women are lawful and which are not. The consensus between them seems to be

247 Ibn Abī Shayba, *al-Muṣannaf*, vol. 6, pg. 51.
248 Ibid, vol. 6, 49-50.

that if they are loyal to the Muslim rulers they are lawful, but if they are loyal to the Byzantines they are not.[250]

The *Mudawwana*, mentions significantly more complicated questions regarding exogamous marriage, namely, who can actually marry off a *dhimmī* woman to a free Muslim man, and, in a different chapter, debating the statement in the *Muwaṭṭa'* discussed in 3.5 regarding whether or not free Jewish and Christian women were *muḥṣan*, or sexually licit within marriage.[251]

The first question involves who can act as the *walī*, or legal agent, for the woman in question. According to the majority of early Islamic legal sources, women were not supposed to contract marriages without a *walī*. This person would be either their father or another male relative, generally a grandfather;[252] however, if a Jewish or Christian woman required a Muslim *walī* and was not related to any free Muslims, this posed a problem. The title of this section is 'The [Muslim] slave, the Christian, and the apostate contract marriage for their daughters.'[253] The complication lies in one of the five widely accepted qualifications to be a *walī*. A *walī* must be, male, 'suitable, *of the same religion*, of a credible character and honest.'[254] This topic brings to light the complications within inter-religious families by listing different possible combinations of *walī* for different types of women, all of which are rejected.

The *Mudawwana* denies that Muslim slaves and People of the Book can act as *walī*

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249 Ibid.

250 Ibn Abī Shayba, *al-Muṣannaf*, vol. 6, 52.

251 'Abd al-Razzāq also preserves some rulings on whether or not a woman from the People of the Book is *iḥṣān*; however, they are significantly simpler than the 9th-century material. Regarding whether or not a free woman from the People of the Book is *iḥṣān*, he predominantly preserves rulings that say either yes (5) or no (2). He preserves one opinion on whether or not a Christian slave woman is *iḥṣān*. The ruling somewhat ambiguously states that a Muslim man should not marry her and quotes the words, 'believing women,' from Qur'ān 4.25. 'Abd al-Razzāq, *Muṣannaf*, vol. 7, p. 308 and 269 respectively.

252 Dien, Mawil Y. Izzi and Walker, P.E., "Wilāya," in: *Encyclopaedia of Islam, Second Edition*.

253 Mālik ibn Anas, *Mudawwana al-Kubra*, recension of al-Ṣaḥnūn, (Bayrūt: Dār al-Kutub al-'Ilmīyah, 1994), vol. 2, 116.

254 Dien, "Wilāya," *Encyclopaedia of Islam, Second Edition*. My italics. There are some situations in which women can be *walī's* for underage children; however, marriage is not in this category. See: Marion H. Katz, "Gender and law," in: *Encyclopaedia of Islam, Third Edition*, eds. Kate Fleet, Gudrun Krämer, Denis Matringe, John Nawas, Everett Rowson.

for their Muslim daughters.[255] There are a few possibilities for why women might not have any free Muslim male relatives: 1) all of their male relatives are slaves; 2) the women in question have converted to Islam; or 3) they only have female Muslim relatives who could not act as *walī*, possibly meaning that they have a Muslim mother and non-Muslim father.

When the question of whether or not a Christian woman engaged to a Muslim man might have her Muslim brother act as a *walī*, the *Mudawwana* rejects this arrangement.[256] Again, one wonders how the inter-religious family setting that caused this conundrum could have come about in the first place. A family with one Christian and one Muslim sibling are likely to indicate that: 1) one of the siblings converted via non-familial social influence; or 2) the siblings have female Muslim relatives who could not act as *walī*.[257] It is possible as discussed in a different chapter, that rulings like this one could have been brought about by Christian-Muslim couples who had an arrangement where the female children were raised Christian like their mother while the male children were raised Muslim and, for whatever reason, the Muslim father is not available to act as *walī*.

Male People of the Book and male slaves, presumably Muslim, also cannot act as *walī* in the marriage of a female relative. Although the *Mudawwana* does present the issue of a Christian man having Muslim daughters.[258]

Lastly, in this chapter, the *Mudawwana* records a firm opinion on apostates from

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255 Saḥnūn, *Mudawwana*, p. 116:
قلت: أرأيت العبيد و المكاتبين هل يجوز لهم أن يزوجوا بناتهم أم لا في قول مالك؟ قال : قال مالك : لا يجوز ذلك لهم, قال مالك : و لا يجوز للعبيد و لا للمكاتبين أن يعقدوا نكاح بناتهم و لا أخواتهم و لا أمهاتهم, قال مالك: و لا يجوز أن يعقد النصراني نكاح المسلمة

256 Ibid, p. 116:
قال : و سألت مالكاً عن النصرانية يكون لها أخ مسلم فخطبها رجل من المسلمين أيعقد نكاحها هذا الأخ؟ قال مالك: أمن نساء أهل الجزية هي؟ قلنا : نعم. قال مالك : لا يجوز له أن يعقد نكاحها

257 There were emergency situations where free Muslim female relatives could act as a *walī*; however this was not the norm for Mālikīs. For an overview see: Katz, "Gender and law," in: *Encyclopaedia of Islam, Third Edition.* However, if there were no male Muslim relatives, it was possible according to the Ḥanafī school. See Al-Qudūrī, *Mukhtaṣar*, p. 146:
و قال أبو حنيفة رحمه الله تعالى: يجوز لغير العصبات من الأقارب التزويج، مثل الأخت و الأم و الخالة

258 Saḥnūn, *Mudawwana*, 116:
قات أرأيت العبد و النصراني و المكاتب و المدبر و المعتق بعضه إذا زوج من أحد من هؤلاء ابنته البكر برضاها و ابنة النصراني مسلمة؟ قال: قال مالك : لا يجوز هذا النكاح لأن هؤلاء ليسوا ممن يعقدون عقدة النكاح

Islam contracting marriages for their Muslim daughters. As highlighted in section 3.5 and chapter 4, note the assumption of male apostates surviving to attempt to contract marriages for their children. The text claims that apostates from Islam cannot contract marriages for their daughters, because the apostate is not Muslim, citing an inability to inherit as the logic behind this opinion.[259]

Al-Shāfi'ī held the same opinion on a male apostate acting as *walī* for his female relatives, or any Muslim woman: 'The apostate cannot marry off his daughter, or his mother, nor can he be [any] woman's *walī*: a Muslim woman or a *mushrika*. He is not a Muslim man nor a *mushrīk*, and if he gives anyone in marriage then his giving in marriage is invalid.'[260] However, he implies in this statement that non-Muslims could potentially act as *walī* for other non-Muslims. An allowance that, if followed on a practical level, would certainly have eased inter-religious marriage arrangement or marriages of non-Muslims who wished to be married under the law of the state as opposed to the traditions of their own religious communities, which, in the case of the various forms of eastern Christianity, was still developing in the early 9th century.

The *Ahl al-Milal* devotes an entire section to the *walī* question, entitled, 'A *dhimmī* father and a Muslim brother, which of them marries off [women in the family]?' He records opinions on both sides, two allowing it and one claiming that non-Muslims cannot act as *walī*. The first includes mention of Christians attending Muslim weddings, 'The brother is permitted to marry [her off], and the father may come to the wedding, although he is Christian.'[261] The second claims that the brother acts as *walī* if the woman is marrying a

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259 Saḥnūn, *Mudawwana*, 116:
قلت: أرأيت المرتد هل يعقد النكاح على بناته الأبكار في قول مالك؟ قال: لا يعقد في رأيي، ألا ترى أن ذبيحته لا تؤكل وأنه على غير الأسلام و لو كان أبوها ذمياً و هي مسلمة لم يجز أن يعقد نكاحها، فالمرتد لا يجوز أيضاً، ألا ترى أن المرتد لا يرثته من المسلمين و لا من غيرهم عند مالك، فهذا يدلك على أن ولايته قد انقطعت حين قال لا يرثه ورثته من المسلمين و لا يرثهم

260 Al-Shāfi'ī, *Kitāb al-Umm*, vol. 7, 410:
و لا يكون للمرتدأن يزوج ابنته، و لا أمته، و لا أمرأة هو وليها: مسلمة، أو مشركة, و لا مسلماً، و لا مشركاً، و إذا أنكح فإنكاحه بطل

261 Abū Bakr Aḥmad ibn Muḥammad al-Khallāl, *Ahl al-Milal wa al-Ridda wa al-Zanādiqa wa Tārik al-Ṣalāh wa al-Farāi'ḍ min Kitāb al-Jāmi'*, ed. I.M. al-Ṣulṭān (Riyadh: Maktabat al-Ma'arif li'l-Nashr wa'l-Tawzi, 1996), p. 232, no. 433:
أجاز نكاح أخ، ورد نكاح الأب، و كان (الأب) نصرانياً

Muslim, but if she is marrying a *mushrik* the brother absolutely cannot act as *walī*.[262] This would have posed a problem for Christian women attempting to marry non-Muslims within the Islamic legal system,[263] should the local *qāḍī* be of this opinion.

In a section entitled '*Iḥṣān* with the [Muslim] slave woman, Jewish woman, and Christian woman,' the *Mudawwana* records his questions on the subject and Mālik's answers. He asks,

> Can a slave woman, Jewish woman, or Christian woman have *iḥṣān* with a free [Muslim] man, What does Mālik say?
>
> He [Mālik] said: Yes, if they are truly married.
>
> I said: If the marriage was unsound are they *muḥṣan*? If a free Muslim man is with a Christian woman or a [Muslim] slave woman and the marriage is unsound?
>
> He [Mālik] said: This marriage is not *iḥṣan*. [264]

The phrase 'truly married' (نكاحهن صحيحاً) stands out. For a Muslim jurisprudent, this would ideally mean a marriage contracted in a manner that was, at the time, considered normative Muslim practice. This would mean having a *walī* for the woman, appropriate witnesses, and a contract, amongst other details. A non-*ṣaḥīḥ* marriage could mean any non-Muslim marriage ceremony or method of writing up contracts. Therefore a couple who were married in a Christian or Jewish manner could potentially have the validity of their marriage called into question upon conversion. This is an attempt to regulate an aspect of daily life - how people are married. Many exogamous couples, whether exogamous through the conversion of a spouse or at the time of marriage, could have been married in non-Muslim

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262 al-Khallāl, *Ahl al-Milal*, p. 232, no. 434:
قلت لأحمد أزرأة أبوها نصراني و أخوها مسلم من يزوجها؟ قال: الأخ. قلت: فهل للمشركين من الولاية؟ قال: لابتة

263 Non-Muslims did use the Islamic legal system. See Simonsohn, *A Common Justice*, 150-153.

264 Saḥnūn, *Mudawwana*, 205:
قلت: هل تحصن الأمة و اليهودية و النصرانية الحر في قول مالك؟ قال: نعم، إذا كان نكاحهن صحيحاً قلت: فإن كان النكاح فاسداً أيكونان به محصنين إذا كانا حرين مسلمين أو حر مسلم على نصرانية أو أمة و النكاح فاسد؟ قال: لا يحصن هذا النكاح

ceremonies.[265]

In the *Ahl al-Milal,* having non-Muslim witnesses prohibits a ceremony from falling into the category of 'true marriage.' However, it certainly seems to have been happening. Aḥmad ibn Ḥanbal has two short sections stating that having *dhimmī* witnesses is unacceptable.[266]

People of the Book routinely standing as witnesses to exogamous marriages is another instance of family-oriented social interactions where Muslims and Christians would mingle, providing ample opportunity for religious code switching on both sides as well as a religiously charged social situation within which religious conversations could easily occur. This could also happen in either a Christian or Muslim style ceremony. Inevitably the family of one side of the marriage, should it have been exogamous from the start, would be participating in a religious ritual of the other. The lack of unification amongst jurists suggests a diversity of prescribed practices for the marriage itself throughout the central Islamic lands, yet the inclusion of this issue in their works shows a commonality of including non-Muslim witnesses.

3.5 *Developing a Religious Hierarchy: Relationships Based on Faith*

An Iraqi recension of the *Muwaṭṭa'* from Suwayd ibn Sa'īd al-Ḥadathānī, contains discussions regarding exogamous marriage with People of the Book in the chapter entitled 'Marriage.' These opinions go hand-in hand with either the concept of licit sex or the portioning of a dowry after a non-Muslim marriage breaks up due to the conversion of the woman.

Iḥṣān, or licit sex, occurs between a husband and wife and is religiously

265 For a brief history of marriage ceremonies in Christian and Islamic law as well as discussion of Christians choosing to be married under Islamic law, see Simonsohn, *A Common Justice*, 150-153.
266 al-Khallāl*, Ahl al-Milal*, p. 228, nos. 419 and 420.

sanctioned.[267] However simple that may sound, the reality was complex. Only certain types of people could participate in this licit sexuality, thereby limiting who was eligible to marry a free Muslim. *Iḥṣān* is conferred by one partner to the other, hence the women makes the man *muḥṣan*, and the husband makes his wife *muḥṣana*.[268] The term for people with this potential, or who are already in a union which can confer licit sex, is *muḥṣan/a*, meaning people with whom one could have licit sex within the confines of Islam.[269] The *Muwaṭṭa'* records Mālik condoning free People of the Book as being *muḥṣan/a*, 'The Christian and Jewish free women and the Muslim slave woman all make a Muslim free man *muḥṣan* when he marries one of them and has intercourse with her.'[270]

Al-Ḥadathānī's recension of the *Muwaṭṭa'* also clarifies that, for Christians and Jews, freedom is a necessary quality for *iḥṣān*. It states,

> Mālik said: It is not lawful to marry a Christian or Jewish slave woman because God the Almighty and Dignified, said: <<And [lawful in marriage are] chaste women (*muḥṣanāt*) from among the believers and chaste women (*muḥṣanāt*) from among those who were given the Scripture before you.>> (Qur'ān 5:5), and they are free *muḥṣanāt* from those who were given the Book. And He said, the Blessed, the Exalted: << And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing slave girls.>> (Qur'ān 4:25), and they are the believing slave women.
>
> Mālik said: In our opinion, God, the Blessed, the Exalted, made marriage to believing slave women lawful, and He did not make lawful marriage to the slave women from the People of the Book.
>
> Mālik said: The Jewish and Christian slave women are lawful for their master by right of possession, but intercourse with a Zoroastrian slave woman is not lawful by the right of possession.[271]

By 'right of possession,' the *Muwaṭṭa'* refers to *milk al-yamīn*, literally 'ownership by the

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267 Lane's Lexicon, "حصن," compares it to," *coitus conjugalis* in a case of valid marriage."
268 J. Burton, "Muḥṣan,"in: *Encyclopaedia of Islam, Second Edition*.
269 Ibid.
270 Mālik b. Anas, recension de Suwayd b. Sa'īd al-Hadathāni, *Al-Muwaṭṭa'*, ed. Abdel-Magid Turki (Beyrouth: Dar al-Gharb al-Islami, 1994) p. 265, no. 330.
الحرة النصرانية و اليهودية و الأمة المسلمة تحصن الحر المسلم إذا نكح إحداهن فأصابها
271 Mālik b. Anas, recension de Suwayd b. Sa'īd al-Hadathāni, *al-Muwaṭṭa'* , p. 263-264, no. 328.
قال مالك: لا يحل نكاح أمة يهودية و لا نصرانية لأن الله - عز وجل!- يقول: << و المحصنات من المومنات و المحصنات من الذين أوتوا الكتاب من قبلكم>>: فالمحصنة من الذين أوتوا الكتاب الخرة. و قال - تبارك و تعالى!: <<ومن لم يستطع منكم طؤلا أن ينكح المحصنات المؤمنات فمن ما ملكت أيمانكم من فتياتكم المؤمنات.>> فهن الإماء المؤمنات. قال وإنما أحل الله - عز وجل! - في ما نرى - نكاح الإماء المؤمنات و لم يحل نكاح إماء أهل الكتاب. قال: والأمة اليهودية و النصرانية تحل لسيدها بملك اليمين و لا يحل وطء أمة مجوسية من ملك اليمين

right hand,' a sexual right that Muslim husbands and owners of female slaves had over their women. 'Right of possession' was a category of licit sex although it had a lower status than *iḥṣān*.[272] Here the *Muwaṭṭa'* dictates a social hierarchy for relationships with free Muslim women at the top and then free Christian and Jewish women alongside Muslim slave women. These three are often in the same categories in the *Mudawwana*. Then come Christian and Jewish slave women, who fall under the category of not-marriage-material, but licit for sexual purposes via the 'right of possession,' and lastly are the Zoroastrian slave women, who are not halal for free Muslim men at all.

1) Free Muslim women - *iḥṣān*
2) Free Christian and Jewish women and Muslim slave women - *iḥṣān*
3) Christian and Jewish slave women - *milk al-yamīn*
4) Zoroastrian slave women - Not sexually permitted to free Muslim men.

This hierarchy of Muslim women, then People of the Book, and then Zoroastrians is repeated by al-Shāfi'ī in the context of raising children. Al-Shāfi'ī, in the *Kitab al-Umm*, references the same hierarchy both in terms of who is *muḥṣan*, which religious groups Muslims can eat meat slaughtered by, as well as in terms of child rearing.[273]

The *Mudawwana*, in the section '*Iḥṣān* with the [Muslim] slave woman, Jewish woman, and Christian woman,' records affirmations from multiple sources that free Muslim men and free Christian women make each other *muḥṣan/a*. The number of traditions he deems it necessary to cite here could suggest that there may have been some debate, or at the

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272 Kecia Ali, *Marriage and Slavery in Early Islam*, (Cambridge, MA, USA: Harvard University Press, 2010), 10, with further discussion 11-12. For general discussion, see also Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, (New Haven & London: Yale University Press, 1992).
273 Al-Shāfi'ī, *Kitāb al-Umm*, "Siyar al-Wāqidī" in vol. 5, p. 661. Throughout section entitled: نكاح نساء أهل الكتاب. He also has a section concerning an odd love-triangle of marriage and divorce including a Muslim man, a Christian woman, and a Christian man all of which appear to make each other *muḥṣan*, in his opinion, vol. 5, "Siyar al-Wāqidī," p. 670. One wonders how children in situations where their parent remarried partners from different religious traditions might have religiously identified. He also refers to other scholars stating that meat slaughtered by Jews is acceptable, meat slaughtered by Christians is debated in terms of edibility, and meat slaughtered by Zoroastrians is unacceptable across the board. vol. 5, p. 670-671, discussed above.

very least confusion, as to whether or not free Christian women were licit for free Muslim men to marry. The opinions he records tend towards discussion of whether or not a person would be liable for the death penalty or stoning should they have non-licit sex (fornication - زنى) after an exogamous marriage.[274] One of the instances in which a person was considered to have merited stoning was fornication after licit sex.[275] He ends the section with a citation clearly stating, 'It is permitted to a free Muslim man that he marry a Christian woman, he has *iḥṣān* with her.'[276]

The *Ahl al-Milal*, records opinions exhibiting a similar hierarchy to the early Mālikīs. There seems to be a recurring concern about marrying Jewish or Christian woman followed by a begrudging admittance that it is done. The text has Ibn Ḥanbal respond to a question about marrying Jewish and Christian women by saying, 'I do not want that to be done, but it is done.' The next question in this paragraph mentions marrying Zoroastrian women. Ibn Ḥanbal says, 'That is worse.'[277]

The *Ahl al-Milal* also includes a discussion about Qur'ān 2:221 and 5:5 defining *mushrikūn* as Arabs who worship idols. Based on the title of the section he also implies that Zoroastrians can be included in this category, and proceeds to state outright that there is no harm in marrying Jewish and Christian women.[278] Despite the hierarchy of preference for marriage, in a later section about marrying both People of the Book and Muslim women at once, the *Ahl al-Milal* records several juristic opinions unanimously declaring that all the

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274 Saḥnūn, *Mudawwana*, 205:
يونس عن ابن شهاب أنه قال: لم أسمع أحداً من علمائنا يشك في أنه قد أحصن و أنه قد وجب عليه الرجم إذا نكح المسلم الحر النصرانية. مخرمة عن أبيه قال: سمعت عبد الله بن أبي سلمة يقول في رجل تزوج نصرانية ثم زنى عليه من رجم قال: نعم

275 Peters, R., "Zinā or Zināʾ," in: *Encyclopaedia of Islam, Second Edition*.

276 Saḥnūn, *Mudawwana*, 205:
يونس عن ربيعة أنه قال: إن جاز للمسلم الحر أن ينكح اليصرانية أحصن بها

277 al-Khallāl, *Ahl al-Milal*, p. 240, no. 454.
ترى للرجل المسلم أن يتزوّج النصرانية، أو اليهودية؟ قال: ما أحبّ أن يفعل ذلك، فإن فعل فقد فعل ذلك بعض أصحاب النبي - - قلت: حذيفة تزوج مجوسية، قال: هذا أشنع، قلت له: فترى ذلك؟ قال: أما المجوسية، فلا يعجبني. قلت له: لم؟ قال: لأنهم ليس لهم كتاب و لا طهارة

278 Ibid, p. 245-246, no. 474:
قال: سمعت أبا عبد الله يقول في قول الله عز وجل {و لا تنكحوا المشركات حتى يؤمن} قال: مشركات العرب اللاتي يعبدون الأصنام {و لا تنكحوا المشركين} قال: الكافر لاينكح. قال حنبل. حديث قبيصة قال: حديث سفيان عن حماد قال: سألت سعيد بن جبير عن تزوّج اليهودية، و النصرانية قال: لا بأس به

women would be treated equally regarding time spent, maintenance, and *'idda* should they divorce.[279] Therefore, while the religious elite gave preference to marrying Muslim women in the first place, Christian and Jewish women would have, ideally, even amongst those in charge of boundary maintenance, been treated as well as free Muslim women. The only exception is the question of inheritance. Al-Shāfi'ī records similar conclusions regarding the equality of treatment after divorce or death of Jewish and Christian women. According to him they have the same *'idda*, receive the same amount of maintenance and must be housed, the same as Muslim women.[280]

While the *Ahl al-Milal* portrays Ibn Ḥanbal as begrudgingly accepting marriage of free Jewish and Christian women and their equal treatment to Muslim women once married, he is opposed to free Muslim men marrying Christian and Jewish slave women.[281] In his section discussing this, he often quotes a section of Qur'ān 4:25 "Then [he may marry] from those whom your right hands possess of believing slave girls."[282] The *Ahl al-Milal* also clarifies that a free Muslim man can have intercourse with Jewish and Christian slave women, but not Zoroastrians, 'Zoroastrian [slave women] you cannot have intercourse with until they convert to Islam, but Jewish and Christian [slave] women, there is no harm in having intercourse with them.'[283] The Muslim man possessing *milk al-yamīn* over these women is implied from earlier in the section, and it is discounted that this would allow him

279 Ibid, p. 248-249, section:

باب تزوج اليهودية و النصرانية على المسلمة

280 Al-Shāfi'ī, *Kitāb al-Umm*, vol. 6, p. 548:

قال شافعى رضى الله عنه: و الحرة الكتابية يطلقها المسلم، أو يموت عنها، مثل الحرة المسلمة في العدة و النفقة و السكني، لا يختلفان في شئ من العدة و لا نفقة و لا السكنى، و جميع ما لزم المسلمة لازم لها من الإحداد و غير ذلك

281 al-Khallāl, *Ahl al-Milal*, p. 276-278, section:

باب تزويج إماء أهل الكتاب و إماء المجوس

282 The ayah as a whole says, 'And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing slave girls. And Allah is most knowing about your faith. You [believers] are of one another. So marry them with the permission of their people and give them their due compensation according to what is acceptable. [They should be] chaste, neither [of] those who commit unlawful intercourse randomly nor those who take [secret] lovers. But once they are sheltered in marriage, if they should commit adultery, then for them is half the punishment for free [unmarried] women. This [allowance] is for him among you who fears sin, but to be patient is better for you. And Allah is Forgiving and Merciful.'

283 al-Khallāl, *Ahl al-Milal*, p. 278, no. 565:

قال وكيع: المجوسية لا توطأ حتى تسلم، و اليهودية و اليصرانية لا بأس أن توطأ

to have intercourse with his Zoroastrian slaves.[284] The early Ḥanbalī view on this hierarchy appears to follow that of the Mālikīs, and once again would leave a Muslim man with children who would have had a mix of Muslim and non-Muslim parental influences.

Sexual legitimacy, whether via marriage or 'right of possession' appears to remain in the foreground regarding issues of exogamous marriage in the 9th century. Before more detailed laws could be written or more complex situations even considered, jurists had to decide which categories of people were permissible to marry or possess sexual rights over in the first place.

3.6 Purity as a Social Expectation within Muslim-Christian Marriage

Daily life for a Christian woman married to a Muslim would have been affected by Islamic concepts of purity. ‘Abd al-Razzāq, in a section of his *Muṣannaf* entitled 'Marrying Four Women from the People of the Book' referenced below, narrates a *ḥadīth* alluding to Qur’ān 5:5. The opening narration of this section states, 'There is no objection to marrying four [women] from the People of the Book,'[285] which aptly describes the tone of the section, and provides the context for the narrations which follow. The *ḥadīth* containing the allusion to Qur’ān 5:5 states,

> <<Chaste women (*muḥṣanāt*) from among those who were given the scriptures>>[286] He said: If she preserves her chastity (*’aḥṣanat*) and she cleanses when [it is] necessary to perform a total ablution (*al-janāba*).[287]

This tradition brings to light an important detail concerning inter-religious marriage and its relation to Islamization. Religion, as a category includes the participation in certain rituals and laws. The type of ritual cleaning a Christian woman married to a Muslim man would

284 Ibid, p. 277-278, no. 564.
285 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 84-85.
286 Qur’ān 5:5.
287 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 80:
أخبرنا عبد الرزاق عن ابن عيينة عن مطرف عن الشعبي في قوله: <<و المحصنات من الذين أوتوا الكتاب>> قال: إذا أحصنت فرجها، و اغتسلت من الجنابة

have to pursue in this particular situation is not a ritual of Christianity, but rather one of Islam.

Al-Shāfi'ī, has an entire section relating to marrying Christian women which covers issues of purity in the portion of his *Kitāb al-Umm* called the "Siyar al-Wāqidī." This short section, entitled 'A Christian Woman Under a Muslim man,' is worth translating in full:

> Shāfi'ī, may God be pleased with him, said: When a Christian woman is with a Muslim man she purifies from menstruation. She is forced to clean herself. If she refuses, chastise her until she does it. If she refuses all the time [in which] he is permitted to her,[288] God almighty said, 'And do not approach them until they are pure.'[289] Some of the people of *tafsīr* claim that he [waits] until purification from menstruation. God the exalted said, 'When she cleanses, 'meaning with water,' then come to them from where God has ordained for you.'[290]
>
> So it is forbidden that his wife refuses except that she purifies [herself] from her menstruation and she purifies with water. So he has intercourse with her. Bearing this in mind it is clear that we force the Christian woman to wash from menstruation lest she always refuse. On the other hand, washing from impurity (*janāba*) is indifferent (مباح) for him,[291] he can be intimate with her in *janāba*. She is commanded by him as when she is commanded in washing from being dirty and smelling of smoke, and other things concerning her smell.
>
> It is not clear to me that she should be beaten by him if she refuses it. Because [in] washing she purifies herself.[292]

Al-Shāfi'ī openly encourages Muslim men to force their Christian wives to participate in ritual cleansing signifying a specifically Islamic state of purification. If this became common practice in Muslim households, religious code switching as part of daily

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288 This refers to the times that she should be sexually available regarding purity - as in when she is not menstruating, including just after menstruation when she should have purified herself.

289 Qur'ān 2:222, 'And they ask you about menstruation. Say, "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure. And when they have purified themselves, then come to them from where God has ordained for you. Indeed, God loves those who are constantly repentant and loves those who purify themselves."'

290 Qur'ān 2:222.

291 مباح designates a legal term meaning, '...actions for which neither reward nor punishment is to be expected, but which are permissible.' *The Hans Wehr Dictionary of Modern Written Arabic*, Fourth Edition, ed. JM Cowan (Urbana, IL: Spoken Languages Services, Inc., 1994), "مباح"

292 Al-Shāfi'ī, *Kitāb al-Umm*, p. 660:

قال الشافعى رضي الله عنه: و إذا كانت النصرانية عند المسلم فطهرت من الحيضة جبرت على الغسل منها، فإن امتنعت أدبت حتى تفعل؛ لإنها تمنعه الجماع في الوقت الذى يحل له، و قد قال الله عز و جل: <<و لا تقربوهن حتى يطهرن>>، فزعم بعض أهل التفسيرأنه حتى يطهرن من الحيض. قال الله تعالى: <<فإذا تطهرن>> يعنى بالماء <<فأتوهن من حيث أمركم الله>>. فلما كان ممنوعاً من أن يإتى زوجته إلا بأن تطهر من الحيضة و تطهر بالماء فيجتمع فيها المعنيان، كان بيناً أن نجبر النصرانية على الغسل من الحيضة لئلا يمنع الجماع، فإما الغسل من الجنابة فهو مباح له أن يجامعها جنباً فتؤمر به كما تؤمر بالغسل من الوسخ و الدخان و ما غير ريحها، و لا يبين لى أن تضرب عليه لو امتنعت منه؛ لإنه غسل تنظيف لها

life would have been difficult for women to avoid. That this topic was included in a generally titled section on Christian women being married Muslim men suggests that it was an issue under discussion and possibly practiced by some.

The primary significance of *janāba*, or impurity requiring ritual cleansing, is ritual distance; it represents the state of a person who has recently had sexual intercourse, ejaculated, or given birth.[293] This is a perfect example of an act which could both qualify as a mundane activity, and yet is full of religious significance - a Christian is ritually distanced and has to ritually cleanse in the manner of Muslims, all the while thinking of the practice as daily life if married to a Muslim. Christians were considered to be impure, generally, and rituals such as this were later elaborated upon, some jurists considered ritual purification necessary for a non-Muslim married to a Muslim, and other jurists considered such practices unecessary.[294] In this particular narration, it appears to be necessary some of the time.

Additionally, some later jurists thought that converts to Islam should be required to undergo ritual purification in order to rid themselves of the built-up impurities from times when they performed activities which accumulate *janāba*.[295] Christian wives of Muslim husbands were, in some places and times, expected to perform this action, which, while a relatively mundane activity in appearance also potentially symbolized conversion to Islam.

This situation is one of many daily activities in which a Christian woman may be pressured into performing certain Islamic practices within the social dynamic of marriage. In order to be with her husband contractually and physically this narration claims that she must agree to follow an Islamic ritual practice. While performing ritual purification is clearly not

293 Lane, *An Arabic-English Lexicon*, s.v., "جنب - جنابة," and Maghen, "Strangers and Brothers," 211.
294 For an opinion regarding a holistic and intrinsic sense of *najāsat al-mushrikīn*, or impurity of polytheists, see, al-Bayḍāwī, ‘Abd Allāh b. ‘Umar *Tafsīr al-Bayḍāwī* (Beiruit: Dār al-Kutub al-‘Ilmiya, 1988), 1:401. For a contemporary and more lenient view, emphasizing knowledge of proper purification practices, see Ṭabarī, Muhammad b. Jarīr *Jāmi‘ al-Bayān ‘an Ta’wīl Āy al-Qur’ān*, 9:135. In Maghen, "Strangers and Brothers," 201 and 202 respectively.
295 Maghen, "Strangers and Brothers" 213-216. This was debated as an action taken by converts as well as non-Muslim wives of Muslims. Qurṭubī quotes ‘Abd al-Ḥakam as claiming the contrary, that a convert did not need to ritually purify his/herself, 'because becoming a Muslim blots out that which came before' (*li-anna al-Islām yahdimu mā kāna qablahu*). Qurṭubī, *Jāmi‘ li-Aḥkām al-Qur’ān*, 8:89; found in Maghen, "Strangers and Brothers," 209.

an act of outright conversion, situations such as this would presumably have come up quite regularly and would have encouraged, at the very least, a type of religious code switching that can be classed as Islamization. This *ḥadīth* provides just a small glimpse into the elusive world of personal life, a unique window into what co-habitation could mean for a non-Muslim woman married to a Muslim man.

The *Ahl al-Milal* records an interesting implication in his section discussing why Muslims can marry People of the Book, but not Zoroastrians. The information is displayed as a dialogue between the original narrator and Ibn Ḥanbal,

> Narrator: What do you think about marriage with People of the Book?
>
> He [Ibn Ḥanbal] said: I like Muslim women, you should not want that [meaning People of the Book]; however, God is accommodating [of marrying People of the Book].
>
> Narrator: What does it do?
>
> He said: It does no harm.
>
> Narrator: And Zoroastrians?
>
> He said: No.
>
> Narrator: Why not?
>
> He said: They are not *muḥṣan* and they do not perform ablutions from *janāba* and they do not perform ritual ablutions before prayer (وضوء).[296]

The final statement implies that Zoroastrian women will not do these things, while Christian and Jewish women are more likely to oblige. There is no discussion of Christian woman not performing ritual cleansing, only mention that Zoroastrian women do not. This is the legal equivalent of simply stating that these women are either impure or dirty, and are therefore not desirable alongside being prohibited to Muslim men.

3.7 Social Expectations within Divorce Practices

Another glimpse into the social-dynamics of inter-religious marriage can be found in

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296 al-Khallāl, *Ahl al-Milal*, p. 240, no. 455:
فترى التزويج في أهل الكتاب؟ قال: المسلمات أحبّ الى ما تريد إلى ذلك، و الله قد وسّع. قلت: فإن فعل؟ قال: لا بأس. قلت: فالمجوس؟ قال: لا. قلت: لم؟ قال: لأنهم لا يحصنّ، و لا يطهرن من جنابة و لا وضوء

See also previously cited above, al-Khallāl, *Ahl al-Milal*, p. 240, no. 454.

divorce practices. ‘Abd al-Razzāq, Ibn Abī Shayba, and all of the canonical early legal school sources make it abundantly clear that non-Muslim women are always expected to respect the Islamic custom of taking an *‘idda*, a period of time after divorce, an annulled marriage, or the death of a husband where a woman abstains from sexual relations.[297]

‘Abd al-Razzāq very clearly states, 'A woman of the People of the Book has an *‘idda*, a right to divorce, and an allotment [of her dowry], in the manner of Muslims.'[298] While the practical purpose of the *‘idda* was to determine paternity of children born after a marriage had ended, the length of time itself was calculated by menstrual cycles and had somewhat complicated rules concerning different types of menstruation which are thematically inseparable from Islamic concepts of ritual purity - while the *‘idda* was practical on the one hand, it was also a distinctly religious practice on the other. Therefore, the narration expecting a Christian woman to participate in the Islamic ritual of observing an *‘idda* represents a case where Islamization, specifically religious code switching, was openly encouraged.

The Qur’ānic evidence and narrations above suggest that nascent Islam was conflicted on the long-term effects of inter-religious marriage, possibly because of the risks of Muslims participating in behaviours such as religious code switching, or outright conversion to their spouse's religious tradition. There is certainly evidence that Muslims expected religious code switching from their non-Muslim wives. While in the *longue durée* inter-religious marriage worked in favour of the Islamic community, the benefits of allowing such unions would not have been as obvious when the community was small and surrounded by older, more deeply rooted traditions.

297 Y. Linant de Bellefonds, "ʿIdda." *Encyclopaedia of Islam, Second Edition*.
298 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, p. 79:
أن المرأة من أهل الكتاب عدتها، وطلاقها، و قسمتها، كهيئة المسلمين

3.8 *Conclusion*

The *aḥādīth* and *fiqh* above merit a new look at acts perceived by the religious elite as conversion to Islam in the 8th-9th centuries. Conversion, while possibly motivated by a combination of personal belief and/or worldly gain, was often also influenced by the subtler and yet potentially stronger environment of the family. The effects of family dynamics would appear to be a more enduring factor in conversion over the *longue durée*, through the education and general upbringing of the children resulting from inter-religious unions. As discussed above, children with a Muslim father and one or more Christian mothers would have been strongly influenced by their Christian mother(s) during their formative years. While more likely than not carrying a name that appeared Muslim, they would have had grandparents, aunts, uncles and cousins who identified as Muslim and an equal amount, if not more, who identified as Christian. It is likely in some areas in the 9th century the majority population was Christian, especially in the Levant. Children with a Christian father and Muslim mother would have had the opposite dynamic - they would most likely carry a Christian name while having been strongly influenced by their mother during their formative years and would have had family who identified with either Christianity, Islam, or possibly both in different social situations.

Families containing both Christian and Muslim members would create an environment where religious code switching, often interpreted by religious elites in a variety of ways relating to conversion, was not just likely but was a way of life. The texts above allude to certain situations as normal, within these situations the modern historian might find a larger than expected amount of inter-religious socialisation.

These brief mentions of inter-religious family structures in Islamic legal texts gloss over a myriad of possible environments for religious code switching. For example, from the family structures described above and with even a small amount of knowledge concerning eastern Christianity, one can easily imagine the following scenarios: a Christian woman married to a Muslim husband performing the Islamic tradition of ritually purifying herself

after intercourse or menstruation, and then attending a function at the church; a Muslim husband attending that same function or some other religiously-oriented occasion important to his in-laws as a gesture of kindness to his Christian wife. Everyday social activities are often not specifically recorded in the written sources; however, if one looks closely in Christian and Islamic legal, theological and literary texts, we can see evidence for the social spaces which allow for, and even encourage, religious code switching - a phenomenon noted, viewed as threatening to the religious community, and discouraged by Christian sources. Religious code switching in this context is an indication of Islamization. The social need for religious code switching could only exist in a world where the social, cultural, and political influence of Islam was gaining prestige.

As seen above, a closer look at family networks and the social dynamics playing out within them can not only provide information about conversion but also about the formation of early Islam more generally. The *muṣannafāt* and *fiqh* sources point to increasing Islamization from the 8th-9th centuries via evidence of inter-religious marriage and religious code switching. It may not specifically pinpoint a generation that has a large wave of converts; but this information can confirm the increasingly complex development and social prestige of Islamic culture within the daily life of the urban elite. The following chapter will explore what happens when people break the rules and how the Muslim religious elite react to their carefully constructed boundaries being threatened.

Chapter 4

Islamic Sources on Exogamy Part II

Apostasy, Vacillation, and Muslim Women with Christian Men

4.1 *Apostasy, divorce, and conversion in early Islamic* fiqh *and* aḥādīth

Evidence from early *fiqh* and *ḥadīth* sources suggest that the death penalty for apostasy from Islam was debated in the early period. It is difficult to tell how often it was enforced. The first concrete historical mention of death as the penalty for apostasy is in the Melkite Christian, Greek martyrdom of Elias of Damascus (d.c. 779), written sometime between the 8th and 10th centuries in Syria-Palestine, where the author states that the Abbasid caliph, al-Maḥdī (r. 158/775 -169/785) decreed the death penalty for those who apostatize from Islam. The narrative depicts the governor, Muḥammad, al-Maḥdī's nephew, informing Elias,

> Know then that a command has come down from Maadi that all accused of this crime, namely those who convert to the faith of the Arabs and then immediately convert back again to Christianity, must be imprisoned, and if then, in spite of exhortations, they do not apostatize from the faith of Christ, they should be put to death.[299]

Technically the author of the martyrdom claims that the death penalty in this instance was especially created for those who convert from Christianity to Islam and then back to Christianity, participating in what this study has termed vacillation. This may represent Islamic law becoming increasingly strict, as there are some indications that those who reverted back to their original faith may be forgiven more easily for apostasy than those who are born Muslim.

ʻAbd al-Razzāq, Ibn Abī Shayba, al-Shāfiʻī, and Aḥmad ibn Ḥanbal record sources

299 McGrath, “Elias of Heliopolis," 100-101.

discussing whether or not male and female apostates of any kind should be killed. Whenever apostasy is discussed divorce inevitably comes up in the *ḥadīth* and *fiqh* collections. Reflecting the information from the martyrdom above, both of the 8th-century sources, ʻAbd al-Razzāq and Ibn Abī Shayba, contain more narrations discussing vacillation, often described as returning to an original faith, than outright apostasy from Islam. They tend to focus on whether or not an apostate must divorce their spouse upon re-conversion to the non-Muslim religion, or assume that divorce/separation occurs alongside apostasy and discuss the length of the wife's *ʻidda* before she can remarry while also remarking on what happens if the apostate husband returns. The *muṣannafāt* and *fiqh* treatment of the subject would suggest that the death penalty was not always considered a viable punishment for apostasy in the 8th and early 9th centuries. At times there may have been pressure to return to Islam in order to maintain a marriage.

The Islamic legal literature often fixates on what happens to a marriage when people convert away from Islam and less frequently discusses whether or not the apostate survives, suggesting that they were not being killed for apostasy in the first instance. Both ʻAbd al-Razzāq and Ibn Abī Shayba have sections discussing outright apostasy. ʻAbd Al-Razzāq has two, entitled, 'Apostates,' and 'Chapter of unbelievers after belief.' The former narrates traditions stating:

> If a person apostatizes from Islam, then he and his wife are separated (انقطع). [Sufyān] Al-Thawrī (d. 161/778) says: The law applies equally to men and women.[300]

> Al-Thawrī said: If a woman apostatizes and she has a husband but they have not consummated the marriage (لم يدخل بها), then no dowry [is allocated] to her and they are separated. However, if they have consummated the marriage, then the entire dowry [is allocated] to her.[301]

300 ʻAbd al-Razzāq, *Muṣannaf*, vol. 6, 82:
إذا ارتد المرتد عن الإسلام، فقد انقطع ما بينه و بين امرأته. قال الثوري: فالرجل و المرأة سواء

301 ʻAbd al-Razzāq, *Muṣannaf*, vol. 6, 82:
قال الثوري: إذا ارتدت المرأة و لها زوج لم يدخل بها، فلا صداق لها، و قد انقطع ما بينهما. و إن كان قد دخل بها، فلها الصداق كاملاً

> Concerning an apostate, how long should his wife prepare [her *'idda*]? He said: Three menstrual cycles. I asked: If he is killed? He said: Four months and ten [days].[302]

Here, despite the title, we see an emphasized interest in marital affairs, suggesting that the death penalty is not the norm. In one case, a woman who has consummated her marriage can collect her entire dowry despite apostasy. While obviously these narrations are not representative of the entire Muslim population's reactions to conversion away from Islam, it would appear that there are enough survivors, so to speak, that separation, divorce, and dowries become an issue.

'Abd al-Razzāq's other chapter on apostasy, 'Chapter of unbelievers after belief,' does contain some references to killing apostates; though it also emphasizes that they should be asked to repent multiple times. In some cases the narrators are recorded as not being sure exactly how many times a person can be called to return to Islam within his/her lifetime, suggesting that these invitations to return could easily carry on for the remainder of the apostate's life without penalty in some cases. Here are a few examples of the range of opinions one can find within this section:

> 'Aṭā' said to me concerning people who have become unbelievers after belief: Call [him back] to Islam, if he refuses, kill him. He [Ibn Jurayj (d. 767)] asked him ['Aṭā']: How many times does one call him? He ['Aṭā'] said: *I don't know*. He [Ibn Jurayj] asked: Who does? He ['Aṭā'] said: *I don't know*, but we have heard it.[303]

> Concerning unbelievers after belief, call him to Islam three times, if he refuses, kill him.[304]

While 'Abd al-Razzāq includes some narrations about killing apostates, the overall gist is rather lenient - inviting them to return, possibly interminably, or at the very least three times

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302 Ibid, vol. 6, 83:
عن المرتد كم تعتد امرأته؟ قال: ثلاثة قروء، قلت: قتل؟ قال: أربعة أشهر و عشرا

This is the typical difference between an *'idda* of divorce verses one of widowhood.

303 Ibid,vol. 6, 164:
ابن جريج قال: قال لي عطاء في إنسان يكفر بعد أيمانه: يدعى إلى الإسلام، فإن أبى قتل، قال: قلت: كم يدعى؟ قال: لا أدري، قلت: عمن؟ قال: لا أدري، و لكنا قد سمعنا ذلك

304 'Abd al-Razzāq, *Muṣannaf*, vol. 6, 164:

over an undisclosed period.

Ibn Abī Shayba includes two sections on apostasy, entitled, 'What they say concerning the apostate from Islam. What about his wife's *'idda*?' and 'Concerning the female apostate, how is she treated?' These tend to be a mix of vacillators and outright apostates. He also covers a range of possibilities, from survival of apostasy to suffering the death penalty and the outcome for the apostate's wife. The title itself, 'What they say concerning the apostate from Islam. What about his wife's *'idda*?' is a suitable representation of the types of narrations included in this section, for example:

> How long does his wife prepare [her *'idda*]? Meaning, the [wife of] the apostate. He said: Three menstrual cycles. I said: If he is killed? He said: Four months and ten days.[305]

> It is more suitable that she [wife of an apostate] remain in the *'idda*; if he returns and she is in her *'idda* then she is his wife.[306]

Both the death penalty and survival appear to be viable options to Ibn Abī Shayba. And both Ibn Abī Shayba and 'Abd al-Razzāq include two *'idda* options - one for divorce, meaning the apostate is not killed, and one for widows, meaning the death penalty was carried out. They are presented as equally likely options.

He also details how female apostates should be treated in the section, 'Concerning the female apostate, how is she treated?' Again, there is disagreement about whether killing people who convert away from Islam is appropriate. This debate appears to be heightened in the case of women, and he narrates traditions suggesting both outcomes:

> Concerning the female apostate: She is taken as a slave (تُستأمى), and he said: until she is

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أنه كفر إنسان بعد إيمانه، فدعاه إلى الإسلام ثلاثاً، فأبى، فقتله

305 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 560:
كم تعتد امرأته؟- يعني المرتد- قال: ثلاثة قروء، قلت: فإن قتل؟ قال: أربعة أشهر و عشراً

306 Ibid, vol. 6, 561:
هو بها أحق ما دامت في العدة؛ إن رجع و هي في عدتها فهي امرأته

killed.[307]

Women are not killed if they apostatize from Islam, rather they are confined and asked to return to Islam, and they are compelled to it (يُجبرن عليه).[308]

She is not killed.[309]

Again, while he includes some narrations condoning the death penalty for female apostates, the narrations condemning this practice appear to win the day. Most suggest that the woman be confined in some manner. That a woman can be convinced or compelled to return to Islam, as opposed to the man who has to be invited or called shows an interesting power dynamic. Women are clearly considered passive here, and yet they have taken a very active role in their own religious life by apostatizing. One wonders if for women, in the eyes of 8th-century jursprudents, apostasy more closely represented a form of misbehaviour as opposed to taking her agency in the decision seriously as abandoning Islam. However, the opinions of jurists certainly could not have stopped her from influencing her children and those around her.

If confinement for apostasy did occur, it would presumably be within her own household, again creating a potential environment for passive conversion to Islam, where the wife could perform all the daily rituals of a typical Muslim wife, while not necessarily personally identifying as Muslim. The narration suggesting that she can be taken as a slave would not be much different than if she was merely confined to her husband's household. Kecia Ali argues that the position of wife and the position of slave would not have been very different with the exception of a few legal benefits. In both situations the husband would

307 Ibn Abī Shayba, *Muṣannaf*, vol. 9, 470:
في المرتدة: تستأمى، و قال: (حتى) تقتل

308 Ibid, vol. 9, 470:
لا يقتلن النساء إذا هن ارتددن عن الإسلام، و لكن يحبسن و يدعين إلى الإسلام، و يجبرن عليه

309 Ibid:
لا تقتل

have had sexual rights, over both wives and Muslim and *kitābī* female slaves.[310] Therefore, this narration, which does not state that the woman is to be given as a slave to a different household, reflects a very similar outcome to the narration claiming that women should be confined, asked to return to Islam, and then compelled if they refuse. In either case, a woman with non-Muslim leanings whether overt or covert, would have been carrying out her daily tasks and influencing the children of the household.

Regarding women apostatizing, Al-Shāfi'ī records multiple opinions on the matter. The argument amongst the religious elite in the *Kitāb al-Umm* basically covers whether or not the woman should be killed, as the male apostate is, or if she should be confined. These opinions likely represent a widespread debate within the central Islamic lands.[311] He also preserves an argument for not separating the apostate wife from her husband. This argument cites the Qur'ān regarding the punishments for theft, fornication, and false accusation of fornication and claims that if none of these crimes merit the separation of spouses, the apostasy of a wife does not either.[312] Again we have evidence that there was legal support for women who were no longer Muslim living within the household and performing their normal daily activities.

On the topic of a man apostatizing and possibly emigrating to the *Dār al-Ḥarb*, Ibn Ḥanbal calls for a separation between the spouses and for the woman to perform an *'idda* of divorce, unless the husband is killed, in which case she performs the widow's *'idda* of four months and ten days.[313] This is followed by a section discussing what should occur if the husband returns to Islam within the timeframe of his wife's *'idda*. The majority of the opinions listed allow that the marriage continues as if nothing had happened. However, there

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310 Ali, *Marriage and Slavery in Early Islam*, 10 and 11-12. For general discussion, see also Ahmed, *Women and Gender in Islam.*

311 Al-Shāfi'ī, *Kitāb al-Umm*, vol. 7, p. 417-426.

312 For the punishments regarding theft, fornication, and false witness to adultery see Qur'ān 5:38, 24:2, and 24:4 respectively. Al-Shāfi'ī, Kitāb al-Umm, vol. 7, p. 420. After listing these other punishments and noting that they do not merit separation, he records those who argue this saying:

فكيف فرقت بينها الرجل في الحد؟

313 al-Khallāl, *Ahl al-Milal*, p. 499-501, especially no. 1247.

قال لأبي عبد الله: المرتدّ كم تعتدّ امرأته؟ قال أحمد: ثلاثة قروء. قلت: فإن قتل؟ قال: أربعة أشهر و عشراً

are two interesting variations - one designates that he is 'prevented from her' should he return while she is in her *'idda*, but then specifies that she is still 'his woman;'[314] the other states that she performs the '*'idda* of a Muslim woman,' as though there may be some question as to whether or not she is still considered a member of that category.[315] The *Ahl al-Milal* also preserves an opinion calling for a full divorce and a 'new marriage,' upon the man's return to Islam presumably meaning a new dowry and certainly a renewal of commitment to the arrangement. He admits that there are a range of opinions on this matter. When asked what to do if the woman apostatizes in the same section, he responds, 'Invite her [back to Islam].'[316]

Al-Shāfi'ī also preserved an opinion regarding the return to Islam of a male apostate. He assumed initiation of separation upon the husband apostatizing; however he supported allowing the marriage to continue, should the man return to Islam during his wife's *'idda*. If he does not return during the allotted time, the spouses are separated.[317]

Once someone apostatizes, al-Shāfi'ī does not find it acceptable for them to marry, or act in any legal capacity whatsoever. The apostate is somehow in a liminal state rather than truly being considered no longer Muslim. He is not allowed to marry People of the Book as he is considered, 'undecided on his religion,' and therefore not Muslim enough to be licit for them. Yet, he is not allowed to marry idolater women because he is considered just Muslim enough that women who are not in the permissible categories of either Muslim or

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314 Ibid, p. 501, no. 1251:
حدثنا يعقوب بن بختان أن أبا عبد الله سئل عن المرتدّ: يفرق بينه و بين امرأته؟ قال: يمنع منها فإن رجع و هي في العدّة فهي امرأته

315 Ibid, p. 502, no. 1253:
حدثنا أشعث عن الشعبي، و الحكم في رجل لحق بالشرك قال: عدّة امرأته عدّة المسلمة

316 Ibid, p. 503-504, no.1260:
قلت لأبد الله: الرجل يرتد فيلحق تأرض الحرب تبين منه امرأته؟ قال: في هذا اختلاف. حدثنا أبي قال: حدثنا وكيع عن سفيان عن ابن جريج عن عطاء في رجل ارتد، و ارتدت امرأته: هو أحق بها ما لم تنقض عدتها. و حدثنا أبي قال: حدثنا بو معلوية عن إسماعيل بن مسلم عن الحسن قال: أيهما ارتد فهي تطليقة ثانية. و حدثنا أبي قال: حدثنا أبو معاوية عن إسماعيل يعني ابن مسلم عن الحسن قال: إذا ارتدّ الرجل اعتدت امرأته عدّة المطلقة فإن هو رجع من ردته استقبلا نكاحاً جديداً. قلت: فإلى إي شيء تذهب؟ قال: دعها

317 Al-Shāfi'ī, *Kitāb al-Umm*, "Kitāb al-Waqidī," vol. 5, p. 715:
و إن لم يسلم فبل انقضاء عدة امرأته بانت منه

free *kitābī* women to still be prohibited for him.[318]

As seen above, not only are people converting away from Islam, but they are surviving. Their spouses are allowed to refuse to join them and re-marry, and the apostates themselves could return to Islam and continue in their marriage and presumably other normal activities. Women, in some areas, may have been able to apostatize and basically carry on with life as usual, including raising and therefore influencing children, for an entire lifetime.

The number of traditions collected by both ʻAbd al-Razzāq and Ibn Abī Shayba concerning both male and female vacillation between religions and women converting to Islam before their husbands is striking. The section from ʻAbd al-Razzāq above, 'Chapter of Unbelievers after Belief' is actually a mix of traditions dealing with outright apostasy and people returning to their former religion. It would appear that switching religions, or having one's actions interpreted in this light, may have been common in the early 8th century, and may not have necessarily involved as many social stigmas as one might imagine. There were a variety of influential groups in people's lives then, as now, and social pressure to convert for various reasons could come from family, companions, colleagues and/or spouses. Just two of the many possible means for enacting this pressure would have been conditions for marriage or inheritance as the *ḥadīth* from ʻAlī in this section exhibits:

> ʻAlī came to a sheikh who was Christian, then converted to Islam, then he apostatized from Islam. ʻAlī said to him, 'Perhaps you converted because you desire inheritance, then you will return to Islam?' He said, 'No.' [ʻAlī] said, 'Perhaps you proposed to a woman, and they [i.e. her Christian family] rejected your marriage, so you converted to marry her and then will return to Islam?' He said, 'No.' [ʻAlī] said, 'Return to Islam!' He said, 'Not until I meet the messiah.' [Alī] said, 'I command that he be killed and present his Muslim children with his inheritance.'[319]

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318 Ibid, vol. 7, p. 410:
قال الشافعى رحمة الله عليه: و لا يجوز للمرتد أن ينكح قبل الحجر و لا بعده مسلمة؛ لأنه مشرك، و لا وثنية لأنه لا يحل له إلا ما يحل للمسلمين، و لا كتابية؛ لإنه لا يقر على دينه

319 ʻAbd al-Razzāq, *Muṣannaf*, vol. 6, 169:
أتي علي بشيخ كان نصرانياً فأسلم، هم ارتد عن الإسلام، فقال له علي: لعلك إنما ارتددت لإن تصيب ميراثاً، ثم ترجع إلى الإسلام؟ قال: لا، قال: فلعلك خطبت امرأة فأبوا أن يزوجوكها، فأردت أن تزوجها ثم تعود الإسلام؟ قال: لا، قال: فارجع إلى الإسلام! قال: لا، أما حتى ألقى المسيح [فلا]، قال: فأمر به، فضربت عنقة، و دفع ميراثه إلى ولده المسلمين

‘Alī's assumptions as to why a person might convert from Islam to Christianity are very telling. Both involve one type of social dynamic or another, as well as potential societal or monetary gain, and highlight two of many common contemporary reasons for conversion - inheritance (often inheritance in mixed families would only go to relatives of the deceased's religious tradition)[320] and marriage.

Al-Bukhārī, records a saying from Muḥammad, seen in the introduction to this thesis, also suggesting that some people may have converted for the purpose of marriage,

> The Prophet said, 'The rewards (of deeds) are according to the intention, and everybody will get the reward for what he has intended. So whoever emigrates for God's and His Messenger's sake, his emmigration will be for God and His Messenger; and whoever emigrates for worldly benefits, or to marry a woman, then his emmigration will be for the thing for which he had emigrated.'[321]

Whether or not these narrations were actually said by the Muḥammad or Alī cannot be known; however, their presence in early 8th - 9th-century sources suggests that these were common contemporary motivations for conversion. They imply marriage as a social dynamic leading towards Islamization at the very least and are evidence for people converting specifically for the purpose of marriage if we take them at face value.

4.2 *'She is a Problem': Islamic legal fascination with female apostasy and conversion to Islam.*[322]

The *Mudawwana, Muwaṭṭa’*, Al-Shāfi‘ī, ‘Abd al-Razzāq, Ibn Abī Shayba, and Aḥmad ibn Ḥanbal discuss women converting to and from Islam as apostates, vacillators, and one-time converts. These *fiqh* rulings and *aḥādīth* give more information about women

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320 Ibid, vol. 10, 344-350; and vol. 10, 338-341.

321 *Ṣaḥīḥ Bukhārī*, vol. 7, English and Arabic p. 22-23, no. 5070, with minor changes.
قال النبي ﷺ : العمل بالنية، وإنما لامرى ما نوى، فمن كانت هجرته إلى الله ورسوله فهجرته إلى الله و رسوله، و من كانت هجرته إلى دنيا يصيبها أو امرأة ينكحها، فهجرته إلى ما ماجر إليه

322 al-Khallāl, *Ahl al-Milal*, p. 504, no. 1264. Regarding a man who has apostatized and left for the *Dār al-Ḥarb*, when asked whether his wife was married or not, Ibn Ḥanbal is reported to have replied,
' هي مشكلة', 'she is a problem.'

converting than any other source. Additionally they repeatedly discuss what should be done when a woman converts to Islam before her husband, while rarely mentioning men converting to Islam before their wives. Though, the latter was probably rarely mentioned because it was less problematic. It would seem that in the 9th century there was a fairly well established concept that Muslim women could not be married to non-Muslim men while non-Muslim women could be married to Muslim men. However, it is less certain whether or not this prescription was consistently followed throughout the central Islamic lands, particularly in the 8th century.

When a man converted to Islam, it was generally considered a family conversion, or a non-issue because the legal head of the family was Muslim. The *Ahl al-Milal* records six opinions regarding this situation, all of which state that there is no problem with the man remaining married to his spouse. A particularly interesting question asked is: what does one do if a woman refuses to remain with her husband after he converts to Islam? Ibn Ḥanbal replies, 'Hit her over the head.' While having a Jewish or Christian wife is not a problem and divorce is generally not a problem, apparently a woman's refusal to remain with their newly converted husband is an issue, one treated with no recourse for disobedience.[323]

Regarding women apostatizing, the *Ahl al-Milal* immediately moves to a discussion of dowry allocation, following the usual rule that if they have consummated the marriage she is entitled to her dowry, but if not she is not entitled to it.[324] The title of this section also implies that she, despite no longer being Muslim, must observe an *'idda* if they have consummated the marriage.[325] Should a woman who has apostatized decide to return to Islam, Ibn Ḥanbal records several statements that boil down to two opinions, 1) that the

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323 al-Khallāl, *Ahl al-Milal*, pp. 256-257, nos. 509-514. The one prescribing beating should the woman choose not to convert if invited (no. 514) reads:
سئل أبو عبد الله عن رجل يهودي و تحتة يهودية أسلم الزوج؟ قال: هذا تكون امرأته. قيل: فإن أبت؟ قال: يضرب رأسها

324 Ibid, p. 506, no. 1267.
قال لأبي عبد الله: قال صفيان: إذا ارتدّت المرأة عن الإسلام، و لها زوج قبل أن يدخل بها فلا صداق لها. و قد انقطع ما بينهما الرجل، و المرأة سواء. قال أحمد: قد انقطع ما بينهما، لا صداق لها لأنه ليس ههنا عدة إن لم يكن دخل بها. فلت: قال سفيان: إن كان قد دخل بها ثم ارتدت فلها الصداق كاملاً. فال أحمد: كذا إذا وطئها

325 Ibid, p. 506.
باب إذا ارتدّت المرأة و لها زوج لم يدخل بها فلا صداق و لا عدّة، فإن كان دخل بها فلها الصداق

marriage must start anew with a new dowry and 2) that the woman remains married to her Muslim husband if she is still within her *'idda*.[326] The latter is the predominant view, allowing for relationships to seamlessly continue regardless of the fact that the wife may affiliate with a religious tradition other than Islam. He also notes that while the man cannot have physical relations with her, she is not actually taken out of his household during her time as an apostate.[327] Again, one thinks about what this family dynamic might entail with regard to raising children.

The *Kitāb al-Umm* claims that there should be a separation between the spouses regardless of which gender has converted to Islam. However, al-Shāfi'ī also cites some exceptions. If a woman is *kitābī* she can remain with her newly converted husband. Though he does not agree with this, some jurists held that she can also remain married if she is about to convert to Islam herself.[328] How one would prove intention to convert is unremarked upon.

The *Muwaṭṭa'*, in the recension from the Cordovan Yaḥyā ibn Yaḥyā, briefly mentions a situation involving a Christian or Jewish woman married to a man from the People of the Book who then converts to Islam before the marriage has been consummated. The context is a section discussing dowry and divorce. Mālik is represented as ruling that the previously Jewish or Christian convert to Islam does not retain her dowry in this case.[329] The mention of People of the Book converting to Islam is tacked onto the end of a lengthy discussion of the Muslim dowry rules in divorce and separation.

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326 Ibid, p. 504, nos. 1261-1263. This section (pp. 504-506) also includes cases that involve the apostate spouse emigrating to the *Dār al-Ḥarb*.

327 Ibid, p. 504 no. 1263:
إسحاق أنه قال لإبي عبد الله: المرأة إذا ارتدت من زوجها؟ قال: لا. هو ممنوع منها، فإذا انقضت العدة بانت منه، فإن تابت، أو تاب في العدّة فهما على نكاحهما هذا في الرجل، و المرأة ايهما ارتدّ

328 Al-Shāfi'ī, *Kitāb al-Umm*, 'Kitāb al-Waqidī,' vol. 5, p. 666:
و زعم في الرجل يسلم قبل المرأة خلاف ما زعمنا، و أنها تبين منه، إلا أن يتقارب إسلامه
و أمراة المشركة قد تحل للمسلم بحال، و هي أن تكون كتابية

329 Mālik ibn Anas, recension of Yaḥyā ibn Yaḥyā*, al-Muwaṭṭa'*, (Bayrūt: Dār al-Gharb al-Islāmī, 1997), vol. 2, p. 33, no. 1505:
قال مالك، في اليهودية أو النصرانية تحت اليهودي أو النصراني، فتسلم قبل أن يدخل بها : أنه لا صداق لها.

The text assumes that the couple would be divorced or otherwise separated without stating this elsewhere. There is no discussion of alternatives. However, other jurists appear to have debated various aspects of situations such as these further, possibly based on their practical experiences, as well as actions commonly taken by people regardless of legal rulings.

Aside from the subject of converting to Islam, the Cordovan recension of the *Muwaṭṭa'* does not include discussion of Christian women in the context of divorce. Later Mālikī jurists often agree that a free Christian woman has the same *'idda* as a free Muslim woman. This absence of Christian women in the context of divorce could be an 8th-century preservation in the *Muwaṭṭa'* of Medinan custom. If this material is early, it is possible that jurists did not see any need to distinguish between free People of the Book and free Muslim women when it came to divorce. Equality may have been assumed as a remnant of the closeness between the Abrahamic faiths. Material from Al-Shāfi'ī's *Kitāb al-Umm* explicitly sets out Christian women's divorce rights as being equal to those of a Muslim woman, as discussed above.

Regarding a woman who has apostatized from Islam, the *Mudawwana* assumes that she will eventually return. However, it poses the question of what should be done if the couple has sex in the meantime, while the wife is not a Muslim.[330] This could imply that they were following a set of prescriptions mentioned above that the woman should remain in her husband's house and 'convinced' to return to Islam, or that they simply continued on as normal. There is no timeline for this and presumably the woman could still raise the couple's children, thereby influencing them regardless of her status. There is no suggestion that her duties would be lessened, merely that she should be confined to the house. However, the *Mudawwana* also assumes a degree of separation in the relationship while the wife is not Muslim.

330 Saḥnūn, *Mudawwana*, 162:
قلت: أرأيت المرتدة عن الإسلام إذا كان قد دخل بها زوجها قبل أن تستتاب أيكون لها الصداق الذي سمى كاملاً؟

4.2.a *Muslim Women and Christian Men: traditions preserved in the 8th-century* **muṣannafāt**

‘Abd al-Razzāq has two sections specifically detailing what should happen when a woman converts to Islam before the husband entitled, 'A Christian woman under a Christian man converts before they have consummated the marriage,'[331] and 'Two Christians: the woman converts before the husband.'[332] Both of these assume that the couple is separated or divorced, following the principle that a Muslim woman cannot be married to a non-Muslim. The former section emphasizes the monetary aspects of this agreement, how much of her dowry she is allowed to take with her; although one might wonder exactly how this would be enforced, as the husband is not Muslim. The narrations below portray both sides of this debate:

> Concerning a Christian woman who is under a Christian man, if she converts to Islam before they consummate the marriage, it is said: She should separate from him, and she receives no dowry.[333]
>
> Half of the dowry is hers, and she should invite him to Islam.[334]
>
> She should separate from him and half of the dowry is hers.[335]
>
> If a Christian woman is under a Christian man, and she coverts to Islam before they consummate [the marriage] (يدخل بها), it is said: they should separate, and no dowry.[336]

331 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 81-82.
332 Ibid, vol. 6, 83-84.
333 ‘Abd al-Razzāq, *Muṣannaf*, vol. 6, 81:
في النصرانية تكون تحت، النصراني، فتسلم قبل أن يدخل بها، قال: تفارقه، و لا صداق لها

334 Ibid:
لها نصف الصداق، لأنها دعته إلى الإسلام

335 Ibid:
تفارقه، ولها نصف الصداق

336 Ibid:
في النصرانية تكون تحت النصراني، فتسلم قبل أن يدخل بها، قال: يفرق بينهما، و لا صداق

The second quote is particularly interesting, as it portrays a missionizing tendency where the wife is expected to have enough agency in the relationship to influence her husband's religious, and therefore unavoidably, social identity. Here one can see direct evidence of marriage being used as an incentive to convert and a general means of recruitment.

The latter section, 'Two Christians: the woman converts before her husband,' brings to light the debate concerning whether or not a Muslim woman may remain married to a non-Muslim. The fact that this topic comes up suggests that women who convert to Islam are remaining with their spouses on a relatively regular basis. The following narrations illustrate the extant debate within the text:

> Concerning a Christian woman under a Christian man, she converts to Islam. He said: A Christian man cannot be above a Muslim woman, he should separate from her [يفرَّق بها].[337]

> Women of the People of the Book are permissible for us, but our women are forbidden to them.[338]

> A Hīran woman converts to Islam and her husband does not convert to Islam, then ʻUmar b. al-Khaṭṭāb wrote: It is her choice whether she wants to separate from him or to continue with him.[339]

> He has a right to her as long as he does not expel her from where she is living.[340]

> He has a right to her so long as he does not expel her from the house [nor] does she move to a Muslim city.[341]

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337 ʻAbd al-Razzāq, *Muṣannaf*, vol. 6, 83:
في النصرانية تكون تحت النصراني فتسلم المرأة، قال: لا يعلو النصراني المسلمة، يفرق بينهما

338 Ibid:
نساء أهل الكتاب لنا حل، و نساءنا عليهم حرام

339 Ibid, vol. 6, 84:
أسلمت امرأة من أهل الحيرة و لم يسلم زوجها، فكتب فيها عمر بن الخطاب: أن خيروها فإن شاءت فارقته، و إن شاءت قرّت عنده

340 Ibid:
قال: هو أحق بها ما لم يخرجها... من مصرها

Ellipsis in edition.

341 Ibid:
قال: هو أحق بها ما لم يخرجها من دار هجرتها

The narrations condoning a newly converted Muslim woman remaining with her non-Muslim spouse bely previous assumptions that the rule stating a Muslim woman was absolutely not allowed to be with a non-Muslim man was followed consistently. Here we see another 8th-century familial dynamic which could potentially have produced either Muslim leaning Christians, vice versa, or people who participated in religious code switching.

Ibn Abī Shayba covers similar ground, but gives voice to the debate by splitting each opinion into its own section. The result is three sections discussing what to do if a woman converts to Islam before her husband, entitled, 'Those who say, if she converts and he does not convert, she does not remove herself from him,'[342] 'Those who say, if he refuses to convert to Islam, then she is divorced (تطليقة),'[343] and, 'Those who say, concerning a woman who converts to Islam before her husband, that they should be separated.'[344]

The first section, as one might suspect, contains narrations stating that it is more fitting for a woman to remain with her husband rather than separate because of religious difference:

> If a Christian wife of a Jew or Christian converts to Islam; marriage is more suitable between them; if he has an agreement (عهد).[345]
>
> They choose.[346]
>
> He has a right to her if she remains where she lives.[347]
>
> They are united (يقِّرَان) in their marriage.[348]

342 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 464.
343 Ibid, vol. 6, 465.
344 Ibid, vol. 6, 462-463.
345 Ibid, vol. 6, 464:
إذا أسلمت النصرانية امرأة اليهودي، أو النصراني؛ كان أحق ببضعها؛ لأن له عهداً

346 Ibid: يخيرن

347 Ibid:
هو أحق بها ما كانت في المِصْر

348 Ibid:

A Christian had four women, they converted to Islam, so ‘Umar b. al-Khaṭṭāb wrote: They are united (يُقَرّن) with him.[349]

Once again, we see narrations which promote Muslim women remaining with their non-Muslim husband, or at least the woman's right to choose if she stays or leaves. The presence of narrations focusing on this issue in both ‘Abd al-Razzāq and Ibn Abī Shayba's collections implies that conversions within marriages leaving Muslim women with non-Muslim husbands were happening within 8th-century Islamic society generally, and also implies the existence of mixed religious households in which children would have been raised. Apparently some Muslim religious elites condoned these arrangements in the early to mid-8th century.

The last narration brings up the inverse of the Muslim with four Christian wives, saying that a Christian can maintain up to four Muslim wives. We know that polygyny was an issue, at least in the Church of the East, so this type of marital situation cannot be discounted because of Christianity's nominal commitment to monogamy. The concept of having multiple wives would not necessarily have been impossible, or even odd for the average Christian in the central Islamic lands.[350] Situations such as these, and the inverse discussed above, the Muslim man with four Christian wives, could account for just one reason why attempting to judge conversion rate by names may not have worked. These marital arrangements, in particular, would most likely have produced many children with Muslim names who could easily have identified as Christian, considering their likely upbringing, or vice versa.

The second section, 'Those who say, if he refuses to convert to Islam, then she is

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يقران على نكاحهما

349 Ibid:

و كان النصرانياً - عنده أربع نسوة، فأسلمن، فكتب عمر بن الخطاب: أن يقرن عنده

350 For discussion of polygyny in Eastern Christian traditions, see Lev Weitz, "Polygyny and East Syrian Law: Local Practices and Ecclesiastical Tradition,"*Christian, Muslims and Jews in the Early Medieval Mediterranean World: Minority perceptions and minority constructions*, ed. by Robert Hoyland, (Princeton, NJ: The Darwin Press Inc., 2015): 157-192.

divorced (تطليقة),' contains narrations stating that the woman is officially free of the man and specifies that she retains her dowry.[351] One narration lists the authority who is responsible for making sure the couple is separated, which is rarely done. It says, 'The imām separates the divorced woman (تطليقة).'[352] However, this statement suggests what was probably wishful thinking. The local Christian or Jewish community could have taken issue with a Muslim imām, or his representative, coming in and splitting up a marriage. This would especially disturb the Christian religious elite, considering Christianity's negative stance on divorce in some areas as discussed in chapter 5. Then, on top of this, somehow some unspecified authority, possibly the imām again, would have to insist on the husband, who in modern terms 'does not fall under his jurisdiction' providing the wife with her dowry. It is difficult to imagine a positive response to an imām walking into what would have been considered a Christian or Jewish household, dependent on the religious identity of the husband, and demanding a man's wife and a significant sum of money. It seems relatively safe to assume that imāms, or their representatives, did not follow these precedents by walking into situations like this very often unless, for one reason or another, the imām in question had political backing.

The third section, 'Those who say, concerning a woman who converts to Islam before her husband, that they should be separated,' contains narrations focusing on the separation itself, stating simply that it happens:

> If the Christian woman converts before her husband; she is in charge of herself (أملك بنفسها).[353]

> A Christian woman converts to Islam [while] under her husband, he said: Islam removes her from him.[354]

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351 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 465.

352 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 465:

تفريق الإمام تطليقة

353 Ibid, vol. 6, 462:

أذا أسلمت النصرانية قبل زوجها؛ فهي أملك بنفسها

354 Ibid:

النصرانية تسلم تحت زوجها قالا: الإسلام أخرجها منه

> A Christian woman converts to Islam [while] under her husband. He said: they are separated.[355]

The first narration officially declares that the woman is in charge of herself, meaning that her opinion must be sought before her *walī*, or marital guardian, can marry her to someone else.[356] The *ḥadīth* returns her *milk*, or authority over her sexuality, to her. This was part of standard Islamic law concerning divorced women. Previously unmarried women did not have charge of their own *milk*; however, previously married women, or *thayyib*, did and their approval had to be sought before their *walī* could marry them off to someone else.[357] The second narration is interesting because it very clearly specifies that the difference in religious community is the reason for the separation, it avoids giving her the agency to remove herself, and emphasizes a firm social boundary between Muslim women and other religions. This mysterious, and at times assumed to be instantaneous, separation between spouses was likely wishful thinking by the religious elite, yet it is repeated often in the nascent Mālikī and Shāfi'ī schools.

4.2.b *Muslim Women and Christian Men: Opinions Preserved in the 9th-century* Fiqh

The *Mudawwana* records a complicated discussion about what happens to a *muḥṣan* when they apostatize from Islam and then return. The main question he brings up is whether or not it is considered fornication if a *muḥṣan* couple has intercourse and then one or the other apostatizes. The text states that they maintain their *muḥṣan* status when they return to Islam. Whatever happens between them in the meantime is not considered. This, as in section 3.5, is discussed in the context of stoning,

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355 Ibn Abī Shayba, *Muṣannaf*, vol. 6, 462:
في النصرانية تسلم تحت زوجها قال: يفرق بينهما

356 A *walī* was a man who was responsible for the marriage negotiations of a woman, usually a father, grandfather, or other male relative, Susan Spectorsky, *Chapters on Marriage and Divorce - Responses of Ibn Ḥanbal and Ibn Rāhwayh*, (Austin: University of Texas Press, 1993), 14.
357 Ali, *Marriage and Slavery in Early Islam*, 41.

> I said: I think [about] a Muslim married to a [Muslim] woman and he consummates the marriage, then she apostatizes from Islam, then she returns to Islam. Is it fornication [if] before that she is married then after she is an apostate? Should she be stoned or not?
>
> He said: I do not think that she should be stoned. But I have not heard it from Mālik...[358]

Was this a common enough occurrence that it merited mention but did not merit intervention by the religious elite? The text appears to be unconcerned about these temporary instances of exogamous marriage.

Later on the *Mudawwana* discusses the issue of the husband who apostatizes and returns to Islam. In what appears to be a contradictory opinion, it also states that the husband's change in belief does not result in divorce with the exception of the possibility that he may have permanently divorced her while he was Muslim before apostatizing.[359] Obviously in the meantime this would have been an exogamous marriage between a Muslim woman and a non-Muslim man.

The *Mudawwana* also includes information regarding women who converted to Islam and whose husbands either simply do not convert, or never convert and die while the woman is performing her *'idda* - possibly implying a significant time lag between her conversion and her decision to separate from her husband. However, it lines up with the *Muwaṭṭa'*s assumption that a couple separates after the conversion of the woman to Islam.

Even in the most basic discussion of a marriage in which the woman converts to Islam and the husband does not, the *Mudawwana* immediately moves to discussions of separation and dowry allocation. It portrays Mālik as claiming that this type of separation is annulment rather than divorce.[360] In one instance the *Mudawwana* records a tradition stating that it is the religion of Islam itself, the woman belonging to this new community, that

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358 Saḥnūn, *Mudawwana*, 207:
قلت: أرأيت المسلم يتزوج المرأة و يدخل بها ثم ترتد عن الإسلام، ثم ترجع إلى الإسلام، فتزني قبل أن تتزوج من بعد الردّة أترجم أم لا ترجم؟
قال: لا أرى أن ترجم، و لم أسمعه من مالك

359 Ibid:
و لا أيمانه بالطلاق، إلا ترى أنه لو طلق امرأته ثلاثاً في الإسلام ثم ارتدّ، ثم رجع إلى الإسلام

360 Saḥnūn, *Mudawwana*, 160:
قال مالك: و هو فسخ بغير طلاق

somehow separates her from her husband, 'We think and God knows that faith made her secure from him.'[361]

A few pages later Mālik is reported to say, 'Concerning the Zoroastrian, when one of the wives becomes Muslim then there is separation between the two, or the Christian man when the woman converts to Islam and the husband does not become a Muslim.'[362] Once again this is in the context of dowry allocation.

A case mentioned by the *Mudawwana* begs the question of what the realistic period of time allocated for either the husband's conversion to Islam or the annulment of the marriage actually was. He records opinions regarding a marriage between a Christian woman and man, where she converts to Islam and he never does - the Christian husband dies while she is performing her *'idda*.[363] The issue under debate in the *Mudawwana* is whether or not the newly converted woman's *'idda* changes to the *'idda* practiced after the death of one's husband, because he dies while she is performing her *'idda*, or if she continues on with the *'idda* of divorce.[364] This is brought up in another segment of the *Mudawwana* in the context of a woman in a similar situation who gets re-married during her *'idda*.[365] Here, again, it is assumed that the newly converted Muslim woman separates from her husband. In both instances this is signified by a discussion of whether her *'idda changes* to a widow's *'idda* (تنتقل إلى عدة الوفاة), rather than asking if she *begins* a widow's *'idda*. These cases and

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361 Ibid:
ابن وهب عن الليث عن يحيى بن سعيد مثله ابن وهب عن يونس عن ابن شهاب أنه سئل عن اليصرانية تسلم و لم يدخل بها زوجها و قد فرض لها قال: نرى و الله أعلم أن الإيمان برأها منه

362 Ibid, 162:
قال: سمعت مالكاً يقول في المجوسي إذا أسلم أحد الزوجين ففرق بينهما، أو النصراني إذا أسلمت المرأة و لم يسلم الزوج

363 Ibid, 8:
قلت أرأيت لو أن نصرانية تحت نصرانيّ أسلمت المرأة ثم مات الزوج قبل أن يسلم و هي في عدتها أتنتقل إلى عدة الوفاة في قول مالك؟ قال: لا، تنتقل إلى عدة الوفاة و هي على عدتها التي كانت عليها ثلاث حيض

364 The *'idda* practice after death was different than the one practiced after divorce. A widow's *'idda* is four months and ten days, while a divorcée's *'idda* is three menstrual cycles (or segments of purity between menstrual cycles, according to the Shāfi'ī and Mālikī schools). See: Linant de Bellefonds, "'idda," *Encyclopaedia of Islam, Second Edition*.

365 Saḥnūn, *Mudawwana*, 27:
قلت: أرأيت لو أن ذمية أسلمت تحت ذمي فمات الذمي و هي في عدتها أتنتقل إلى عدة الوفاة في قال مالك؟ قال: قال مالك: لو طلقها البتة لم يلزمها من ذلك شيء فهذا يدلك على أنها لا تنتقل إلى عدة الوفاة

opinions are presented as being straightforward and obviously do not cover one specific case, but rather a plurality of different cases summed up in a single discussion meant to set a precedent for future rulings.

One cannot help but wonder about the timeline. There is no indication of how long a woman is supposed to wait to see if her husband is willing to convert to Islam - this could happen instantaneously or take years. In the meantime the couple could have had and raised their children. In the ideal Mālikī world, the separation might be instantaneous; however the distinct lack of a timeline implies a possible leniency in allowing the couple time to figure things out, and in reality it would likely take time for the average couple to figure out what to do in this situation, *if* they even realized there was an issue at all.

Al-Shāfi'ī discusses this practical gap, citing a range of possible timelines that would suggest a lack of uniformity in practice. The allowances he lists having heard for the timing of separation between spouses when the woman converts before her husband could be 1) instantaneous, 2) be delayed for an hour, 3) take as long as some of the day, or 4) as long as a year to come into effect.[366]

Unless the religious elites have succeeded in making their prescriptions a social reality they were not likely to be followed by local and familial networks of authority. If husbands are living to an old enough age to pass away while the wife is still in her *'idda*, which, under normal circumstances would only take around three to four months, it is likely that the decision to separate could have taken years. On the other hand, as discussed in chapter 5, it is possible that Christian women wanting a socially sanctioned divorce could have converted to Islam to achieve it.

The *Ahl al-Milal* includes a section preserving opinions concerning women who convert to Islam before their husbands, 'A People of the Book marriage, the woman converts to Islam before the man.' The text records disagreement ranging from those who hold that

366 Al-Shāfi'ī, *Kitāb al-Umm*, "Kitāb al-Waqidī," vol. 5, p. 667:

the marriage is immediately annulled and cannot be re-established during the woman's *'idda*, to those that claim the couple is still married throughout the entire process. Although, all call for some manner of separation between the spouses. In some cases, it is suggested that the husband is invited to convert as well,

> 'Abd Allah ibn Aḥmad said: I asked my father about a Christian whose wife converted to Islam?
>
> He [Ibn Ḥanbal] said: Islam is proposed to her husband and if he converts [they remain married], if not there is separation between them.
>
> I said to my father: If he converts, she is his wife, if not, then there is separation between them. If there is separation between them, then he converts after the separation, he has a right to her if she remains in her *'idda*.[367]

This is merely one example, echoed by several of the other opinions preserved in this section.[368] Here we have evidence that the religious elites encouraged Muslims to ask the non-Muslim husband of a woman to convert. In this instance conversion is clearly not a matter of belief, but rather one of belonging to the same social group as one's spouse, albeit portrayed in terms of religion. This is not a case of an uneducated lay person converting to be with their spouse through local custom or ignorance of what that process meant to the religious elites. It is a case where the elites themselves are placing membership before belief, seemingly completely unconcerned with the personal faith and worldview of those involved.

4.3 *Conclusion*

The cases and precedents discussed above highlight a pressure to convert to Islam, or appear to convert, in order to continue in one's marriage. Should the couple convert together,

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قال إنسان: التقارب فقد النفس، أو قدر الساعة، أو فدر بعض اليوم، أو قدر السنة؟

367 al-Khallāl, *Ahl al-Milal*, p. 267:
سألت أبي عن نصراني أسلمت امرأته؟ قال: يعرض على زوجها الإسلام فإن إسلم و إلا فرق بينهما. قلت: لإبي: فإن أسلم فهي امرأته، إلا إن يكون فرق بينهما، فإن كان فرق بينهما ثم أسلم بعد التفريق فهو أحقّ بها ما كانت في العدة

368 Ibid, 266-269, nos. 530-540.

or the husband eventually decide to convert to Islam with his wife, there would be less threat to the relationship. These cases also provide evidence that women who were considered apostates from Islam, regardless of the reason for this claim, would have carried on with life as usual regarding household duties and children in at least half of such instances. In the 8th century, as discussed in the Bakchos the Younger martyr narrative, some of these prescriptions were being taken up by the laity - both Muslim and non-Muslim. Once this happens these prescriptions become social pressure to live according to what is perceived as normative and therefore much more likely to be followed by the average person. A pressure to convert, or to appear to have converted, in order to remain with one's spouse could be a powerful motivator.

Muslim women with Christian husbands could have functioned as a reason for their husband to convert, if there was enough social pressure for him to feel that he needed to do so to remain in his relationship. However, in many cases, particularly before the early to mid-8th century, this social pressure may not have existed. In cases where there was no pressure for anyone to change their religious beliefs, this would have resulted in nominally Christian children whose earliest upbringing would have been Muslim. Regarding daily life, this could easily have resulted in a situation such as a child with a Muslim mother and Christian father who spent his childhood listening to stories about Muḥammad, his companions, and wives and was taught to purify himself after encountering certain things or performing certain bodily functions, who then attends church with his father and is perplexed at his paternal family continually encountering impurities and doing nothing about it.

Conversion was an incredibly social process which affected a larger group of people than the convert him/herself, specifically spouses and children. Additionally, the frequent references to conversion, apostasy, and returning to Islam suggest that vacillation, or actions such as religious code switching that may have been perceived as vacillation by the religious elite, between one religious affiliation and another were relatively common. The details

surrounding these actions and therefore legal rulings became increasingly complex in the 9th century. While death as a punishment for apostasy remained a part of the literature, it appears to have been somewhat impractical, and therefore narrations on this topic were less frequently transmitted than discussions involving the effect of conversion on marriage.

Chapter 5

Exogamy and Conversion in Christian Canon Law and Hagiography

5.1 *Introduction*

This chapter will survey the Christian sources regarding Christian-Muslim inter-religious marriage and divorce and how these social institutions were related to conversion to Islam. Due to the wide variety of Christian churches under Muslim rule in the central Islamic lands, the largest three communities will be taken into account separately - the Melkite Church, Syrian Orthodox Church, and the Church of the East.

Both exogamous marriage and divorce could potentially have contributed to the slow conversion to Islam. Christian-Muslim unions, whether they became exogamous after the wedding or not, would have met with increasing pressure to raise the children Muslim - in some areas this became common practice as early as the 9th century. Christian wives may have remained with Muslim husbands for obvious personal reasons, yet some may have remained out of either a fear of social stigma, a belief that divorce was wrong, or a fear of not being able to support themselves and their children without the possibility of remarriage. Those who remained would have come under more pressure to convert to Islam themselves, and/or raise their children Muslim, as the population of the central Islamic lands increasingly converted to Islam. As discussed in the 3rd chapter, non-Muslim women married to Muslim men would have had to live as a Muslim woman in some ways - this included both marital benefits regarding support and daily orthopraxic actions that would have been new for a Christian spouse.

Divorce may have contributed to conversion through women who had the skills or means to support themselves or who had predominantly Muslim men in their family willing to support them. These women could have converted to Islam in order to separate from a non-Muslim husband without significant issue. Given the political dominance of Islam, this

may have been viewed with less stigma than outright divorce and would have lacked the expectation of remaining single afterwards as early Islam did not harbor any social stigma for remarriage after divorce.

Inter-religious marriages and the ability to divorce were significant issues for the various Christian communities in the near east as marriage increasingly came under the jurisdiction of the churches and gained a more Christian definition. The family unit represented the main method within Christianity of raising the next generation of Christians. Inter-religious marriages united families of Muslim and Christian faith, and therefore were considered a threat as they allowed what the clergy would prefer to be rigid boundaries between the faiths to be made more flexible. These unions created a space where future generations could be raised with both Muslim and Christian practices, identities, and general outlooks on life. Just as the clergy of the three main denominations attempted through canon law to prescribe that laity and clergy alike avoid marrying Christians of the other denominations, they similarly prescribed that Christians not marry Muslims. At times canons originating before Islam were reused in the post-conquest context.

Divorce appears to have been a significant factor throughout the 8th-9th centuries. All three Christian denominations were against it on principle with the exception of a few extreme circumstances; however, these circumstances change over time within some denominations to include situations where one spouse converts away from Christianity. In the Church of the East, clergy began to adopt practices somewhat similar to Islamic law, allowing a wife to divorce her husband should he apostatize. The gradual acceptance of divorce in an attempt to stem the flow of conversion would suggest that in some areas of the Islamic world inter-religious families were increasingly a concern for clergy. Some of the earliest Melkite Church fathers, John of Damascus (d. 749) and Theodore Abū Qurra (d. 820) discuss divorce in Islam. Abū Qurra even explicitly states that he thinks some people converted to Islam in order to get a divorce.

Modern occurrences exhibiting a parallel of the importance of divorce to conversion

can be found in the Coptic Church, which very rarely grants divorce. In 2004, 2010 and 2011 there were a series of developments regarding Christian women possibly converting to Islam to seek divorce within the modern Coptic Christian community. Wafaa Constantine (2004)[369], Kamilia Shehata (2010)[370], two wives of Coptic priests, and Abeer Talaat Fakhry (2011)[371] were the most prominent women discussed in relation to these incidents, involuntarily inciting protests from both Christian and Muslim communities. Constantine and Shehata, according to the Muslim community, sought divorce through the Christian church to escape abusive relationships and when they could not attain it, sought to convert to Islam in order to divorce. However, the Christian community in Egypt claims that these women did no such thing and were kidnapped for the duration of their disappearances. Fakhry actually married a Muslim man soon after converting and was initially arrested for polyandry before a Christian divorce was granted. However, she is the only woman who acted in a way that made her decision obvious. Constantine and Shehata, whether they initially decided to convert to Islam or not, eventually chose to remain Christian and their short-lived decision to convert to Islam is still somewhat shrouded in mystery. The Coptic Christian community in Egypt alleges that these women did not attempt to convert seeking divorce, but were coerced and/or kidnapped, while Muslim news sources tended to assert that they did in fact convert and were forced to remain Christian against their will.

While we do not know what actually happened in two of the three cases, the lack of

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369 Mariz Tadros, *Copts at the Crossroads: The Challenges of Building Inclusive Democracy in Egypt*, (Cairo: American University in Cairo Press, 2013), 76-81. "Al-Qaeda threat on Iraq Christians linked to Egypt," 26/12/10, *Al Arabiya News*.

370 Tadros, *Copts at the Crossroads*, 56-57 and 102-106. Here are just a few articles from Egyptian news sources: "Al-Qaeda threat on Iraq Christians linked to Egypt," 26/12/10, *Al Arabiya News*. "Al-Qaeda threat on Iraq Christians linked to Egypt," 29/12/10; "Church Lawyer says controversial priest's wife to appear on TV soon," 1/5/11; "Kamilia Shehata lives happily with husband, won't appear on TV, says lawyer," 2/5/11; "Kamilia Shehata confirms being Christian on Coptic TV," 8/5/11; "Hundreds of protesters demand prosecution of Imbaba culprits," 9/6/11; "Pope's secretary testifies in Kamilia Shehata's case," 12/5/11; all in *Daily News Egypt*. See also, "Hundreds rally in solidarity with 'converted' priest's wife," 7/9/10; "Salafi protesters demand release of priest's wife," 29/3/11; "Mawas monk questioned by prosecution in Shehata case," 3/5/11; "Lawyer of alleged Muslim convert says she's proud to be Christian," 5/5/11; "Alleged Muslim convert to appear on foreign Christian channel," 7/5/11; all in *Egypt Independent*. For similar stories and an interpretation of their meaning for the global Muslim community, see Hossam Aboul Boukhar's www.kamiliashehata.com.

371 "Abeer Fakhry arrested over deadly sectarian violence," 13/5/11 in *Daily News Egypt*. "Court grants

clarity concerning these recent events provide some insight into how complicated decisions like this would have been for people in the 8th-9th centuries, and how much the local communities may have been involved, although, obviously this would have been on a smaller scale due to the lack of digital media. Theodore Abū Qurra, suggests that Christians may have converted to Islam seeking divorce as early as the 9th century. Modern situations such as the case of these three women in abusive marriages, while they cannot give direct comparisons with the past, are interesting parallels with the historic evidence. They provide an example of a cultural context in which Abū Qurra's claim - that divorce was one of many contributing factors to women converting to Islam in the first three hundred years of Muslim rule - plays itself out on a modern stage.

One spouse converting to Islam in the 8th-9th centuries would have created inter-religious families and would often have yielded children who may identify as either Christian or Muslim regardless of whether or not a conversion initiated divorce occurred.[372] Christian hagiographies and legal sources of the 8th-9th centuries struggle with these issues - can a Christian marry a non-Christian, specifically a Muslim? Were there different rules concerning Christian men and women marrying Muslims? If one spouse converts to Islam, what happens to the family?

The common themes of exogamy and conversion within marriage and divorce found in Islamic and Christian legal texts suggests either that conversion and mixed marriages came up frequently as a practical issue, or that the religious elite of both communities feared that it may soon become a problem. This study maintaines that these were real issues for both communities as they are frequently mentioned within the legal materials of *both* traditions.

Exogamy arose as a theme in pre-Islamic Christian martyr narratives and non-Christian legal texts in territories where Christians were a social or numerical minority. The *Martyrdom of Pusai*, for example, from the late-5th or early-6th centuries addresses inter-

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divorce for woman at centre of Imbaba sectarian violence," 26/6/11 in *Egypt Independent*.

religious marriage. Pusai was the captured son of a Roman relocated by Shapur II and 'forced' to marry a non-Christian, Persian woman. The author of the narrative explicitly states that the goal of these inter-religious marriages and relocations was assimilation into Sassanian society. However, in the martyrdom, the woman conveniently ends up converting to Christianity rather than remaining Zoroastrian or converting her husband.[373] Other East Syrian martyr narratives such as the 6th-century *Martyrdom of Shīrīn*, the early 7th-century *History of Mār Qardāgh*, and the 7th-century the *History of Išō'sabran* all touch upon the theme of exogamous marriage and inter-religious family networks.[374]

Zoroastrian religious scholars, who consulted and interpreted the Avesta literature for practical legal purposes in texts known as the *Zand*, exegetical glosses written for the use of other religious elites, discussed issues pertaining to exogamous marriage and conversion. In one case, that sounds similar to some of the examples of Islamic jurisprudence in chapter 3 above, the husband of a Christian couple converted to Zoroastrianism and the wife remained Christian creating an inter-religious family. The issue for the scholars was whether or not Zoroastrians should be supporting the entire family or allowing the Christians to support the wife. Their decision was for the Zoroastrians to support the entire family so that they had no tangible ties to the Christian Church.[375]

By combining the legal evidence with the 8th-century Melkite neo-martyr narrative of Bakchos the Younger (d.c. 787), containing a significant sub-plot about Bakchos being the product of inter-religious marriage, one can fill in some of the social contexts surrounding these situations as they pertained to the laity.

After discussing the life of Bakchos the Younger, this chapter will attempt to place

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372 See chapters 6 and 7.

373 Richard E. Payne, *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity*, (Oakland: University of California Press, 2015), 65.

374 J.T. Walker, *The Legend of Mar Qardagh: Narrative and Christian Heroism in Late Antique Iraq* (Berkely, CA: University of California Press, 2006), 241, 245. Greek: P. Devos, ed., "Sainte Šīrīn, martyre sous Khusrau 1er Anōšarvān," *Analecta Bollandiana* 64 (1946): 113-114, 119-121, and French: P. Devos (trans.) "La jeune martyre perse sainte Kirin," *Analecta Bollandiana* 112 (1994): 6-15, 22-23; J.B. Chabot, ed., "Histoire de Jesus-Sabran," *Nouvelles Archives des Missions Scientifiques et Literataires* 7 (1897): 510-11. References originally found in Simonsohn,"Communal Membership Despite Religious Exogamy," 255; and Payne, *A State of Mixture*, 52.

375 Ibid, 69.

the narrative within legal and social contexts of the period by examining canon law concerning divorce and inter-religious marriage from the three main Christian traditions in the central Islamic lands - Melkite, Syriac Orthodox, and Church of the East. The second half of the chapter will also examine the canon law collections in their own right in an attempt to create a deeper understanding of clerical and social expectations concerning inter-religious marriage and its relation to conversion to Islam from a Christian perspective within the 8th-9th centuries.

5.2 *Inter-Religious Families, Bakchos the Younger's Mother and Divorce*

In the martyrdom of Bakchos the Younger, Bakchos' mother is the significant character for our purposes, especially her struggles with religious agency within marriage. Bakchos the Younger is the son of two publicly Muslim parents, who were married as Christians. The husband, and it is implied the wife also, converted to Islam after marriage. The couple then had seven children, all of whom are influenced by their Christian mother. Though publicly Muslim, the mother secretly sits in a Christian church to pray, suggesting that she remained Christian, and she is specifically represented as praying for the separation of herself and her husband as well as the conversion of their children. Meanwhile, one of her sons, Ḍaḥḥāk, who eventually adopts the name Bakchos, remains unmarried throughout his life with a secret plan of becoming a monk. When the father dies, Bakchos declares his intentions to his mother, who is thrilled, and he runs off to fulfill his dream. The family remains nominally Muslim until the mother converts herself, her children, and their spouses, sells their property and relocates everyone to another city to be baptized together. She then visits Bakchos in Jerusalem to report the news. One daughter-in-law refuses to convert and reveals the apostasy of Bakchos, but curiously not the family, to the local Muslim community. The Muslims hire a man, publicly thought to be a Christian whose true religious identity is never fully disclosed, to infiltrate the Christian community of Jerusalem and find and expose Bakchos. He does this as Bakchos is entering the Church of the Resurrection.

Bakchos is imprisoned, bribed, threatened, and killed.[376]

The relevant themes present in the martyrdom are the social situations mimetically represented by the character of the mother. She is Christian and marries a Christian man, the man then converts to Islam. Though the narrative never states outright that she converts, it does suggest that she would have been expected to convert with her husband, as will be discussed in detail below. She then converts back to Christianity after becoming a widow.

The text begins by stating that Bakchos' parents were both Christian when they were married, but his father converts to Islam before the birth of the children.[377] The author implies that she publicly converts to Islam with her husband; however, only his conversion is openly discussed and the author emphasizes that she '*secretly*' sits in a 'Christian church.' The only reason such an action would necessitate secrecy is if no one - especially her husband, family, and friends - were aware of her Christian inclinations.

> [Bakchos'] father was a Christian after his parents, he was also married to a most Christian wife. After Satanic incitements ensnared and seduced him, he apostatized from holy Christian worship, [and] went to the worship of the dirty Hagarenes. While living with his wife, he sired seven sons. These sons were raised and educated in the usual custom of the abomination.[378] His wife was God-fearing, she considered him a foul, unlawful man. She was distressed and secretly sat in the Christian church, [where] she asked God to separate her from foul intercourse with that man, and that she be joined to the Christian church along with her children.[379]

She is a passive convert, a person who lives the life of a Muslim though not

376 Φ. Α. Δημητρακοπουλου, " Ἅγιος Βάκχος ὁ Νέος." *Epistēmonikē epetēris tēs Philosophikēs Scholēs tou Panepistēmiou Athēnōn* 26 (Athens: 1977-1978). See also Tannous, *Syria Between Byzantium and Islam,* 537-540.

377 Δημητρακοπουλου, " Ἅγιος Βάκχος ὁ Νέος," 344.

378 This is probably referring to Islamic legal trends which occasionally held that the children of inter-religious marriages between Christians and Muslims were to be strictly raised Muslim.

379 Δημητρακοπουλου, " Ἅγιος Βάκχος ὁ Νέος," 344:
...ὁ πατήρ χριστιανὸς ἐκ προγόνων ὑπαρχων χριστιανικω τάτη καὶ γυναικὶ συνεζεύχθη. Σατανικοῖς δὲ οὗτος δελεάσμασι παγιδευθεὶς καὶ συνελκυσθείς, τῆς ἱερᾶς τῶν Χριστιανῶν ἀποστὰς λατρείας, τῇ μυσαρᾷ τῶν Ἀγαρηνῶν προσῆθε λατρείᾳ· οὗτος τοίνυν τῇ οἰκείᾳ γυναικὶ συνοικῶν ἔτεκεν υἱοὺς ἑπτά, ἐκτρέφων καὶ παιδεύων αὐτοὺς τῷ οἰκείῳ τῆς παρανομίας ἔθει. Ἡ δὲ τούτου γυνή, θεοσεβὴς οὖσα, τὴν μυσαρότητα τοῦ παρανόμου ἀνδρὸς θεωροῦσα ἠνιᾶτο καὶ λαθραίως ταῖς ἐκκλησίαις τῶν χριστιανῶν προσεδρεύουσα, ἱκέτευε τὸν θεὸν τῆς μυσαρᾶς χωρισθῆναι τοῦ ἀνδρὸς ἐπιμιξίας καὶ τῇ τῶν Χριστιανῶν συναφθῆναι ἐκκλησίᾳ σὺν τοῖς τέκνοις αὐτοῖς.

necessarily fully converting. [380] She secretly remains Christian, and secretly prays in a church for separation from her husband and for all of their seven children to become Christian. It seems to be taken for granted that the children are *supposed* to be raised Muslim – which would be the norm in a situation with a Muslim father and Christian mother according to Islamic law.[381]

According to contemporary and near-contemporary Islamic *fiqh* collections, jurists often prescribed that the children of inter-religious marriage be raised within the higher ranking religion of the two parents - in the case of a Muslim married to a non-Muslim, the children should be raised Muslim. Some even go so far as to suggest a matriarchal inheritance of religious tradition. Later jurists prescribed that the child follow the father's religious tradition.[382] Clearly Bakchos' martyrdom originated in an area where both Christians and Muslims would expect he and his brothers to be raised Muslim.

Upon the death of his father Bakchos confesses to his mother that he has never married because he always wanted to become a Christian monk, and she proudly sends him off to do so.[383] Once he is established in a monastery she visits him and after a tearful reunion, she admits to being a Christian.[384]

> "In the end mother," he said, "I was guided, by your prayers, unimpeded in all my desires." Then, when he had received more words of encouragement from the mother and spoken at length with her about his brothers in the flesh, he left. The mother reached Maiouma, and made everything she had seen in regard to the saint clear to her own children, and that "He is much pained and distressed about your heresy." But they, as if they were saplings newly blossoming from so great a mother, the explanations of the saint, and boiling over with the love of God, sold their estates in Maiouma and became fugitives from the one who bore them, leaving together for a foreign land, where they received all-holy baptism with their wives and children. [385]

380 Sizgorich, "Mind The Gap,"173. See terms discussion in Chapter 2.
381 Later Islamic law is clear on this issue; however there seems to have been some debate in early circles, as discussed below.
382 See chapter 6.
383 Δημητρακοπουλου, " Ἅγιος Βάκχος ὁ Νέος," 344.
384 Ibid, 347.
385 Δημ ητρακοπουλου, " Ἅγιος Βάκχος ὁ Νέος," 347:
...εἰπόντος <<ἐπὶ τέλους>>, φησίν, <<εὐχαῖς σου, ὦ μῆτερ, ὀδηγούμενος πάντα τὰ ἐμοὶ ἐράσμια ἀνεμποδίστως>>· ἔτι δὲ ῥήματα στηριγμοῦ παρὰ τῆς μητρὸς δεξάμενος καὶ πλεῖστα διαλεχθεὶς αὐτῇ περὶ τῶν κατὰ σάρκα ἀδελφῶν αὐτοῦ ὑπεχώρησε. Καταλαβοῦσα δὲ ἡ αὐτοῦ μήτηρ τὸν Μαϊουμᾶν, ἅπαντα δῆλα πεποίηκε τοῖς ἰδίοις τέκνοις τὰ εἰς τὸν ὅσιον ὁραθέντα αὐτῇ καὶ ὅτι <<λίαν ἀλγεῖ καὶ ἀνιᾶται περὶ τῆς ὑμῶν κακοδοξίας>>. Οἱ δὲ ὡς ἐκ τοιαύτης μητρὸς τυγχάνοντες νεοθαλεῖς ὄρπηκες τὰς τοῦ ἁγίου δηλώσεις ἐνηχηθέντες καὶ τῇ φιλοθεΐᾳ ὑπερζέσαντες, τὰ ἐνόντα αὐτοῖς κτήματα ἐν τῷ

This moment in the narrative foreshadows Bakchos' death. She returns to endanger the rest of the family by converting them, causing them to have to leave their home city of Maiouma. The reason for their relocation is due to their apostasy from Islam and a fear of being discovered. The narrator does not have her state this outright, the audience is expected to know this. The family moves in order to start over as if they had always been Christian. She fears a harsh penalty for their conversion to Christianity, and in the end, she is correct. However, this scene is significant because the mother takes a clear role in her own return to Christianity and the conversion of the family after the father's death. She appears to be acting as a matriarch here, her sons convert with their wives due to her influence and she makes the decision to visit Bakchos and travels alone. The way in which she directs her offspring and announces her visit to Bakchos to them suggest that she is leading the family in conversion. She acts as a parent from an inter-religious marriage reclaiming control after the death of her spouse. It is important to keep in mind that this appears to have been inconceivable before the husband's death.

5.2.a *Context - Divorce and Conversion*

The beginning of the narrative, describing the Christian marriage and the husband's subsequent conversion was likely intended to sound familiar to members of the congregation. However, one is inclined to wonder about the acceptability of divorce in this scenario. Why wait to be widowed? In Islamic law divorce would have been an option for a man in this situation, divorce was not considered an option for a woman, therefore, even if she chose to use Abbasid state courts she would still not have been able to get out of the marriage.

Situations where the husband converted to Islam before the wife were frequently considered household conversions. In some urban areas by the 9th century the children were increasingly expected to be raised Muslim and the wife/wives may have been expected to

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Μαϊουμᾷ πεπρακότες καὶ μετανάσται τῆς ἐνεγκαμένης γεγονότες, ὁμαδὸν εἰς ἀλλοδαπῆ χώραν

remain married to their husband regardless of whether or not they converted or agreed with his conversion. As Muslim men were allowed to marry people of the book and the children were supposed to be raised Muslim, the religious identity of the wife hardly mattered in a legal sense.

Kitābī women in the position of Bakchos' mother do not appear to have a choice when it comes to divorce on the Islamic side of the law.[386] Any urban Christian congregation, would likely be aware of the Islamic legal thought, or at the very least common social practice, regarding this issue. How would they have interpreted the decision of Bakchos' mother to remain with her Muslim husband despite the possibility that through this marriage she and her children may be considered non-Christian?

Christian communities in the central Islamic lands inherited a tension between the ideal and reality regarding divorce and remarriage. These communities, or at least their religious elite, did not approve of either divorce or remarriage, which was viewed as adultery. However, this likely varied between social classes, geographical areas and levels of religiosity.[387] We have little evidence for how the non-literate classes in Christian communities dealt with divorce, although there was 'unwritten marriage' in Egypt. Unwritten marriage was a marriage that was not officially documented yet publicly accepted and provided the husband with certain advantages such as more control over the children. Unwritten marriages may have been common amongst the lower classes and would not have

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ἀπάραντες τῷ παναγίῳ προσῆλθον βαπτίσματι σὺν γυναιξὶ καὶ τέκνοις.

386 See also Friedmann's discussion in *Tolerance and Coersion*, 180. He highlights the following examples: Saḥnūn, *Mudawwana*, vol. 2, p. 301, II. 2-3, 15-17; Qudūrī, *Mukhtaṣar*, p. 150, II. 16-17; Bayhaqī, *al-Sunan al-kubrā*, vol. 7, p. 190, II. 1-4; Māwardī, *al-Ḥāwī al-kabīr*, vol. 9, 258 infra.

387 The basic tenets that Christian clergy adhered to were often taken from Paul's 1 Corinthians 7. Judith Evans Grubbs summarises late antique Roman/Byzantine clerical reception to mean the following: Christians were not allowed to divorce, and if they did remarriage was not an option to either party; exogamous marriages should not be broken up, with the understanding that the Christian half of the couple would attempt to convert their spouse. Although, if the non-Christian spouse wished to divorce, this should be accepted; and that, while celibacy was preferable to marriage, if one was married it should not be broken up while both spouses live. For detailed analysis of 1 Corinthians 7 in the context of Roman marriage law see, Judith Evans Grubbs, *Law and Family in Late Antiquity: Emperor Constantine's Marriage Legislation*, (Oxford: Clarendon Press, 1995), 66-67; David Instone-Brewer, "1 Corinthians 7 in the Light of the Graeco-Roman Marriage and Divorce Papyri," *Tyndale Bulletin* 52.1 (2001): 101-115; David Instone-Brewer, "1 Corinthians 7 in the Light of the Jewish Greek and Aramaic Marriage and Divorce Papyri," *Tyndale* Bulletin 52.2 (2001): 225-243.

required any divorce documentation.[388] To complicate things further, divorce documentation has rarely survived anywhere in the Byzantine territories outside of Egypt for the 4th-6th centuries.[389]

Despite this lack of documentary evidence, there are enough secular laws, canon laws, and theological treatises to suggest that divorce, and in women's case remarriage, was increasingly frowned upon in the 4th-6th-century Byzantine territories.[390] Disapproval of divorce was built upon a long standing Christian tradition of proscribing both divorce and remarriage as exhibited both by Paul's 1 Corinthians 7, amongst other mentions in Christian scripture,[391] as well as several ante-Nicene authors.[392]

Divorce was largely possible and certainly performed in some regions and the Egyptian papyri represents one of the areas that appears to have condoned divorce. Theodosius II (r. 408-450) attempted to curtail the breakup of marriages by requiring written notice of divorce known as a *repudium* in 439.[393] Ten years later Theodosius II lists restrictions on 'justified' divorce which include criminal activity and abuse. He allowed the woman to remarry, which was not always the case in Roman law, though the woman had to wait a year.[394]

There is evidence of Christian religious elite finding exceptions to their traditional dislike of divorce and remarriage, and even exceptions to their idealistic stance on equality between men and women regarding remarriage and adultery. The letter of Jerome (d. 420) condoning the divorce and remarriage of a female friend in Rome is often quoted as

388 Philip L. Reynolds and John Witte, Jr. (eds), *To Have and to Hold: Marrying and Its Documentation in Western Christendom, 400-1600*, (Cambridge: Cambridge University Press, 2007), 79.
389 Reynolds and Witte, *To Have and to Hold,* 77-78. Judith Evans Grubbs, *Women and the Law in the Roman Empire: a Sourcebook on Marriage, Divorce and Widowhood,* (London: Routledge, 2002), 208-209.
390 Grubbs, *Law and Family in Late Antiquity,* 242-260.
391 Romans 7:2-3; Mark 10:2-12; Luke 16:18; and Matthew 5:31-2 and 19:3-12. Although ante Nicene authors did not know 19:9 as it is now, Grubbs, *Law and Family in Late Antiquity*, 244 note 149.
392 Tertullian of Carthage (d. 220), who was against remarriage even after the death of a spouse - *Ad Uxorem*, *De Exhortatione Castitatis* and *De Monogamia*; Justin Martyr (d. 165), *Apology* 1.15; Athenagoras (d. 190), *Apology* [*Legatio*] 33; Clement of Alexandria (d. 215), *Stromateis* 1.82; and the author of the *Shepherd of Hermas*. References found in Grubbs, *Law and Family in Late Antiquity*, 68.
393 Grubbs, *Women and the Law in the Roman Empire,* 205-206.
394 Ibid, 206.

evidence that even the most strict clergy likely allowed exceptions to the rule.[395] Basil of Caesarea (d. 379) admits a discrepancy, when writing to Amphilochius (fl. mid- to late-4th century), the newly installed bishop of Iconium, regarding the differences between local customs and the ideal of equal treatment of men and women who have divorced. Basil claims that local custom dictates that men can commit adultery while women cannot and women are often encouraged to tolerate abuse rather than divorce.[396]

In the former Sassanian territories divorce and remarriage were routinely stigmatised within Christian communities before Muslim rule. Despite the availability of the apocryphal Canons of Nicaea in the 5th century, which allowed divorce for adultery, Īšō'yahb I in canon §13 in his 6th-century synod may have actually been the first to recognise divorce for adultery as legitimate.[397]

Although the stigma associated with divorce may not have existed everywhere in the central Islamic lands, in areas where the stigma did exist poorer and unskilled Christian women would have an issue of survival on their hands if their husband converted to Islam and they wished to separate from him. With no future marriage guaranteed they had no way to ensure their ability to support themselves or their children even if they did convert to Islam. However, wealthier or more skilled women could conceivably have converted to Islam as a socially approved way of ending their marriage without significant financial concerns. In either case the result is more Muslims and fewer Christians as the Christian women remaining with their husbands would have been increasingly socially expected to raise their children Muslim.

As will be seen below, in the former Sassanian provinces, the laws restricting divorce and remarriage loosened as the conversion rate to Islam began to increase in the 9th and later centuries. Within the Melkite tradition, at least amongst the religious elite, divorce

395 Ibid, 209-210, includes a large section of the letter in translation; and Grubbs, *Law and Family in Late Antiquity*, 248-249.
396 Grubbs, *Law and Family in Late Antiquity*, 251.
397 Lev Weitz, *Syriac Christians in the Medieval Islamic World: Law, Family, and Society*, (Ph.D. Dissertation: Princeton, 2013), 209. Syriac: J. B. Chabot (ed. and trans.), *Synodicon Orientale ou Recueil de Synodes Nestoriens*, (Paris: Imprimerie Nationale, 1902) 149:

and remarriage appear to have been consistently frowned upon throughout the time concerning this study, which is interesting considering the conversion rate in the levant, where these communities were the most common, likely did not pick up until the 13th century. The Syriac Orthodox clergy predominantly remained fixed against divorce and remarriage though there is some evidence for a movement either amongst the local elites or perhaps the clergy to relax the traditional restrictions in the mid-9th century. While there is no evidence about the geographic location of these suggestions for change, it may be significant that at least the eastern regions in which the Syriac Orthodox communities lived began to see the first spike in conversion around the 9th century, as they existed in some of the same formerly Sassanian provinces as the Church of the East.

The general Christian line on divorce regarding situations like that of Bakchos' mother was mixed as will be discussed below; however the Melkite Christian community, of which Bakchos and his mother were members, appears to have remained predominantly against divorce. By refusing to leave her husband, as dictated by the church, despite risking her soul and those of her children's, Bakchos' mother follows official policy in the Melkite community. The author puts her in a powerless position – she appears to have no choice about conversion, and she is expected to raise her children to identify as Muslim. This type of situation may have sounded familiar to members of any Christian community under Muslim rule. The author suggests that secrecy is where her agency survives over her own religious identity and the potential future faith of her children. It is through her ability, in a time of difficulty when others would be tempted to conversion, to remain Christian and influence her children to lean towards Christianity, that Bakchos' mother would have been interpreted as a thoroughly admirable figure to readers and those hearing this martyrdom being read aloud on Bakchos' feast day.

The family used in this narrative to relate to the audience is an excellent example, once again, of a group of people who had reasons to identify both with Christianity and

Islam. Whether or not the story of Bakchos' martyrdom contains any historical truth, the literary hook used to grab the attention of the audience is the inter-religious family situation with which the story begins. This type of arrangement would have resonated with the members of the congregation, otherwise, there is little reason to mention the figure of the mother and her spiritual journey in such detail. The dynamic presented within the martyrdom also suggests that the author considered mothers to be able to strongly influence their children while raising them. If this was a culturally accepted norm, even just in this community, it emphasizes the significance of the inter-religious nature of families within the marital situations described in the *ḥadīth* collections and *fiqh* in chapter 3, where there were multiple Christian wives to a Muslim husband and vice versa.

5.3 *Marriage, Divorce, and Conversion in Christian Canon Law*

Melkite, Syrian Orthodox, and Church of the East Christian communities shared a common collection of canon law from the period preceding the Council of Chalcedon and the surrounding schism. These texts were the ecumenical councils of Nicaea (325 CE) and Constantinople (381 CE) in addition to several local 4th-century synods - Ancyra (314 CE), Neocaesarea (between 315-319), Gangra (ca. 340-342), Antioch (ca. 330), Laodiceia (before 380).[398]

The Synod of Laodicea is significant to this discussion as the first canon legal source to forbid marriage to "heretics" in canons 10 and 31, a policy echoed in later canon legal collections regarding other sects of Christianity as well as Muslims in both Syriac Orthodox and Melkite sources. The canons state as follows:

> X: The members of the Church shall not indiscriminately marry their children to heretics.

398 Hubert Kaufhold, "Sources of Canon Law in the Eastern Churches," in *The History of Byzantine and Eastern Canon Law to 1500*, eds Wilfred Hartmann and Kenneth Pennington (Washington, D.C.: Catholic University of America Press, 2012), p. 216. Dates for local councils from, Heinz Ohme, "Greek Canon Law to 691/2," in *The History of Byzantine and Eastern Canon Law to 1500*, 39-47.

> XXXI: It is not lawful to make marriages with all [sorts of] heretics, nor to give our sons and daughters to them; but rather to take them, if they promise to become Christian.[399]

The council was preserved in Syriac through the Syrian Orthodox tradition. Canons 9 and 31 in the Syriac numeration state that it is unlawful to give one's children in marriage to a 'heretic,' potentially meaning both Christians the authors dissaprove of as well as non-Christians.[400] This appears to be the precedent that each of these communities initially works with and evolves to suit their changing needs, and is particularly appropriate as the context for this synod was a world in which Christians viewed the religions of the Roman empire a threat and therefore a community with which they must maintain certain social boundaries.

5.3.a *Melkite*

The Synodicon of the West Syrian tradition preserves Byzantine traditions on divorce, which both Melkite and Syrian Orthodox clergy would have held in common, such as the Canons of the Apostles and of Synods, Regulations of the Synod of Nicaea, The Fourteen Canons of Neocaesarea, and The Fifty Nine (Canons) of the Synod of Laodicea of Phrygia. The majority of these canons rule against second marriages and attendance of second marriages, suggesting an implicit dislike of divorce, except possibly for the purpose of abstinence.[401] However, in the 5th-century Laws of the Christian and Victorious Kings, also known as the *Syro-Roman Lawbook* translated from Greek into Syriac and preserved by

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399 "Synod of Laodicea," Canons X and XXXI, in *A Select Library of Nicene and Post Nicene Fathers of the Christian Church*, second series v. XIV, eds. Philip Schaff and Henry Wace (Grand Rapids, Michigan: Wm.B. Eerdman's Publishing Co., reprinted August 1974), 129 and 149.

400 "From the Fifty Nine (Canons) of the Synod of Laodicea of Phrygia," ed. and trans. Arthur Vööbus, *Synodicon of the West Syrian Tradition I,* (Louvain: Secrétariat du Corpus SCO, 1975-1976.), English, pp. 120 and 123. Syriac, p. 117:

ܡܢ ܩܢܘܢܐ ܕܡܬܟܢܫܝܢ ܒܐܬܪ ܗܪܛܩܝܐ ܕܐܦ ܠܐ ܫܪܝܪ ܠܢ ܕܢܣܒ ܒܢܝܢ ܘܒܢܬܝܢ ܠܗܘܢ ܐܠܐ ܕܢܣܒ ܠܢ ܐܢ ܡܬܚܝܒ ܐܢ ܢܗܘܐ ܡܫܝܚܝܐ

and p. 121:

ܩܢܘܢ ܕ ܡܢ ܩܢܘܢܐ ܕܡܬܟܢܫܝܢ ܒܐܬܪ ܗܪܛܩܝܐ ܕܐܦ ܠܐ ܫܪܝܪ ܠܢ ܕܢܣܒ ܒܢܝܢ ܘܒܢܬܝܢ ܠܗܘܢ ܐܠܐ ܕܢܣܒ ܠܢ ܐܢ ܡܬܚܝܒ ܐܢ ܢܗܘܐ ܡܫܝܚܝܐ

401 "Canons of the Apostles and of Synods," no. 45, p. 71; "Regulations of the Synod of Nicaea," no. 8, p. 97; "The Fourteen Canons of Neocaesarea," nos. 3 and 7, p. 107-108; "The Fifty Nine (Canons) of the Synod of Laodicea of Phrygia", no. 2, p. 119 in *Synodicon of the West Syrian Tradition 1*.

the Syrian Orthodox and Church of the East communities,[402] we see an acceptance of second marriage – perhaps reflecting an earlier, more secular, government outlook. Although, it also does not allow wives to accuse husbands of any wrongdoing, so while there was precedent for the legal legitimacy of second marriage, there was a very strong tradition against women initiating divorce. Men could initiate divorce for adultery, spending the night in another's home, and inappropriate theatre attendance on the part of his wife. Any other reason for divorce involved financial penalties for the husband. It is interesting to note that at this point conversion to another religion is not mentioned as legitimate reason for divorce.[403]

Regarding inter-religious marriage, the Council of Chalcedon (451 CE) reinforces the precedent set in Laodicea. The canons are more concerned with interaction between different Christian groups than interaction with non-Christians, with the exception of the Jewish community. Canon 14 states,

> Since in certain provinces it is permitted to the readers and singers to marry, the holy Synod has decreed that it shall not be lawful for any of them to take a wife that is heterodox. But those who have already begotten children of such a marriage, if they have already had their children baptized among the heretics, must bring them into the commonion of the Catholic Church; but if they have not had them baptized, they may not hereafter baptize them among heretics, nor give them in marriage to a heretic, or a Jew, or a heathen, unless the person marrying the orthodox child shall promise to come over to the orthodox faith. And if any one shall transgress this decree of the holy synod, let him be subjected to canonical censure.[404]

The Council of Trullo, or the Quinisext Council, which took place in Constantinople in 692 and was decidedly a more eastern-leaning Greek council, declares that Christians cannot marry 'a heretical woman' or 'a heretical man' in canon 72. There were representatives at this council from a mix of Byzantine and Umayyad cities – the notable patriarchs, or their

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402 Eduard Sachau (ed. and trans.), *Syrische Rechtsbücher*. 3 vols. (Berlin: Georg Reimer, 1907- 14), vii. Various extra fragments found after Sachau's publication were edited and translated by Vööbus in his *Synodicon of the West Syrian Tradition*. This text was not frequently used by the Syriac Orthodox or Church of the East communities until after the Arab conquest; however, it preserves commonly used laws from Levantine Byzantine territories as discussed in the introduction. Therefore it represents a legal textual tradition that Melkite Christians would have had access to.

403 "The Laws of the Christian and Victorious Kings (I), no. 93, p. 105; "The Laws of the Christian and Victorious Kings(II)," no. 85, p. 136-137 in Vööbus, *Synodicon of the West Syrian Tradition II*.

404 "The Council of Chalcedon," canon XIV, in *A Select Library of Nicene and Post Nicene Fathers of the Christian Church*, second series, v. XIV, "The Seven Ecumenical Councils," p. 278.

representatives, were from the usual Constantinople, Jerusalem, Alexandria, and Antioch, but curiously not Rome. Pope Sergius rejected the decrees. However, they remained authoritative within the Byzantine and Melkite churches. One wonders whether Muslims may have been included in the term 'heretics,' considering the eastern facing aspect of the council, as the representatives of patriarchs were predominantly from cities under Umayyad rule and that this council was contemporary with the life of John of Damascus who, before becoming a monk, worked as a civil servant for the caliphate of ‘Abd al-Mālik (r. 685-705) and possibly al-Walīd I (r. 705-715) and referred to Muslims as “heretics” in his *De Haeresibus*.[405] Canon 72 states,

> An orthodox man is not permitted to marry an heretical woman, nor an orthodox woman to be joined to an heretical man. But if anything of this kind appear to have been done by any [we require them] to consider the marriage null, and that the marriage be dissolved. For it is not fitting to mingle together what should not be mingled, nor is it right that the sheep be joined with the wolf, nor the lot of sinners with the portion of Christ. But if any one shall transgress the things which we have decreed let him be cut off. But if any who up to this time are unbelievers and are not yet numbered in the flock of the orthodox have contracted lawful marriage between themselves, and if then, one choosing the right and coming to the light of truth and the other remaining still detained by the bond of error and not willing to behold with steady eye the divine rays, the unbelieving woman is pleased to cohabit with the believing man, or the unbelieving man with the believing woman, let them not be separated, according to the divine Apostle, “for the unbelieving husband is sanctified by the wife, and the unbelieving wife by her husband.”[406]

It is difficult to discern how 8th-through 9th-century Melkite Christians may have felt about divorce. The Islamic conquest had occurred at a time when the church was beginning to claim an increasing authority over marriage as an ecclesiastical rather than secular institution, making divorce a more difficult choice to pursue.[407] It is likely that, following the pattern found elsewhere in Umayyad and Abbasid provinces, the Melkite community would have been given some degree of freedom to practice their own form of

405 Information about John's personal life: Glei, Reinhold F.. "Johnannes Damascenus." Christian-Muslim Relations. A Bibliographical History. General Editor David Thomas. Brill Online, 2015. Information about *De Haeresibus* from Daniel J. Sahas, *John of Damascus on Islam: The “Heresy of the Ishmaelites,”* 68.

406 "Quinisext Council/Council of Trullo," canon LXXII, in *A Select Library of Nicene and Post Nicene Fathers of the Christian Church*, v. XIV, p. 397.

407 Angeliki E. Laiou, *Women, Family, and Society in Byzantium*; (Farnham: Ashgate Variorum, 2011), 71-72.

law, [408] though the lack of edited editions of Melkite canon law from the period makes it difficult to say with certainty whether this was the case. In terms of Byzantine law, Theodosius II limited the availability of divorce in 449 and it was authorized, only on the conditions of: political treason, adultery, prolonged absence, taking monastic vows, or plotting murder.[409] Aside from taking monastic vows, most of these reasons would have been difficult to prove and would have left one or both partners with a social stigma. It is, however, possible to access some opinions on inter-religious marriage and/or divorce of the near contemporary Melkite monastic community through John of Damascus (d. 749), Theodore Abū Qurra (d. c. 823), and the *Summa Theologiae Arabica* (c. 860s) in order to gain a small insight into what the clergy thought social norms regarding divorce should have been in the 8th and 9th centuries.

John of Damascus portrays the acceptability of divorce in Islam as a defect of the religion in his "Heresy of the Ishmaelites," the last chapter of his *De Haeresibus*.[410] He says,

> This Muḥammad, as it has been mentioned, composed many idle tales, on each one of which he prefixed a title, like for example the discourse of The Woman, in which he clearly legislates that one may have four wives and one thousand concubines if he can, as many as he can maintain beside the four wives; and that one can divorce whomsoever he pleases, if he so wishes, and have another one. He made this law because of the following case: Muḥammad had a comrade named Zaid. This man had a beautiful wife with whom Muḥammad fell in love. While they were once sitting together Muhammad said to him, "Oh you, God commanded me to take your wife." And he replied, "You are an apostle; do as God has told you; take my wife." Or rather, in order to tell the story from the beginning, he said to him, "God commanded me (to tell you) that you should divorce your wife;" and he divorced her. Several days later he said, "But now God commanded me that I should take her." Then after he took her and committed adultery with her he made such a law, "Whosoever wills may dismiss his wife. But if, after the divorce, he wants to return back to her let someone else marry her (first). For it is not permitted for him to take her (back) unless she is married by somebody else. And even if a brother divorces (his wife), let his brother marry her if he so wishes." This is the type of precepts that he gives in this discourse, "Till the land that God gave you and beautify it; and do this and in this manner" – not to say everything

408 For general discussion of Christian and Jewish law under Islamic rule in the Umayyad and Abbasid periods, see Simonsohn, *A Common Justice*.

409 Grubbs, *Women and the Law in the Roman Empire*, 206.

410 Sahas, "Appendix I: The Chapter 100/101 of the De Haeresibus," *John of Damascus on Islam,"* 138-139. Additionally, Angeliki E. Laiou claims that John of Damascus wrote a gloss on canon 87 regarding divorce initiated by women from the Council in Trullo/Quinisext (692 in Constantinople). In it John does not even recognise mistreatment of a wife as valid cause for divorce. One wonders if this opinion would also carry over to a situation in which the husband had converted to Islam, see, "The evolution of the status of women in marriage and family law," *Women, Family, and Society in Byzantium*, III, 78.

obscene, as he did.[411]

John references a story about the prophet, also present in Qur'ān 33:37, although the Qur'ān does not explicitly state anything other than the common name 'Zaid,' Muslim tradition asserts that it is about Muḥammad marrying the wife, Zainab bint Jaḥsh, of his adopted son, Zayd ibn Ḥāritha. This surah also does not specifically make an argument for divorce, but rather refers to situations where fathers can marry the ex-wives of adopted sons.

In sum, the narrative states that Muḥammad's adopted son, Zayd, wanted to marry Zainab bint Jaḥsh. Eventually Muḥammad is convinced to suggest this union to Zainab and her brother, who agree after some convincing. After they had been married for a few months to a year, Muḥammad visits Zayd's home where he accidentally sees Zainab in a state of immodest dress and starts to have feelings for her. He keeps these feelings to himself until God decrees that Zayd should divorce Zainab and Muḥammad should marry her.[412]

John of Damascus likely picked up the story from popular narrative. There were certainly oral narratives circulating in the 8th century connecting 33:37 to the story of Muḥammad condoning Zainab and Zayd's divorce just before he marries Zainab.

Anas b. Mālik (companion of the prophet, c. 612-709/11) is recorded as having narrated traditions about Zainab bint Jaḥsh's marriage to Muḥammad in the *tafsīr* section of *Ṣaḥiḥ al-Bukhārī*. In one of these narrations, the tradition explicitly states,' "...But you did hide in your mind that which Allah was about to make manifest..." (Qur'ān 33.37) was revealed concerning Zainab bint Jaḥsh and Zayd ibn Ḥāritha.'[413] Muqātil ibn Sulayman (d. 767) in his *Tafsīr*, and al-Ṭabarī (d. 923) in his *Tafsīr* also discuss traditions concerning this narrative.[414] While these collections may not necessarily contain historically accurate material from the 7th century CE, the fact that they both cite a companion of the prophet as a

411 Sahas, "Appendix I: The Chapter 100/101 of the De Haeresibus," 138-139.

412 David Powers, *Muhammad is Not the Father of Any of Your Men: The Making of the Last Prophet*. (Philadelphia, University of Pennsylvania Press, 2011), 43-44.

413 al-Bukhārī, *Ṣaḥiḥ al-Bukhārī*, vol. 6, no. 4787.

414 Powers, *Muhammad is Not the Father of Any of Your Men*, 43-44.

narrator concerning Zaynab's marriage to Muḥammad suggests that there were oral traditions circulating about this particular story in Muḥammad's life during John's lifetime (676-749 CE).

John claims that Muḥammad allows divorce and re-marriage in Islam for his own advantage when he finds himself coveting his daughter in law. This use of condoning divorce as a polemic example of Muḥammad's and therefore general Islamic immorality, would suggest that John follows Chalcedonian Christian tradition in remaining firmly against divorce and particularly against second marriages, and views these church policies as normative.

Theodore Abū Qurra lists the ease of attaining divorce within Islam as a potential factor for Christian apostasy.[415] He also uses divorce in inter-religious polemics. In the Arabic account of the "Debate in the Court of al Ma'mūn," Abū Qurrah critiques divorce as part of Islamic marital tradition, he is portrayed as claiming that his opponent and Muslims in general are guilty of, 'being profligate with many women,' 'marrying divorced [women],' and, 'regarding them as permissible after your companion's entering into them.' He firmly closes this argument by stating that this type of behaviour, amongst others, 'is what God forbids and abhors.'[416] While Lamoreaux points out that the character of Theodore Abū Qurrah listed in some copies of this debate text may not at all represent the historic figure, the assertion of divorce as a negative aspect of Islam in a 9th-century Melkite debate text is significant.[417] Debate texts were specifically designed to help clergy and literate Christians argue with their Muslim counterparts and argue against Muslim doctrines that may have appealed to Christians, particularly for the larger purpose of keeping Christians from converting to Islam. In order to be effective, aside from being useful in a practical sense,

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415 John C. Lamoreaux, "Theodore Abū Qurra," *Christian-Muslim Relations. A Bibliographical History*. General Editor David Thomas, (Brill Online, 2013).

416 David Bertaina, *An Arabic Account of Theodore Abu Qurra in Debate at the Court of Caliph al-Ma'mun: A Study in Early Christian and Muslim Literary Diologues*, (Dissertation, Catholic University of America, 2007), 403. This dissertation is also a translation of an Arabic account of the debate.

417 Lamoreaux, John, *Theodore Abu Qurrah*, (Provo, UT: Brigham Young University Press, 2005), pp. xvi-xvii.

they must have contained themes and lines of argument that appealed to both clergy and the laity.[418] Therefore, for divorce and remarriage to be highlighted as a negative aspect of Islam in this context suggests that a majority of Melkite clergy, and likely a significant number of laity, would have been against such things and fostered a social environment that would have made it difficult for a Christian woman to divorce, even in the case of her husband converting.

Rather than simply being against remarriage, as his character is portrayed in the debate text, the historic Abū Qurrah writes against divorce without dire cause as well. In "Against the Jews" he lists reasons that the ignorant are more likely to be attracted to Judaism because they are drawn towards the vulgar, namely, '…its granting them license and catering to their desires for an earthly kingdom, political power, honey and milk, polygamy and divorce whenever one wants it.'[419] Again, the statements from Abū Qurrah and John of Damascus' writings would suggest an environment where divorce is difficult to achieve due to clerical, and possibly social pressure.

The Melkite *Summa Theologiae Arabica* upholds the ruling of the Synod of Laodicea, which only permits Christians to marry other Christians, particularly those of the correct christological persuasion. Throughout the text the author of the *Summa* was often concerned with Christians who performed acts of religious code switching in social situations with Muslims. He upholds the ruling from Laodicea by stating that marriages with those he does not consider properly Christian may occur only if the spouse agrees to convert to Melkite Christianity and follow the laws of that particular Christian community.

> It should not arise that a church allow people to be married or they be married between them from the transgressors except upon the condition that they become Christian and they are under the religious law of the Catholic church.[420]

418 Bertaina, *An Arabic Account of Theodore Abu Qurra in Debate at the Court of Caliph al-Ma'mun*, examples throughout.
419 Lamoreaux, *Theodore Abu Qurrah*, 35.

420 *Summa Theologiae Arabica* - *BL OR* 4950, 190a, المجمع السابع قانون العاشر:
لا ينبغ لدي الكنيسه ان يتزوجوا او تزوجوا بينهم من المخالفين الا على شرط ان يتنصروا و يكونوا على شريعة الكنيسة الجامعة

Rather than condemning outright, or focusing on potential punishments for those involved, the author attempts to find a middle ground from a synod long past. While it is questionable how often this suggestion would have been earnestly carried out rather than merely claimed for the occasion, the ruling does point, again, to a level of boundary maintenance. This may have been one of his techniques to force people who seemed to have a foot in both religious traditions to make their public actions more Christian if they expected to marry a Christian.

These brief examples from the writings of Abū Qurrah and John of Damascus suggest that divorce was officially looked down upon in the community in the 8th and 9th century. Additionally, such a stigma would have been re-enforced by the longstanding theological aversion to re-marriage, exemplified long before these Melkite church fathers by the patristic extrapolation of the concept that pious Christians ought only to contract one marriage during their lifetimes on the basis of I Timothy 3:2 and 12; Matthew 5:32 and 19:9; Luke 16:18; Mark 10:11, as well as 5:9; 1 Corinthians 7; Romans 7:2-3; and Titus 1:6. Similar opinions concerning divorce can be found in Syriac Christian canon law from Antioch, and Church of the East canon law.[421]

While divorce and second marriages were officially frowned upon even in the case of conversion, we also see from the *Summa* that the religious elite made an attempt to keep exogamy under control by insisting that the non-Melkite, whether non-Christian or different type of Christian, promise to become Melkite. This pledge is incredibly difficult to truly assess or punish transgression of should the spouse choose to remain their original religion. By not allowing divorce and allowing exogamy with only a promise of conversion to Melkite Christianity, the religious elites' attempts at boundary maintenance may have actually backfired, creating situations where couples were stuck in inter-religious marriages through a refusal of the non-Melkite spouse to convert, or through one spouse converting to

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421 Timothy Canon 46 and 61, Isho'barnūn canon 17 and 43, Isho'bōkt Canon II.ix and IV.i.2. Sachau, *Syrische Rechtsbücher*, 2:90, 98-100, 122-24, and 134 and 3: 52-54 and 94. References found in Weitz, *Syriac*

another faith or the Christian community socially pressuring the Melkite partner to remain married to a non-Melkite Christian.

5.3.b *Syriac Orthodox*

Athanasius of Balad, Patriarch of Antioch (683-687 CE) viewed exogamy as an abomination, and listed it alongside a prohibition against eating Muslim food, fornication, and attending non-Christian festivals in his encyclical letter.[422] The letter is addressed to 'the archbishops and inspectors,' and thus was meant for an audience of Christian religious elite.[423] He generally requests that they put an end to certain behaviours which have come to his attention,

> ...Greedy men, who are slaves of the belly, are heedlessly and senselessly taking part with the pagans in feasts together, *wretched women mingle anyhow with the pagans unlawfully and indecently,* and all at times eat without distinction from their sacrifices. They are going astray in their neglect of the prescriptions and exhortations of the apostles who often would cry out about this to those who believe in Christ, *that they should distance themselves from fornication*, from what is strangled and from blood, and from the food of pagan sacrifices, lest they be by this associates of the demons and of their unclean table.[424]

As is to be expected in Christian sources dating from the early period of Islam, he refers to pagans (*ḥanpē*/ܚܢܦܐ), but due to the context of the 7th-century conquests it seems likely, if not probable that he is referring to Muslims here. The Syriac word historically used for "pagan," *ḥanpē*, came to be used as a negative play on the Arabic word *ḥanīf,* which etymologically initially stems from *ḥanpē*. While *ḥanīf* (حنيف) eventually became a term of respect in Islam for a fellow monotheist, in Syriac *ḥanpē* was commonly used to refer to

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Christians in the Medieval Islamic World.

422 Hoyland, *Seeing Islam as Others Saw It,* 147. It is important to keep in mind that the Archbishops would have been in charge of bishops who were locally integrated into their respective communities as both religious eltie but also those in charge of the ecclesiastical judicial system. For further discussion of this see, Simonsohn, *A Common Justice*, 31-32 and 146.

423 Hoyland, *Seeing Islam*, 147-148.

424 My italics. Athanasius of Balad, Letter, 128-29. As found in, Hoyland, *Seeing Islam*, 147-148.

Muslims in a negative sense.[425] The intriguing part of this letter is that it not only reveals that some Christian leaders in the 7th century were completely against inter-religious marriage, referring to it as unlawful mingling, being indecent, and fornication, but that they seem to hold this in equal measure as eating ritually prepared food and attending Muslim festivals.[426] The issue of eating another community's food is a long-running debate throughout Jewish and Christian history, and this would suggest that Athanasius, as opposed to the Muslim narrations from Ibn Abī Shayba above, views exogamy as somehow causing a type of spiritual impurity rather than merely a threat to conversion by social influence.

The responsa of the bishop Jacob of Edessa (d. 708), who was well-known as a legislator, also acknowledged the threat of conversion through inter-religious marriage.[427] Of Jacob's seven legal texts, his responsa are the most relevant to exogamy. Though the question and answer format was a popular literary device at the time, it is likely that the issues he raises within the text reflect larger communal concerns brought to him as Bishop of Edessa (684-688 and briefly in 708) and therefore potentially reflect social realities from around the same time period as Athanasius' letter.[428]

There had been women in Jacob's community marrying Muslim men and when asked what to do with a Christian woman married to a Muslim man, he suggests that in general such women were to be given an appropriate penalty, which one might imagine would involve something obvious to the community resulting in embarrassment as a sort of social punishment and creation of an example. Yet, these women were still allowed to take communion if they wish, lest they convert to Islam. It seems that not only is it assumed that conversion was a threat posed by inter-religious marriage, but also that there was the potential for these women to make demands with conversion to Islam as a tool for

425 W. Montgomery Watt, "Ḥanīf," *Encyclopaedia of Islam, Second Edition*. Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Brill Online, 2014.
426 Hoyland suggests that rather than 'sacrifice' one could translate the same word as 'ritually slaughtered meat,' which seems more likely considering the context. This, as Hoyland points out, would then fit into the category of debating the acceptability of eating meat which was ritually slaughtered according to the practices of a different religion. For Hoyland's discussion of this issue, see, *Seeing Islam*, p. 149.
427 Hoyland, *Seeing Islam*, 161 and 163.

bargaining. Jacob addresses these social issues and Christian fears surrounding a Muslim-Christian union:

> Q: Concerning a Christian woman who of her own free will marries a Muslim (ܡܗܓܪܝܐ), is it appropriate for priests to give her communion and is there known a canon regarding this? And if her husband threatens to kill the priest if he does not give communion to her, is it right for him to consent temporarily while he (the husband) is seeking that he (the priest) be killed, or is it a sin for him to consent? Or is it better that he give her communion lest she become a Muslim, since her husband is compassionate towards the Christians?
>
> A: All these doubts of yours, you have resolved them [yourself] in that you have said it is appropriate that communion be given to her lest she become a Muslim; [just] so that she does not then become a Muslim - even if it be that the priest is sinning when he gives [it] to her and even if her husband is not making threats - it would be right to give her communion and it would not be a sin for him because he gives [it] to her. As for the other thing that you say, is a canon known regarding this, you should conduct yourself [according to what I have said] even if there is no fear of her apostatising and her husband is not making threats. So that other women fear lest they too stumble and for the rebuke of that particular woman, it is right, however much she supplicates those in authority, that she suffer under the canons whatever she is able to bear."[429]

Jacob also seems to fear Muslim husbands threatening priests in defence of their wives' right to communion. Whether threats or manipulations such as the ones described above occurred or not, it is clear throughout these responsa, even with the variations, that there was a general acceptance within the Christian community that exogamy occurred and that it was related to conversion. The attempts to punish Christian women who married Muslim men, however limited, represent an attempt to enforce communal boundaries. While Jacob does not forbid these marriages outright, he does attempt to keep other women and their families from emulating women who marry Muslim men.

Although the terms of punishment are ambiguous, it is clear that the punishment itself has a social purpose. Jacob says the purpose of punishment is, 'So that other women fear lest they too stumble and for the rebuke of that particular woman.' This suggests that

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428 Ibid, 160-161.

429 Hoyland, *Seeing Islam*, 604-605; his translation is based on *Ms. Harvard syr. 93,* fols. 25a-33b. Jacob of Edessa, *Other questions which the aforementioned priest Addai asked together with the replies to them*, Q. 75.

some form of social ostracization was part of the punishment - whatever these women were told to do in order to pay for their transgression, other Christian women had to know about it in order to deter them and their families from making similar choices. So, in theory a Christian woman married to a Muslim man would have functioned as a warning which would serve the dual purpose of church officials by dissuading others from following her actions while keeping her within the fold. Whatever these public punishments were, they would presumably have isolated her from the Christian community through some degree of slight humiliation, even as she maintained her ties within it, effectively stamping her with a social stigma, while not ostracizing her entirely. This strategy betrays the fear some Christian religious elites had of inter-religious marriage as a means to conversion, as well as their desperation to retain as many believers as possible.

The Canons of Patriarch Giwargi I, Syriac Orthodox Patriarch of Antioch (d. 790)[430] from the synod of 758 CE, record a preference against exogamy, addressed towards Islam and of course rival Christian communities. Canon 12 states, 'Christians who give their daughters to pagans or Moslems or Nestorians — if they are priests, they shall not serve in the priesthood. If they are laymen they are not allowed by God to enter the holy church and shall not participate in the holy mysteries.'[431] Canon 13 focuses on women already married to Muslims, and defying Jacob's opinions, prohibits these women from entering church or receiving eucharist.[432]

The Canons of Patriarch Qyriaqos (r. 793-817)[433] address the issue of taking multiple wives alongside that of divorce, and adds a specific punishment for a woman who leaves her husband,

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430 Simonsohn, *A Common Justice*, 154.

431 "Canons of Patriatch Gīwargī," in *Vööbus, Synodicon of the West Syrian Tradition II*, (English) p. 5, (Syriac), p. 4:

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> Likewise, a wife who abandons her husband shall be rejected; so (too) the one who took her. If, however, they separate, they shall stay without marriage – she from her first husband, for it is not possible to return lest the 'earth on which they walk becomes polluted' according to the word of the prophet.[434]

This passage highlights the issue that Christian women who found themselves unintentionally married to recently converted Muslim men would have had no way out of the situation, if they chose to abide by Christian rules, adding additional credence to the mimetic nature of the Bakchos martyrdom.

The Canons of Patriarch John III (846 CE),[435] Syriac Orthodox Patriarch of Antioch c. 846-873 CE,[436] emphasize that the Byzantine rules regarding second marriages, and, presumably, divorces, should be maintained. John III repeats the 7th-century prohibition against inter-religious marriage in canon 23, 'Whoever gives his daughter, whether he is a man or woman, to a pagan or a Jew or a Magian or the woman out of her own accord becomes (the wife) to one of these, this God-loving synod has determined that they shall be foreign to the church and from the participation in the divine mysteries.'[437] Again, Muslims are probably one of the religious groups represented by the term 'pagan' and we find another witness to the theme of social ostracization. While Jacob of Edessa is lenient, John is less so. People who marry Muslims are to be cut off from their Christian community. Although, the fact that he needs to state this suggests that many of the communities he is responsible for are not imposing what he would consider proper punishments on those who participate in

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434 "Canons of Patriarch Qyriaqos," *Synodicon of the West Syrian Tradition II,* no. 34, (English) p. 16, (Syriac), p. 14:

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exogamy. Perhaps he was concerned with issues regarding the identity of the children of mixed marriages, and the potential for them to be encouraged to participate in religious code switching when interacting with the different branches of their family. Those with inter-religious families could influence others to be similarly flexible. If these women were not socially ostracized in any way, their children would have experienced Christian traditions and family life through their maternal relatives despite being nominally Muslim and could therefore bring Islamic ideas and traditions into their Christian communities. Of course, this is precisely what appears to have occurred over the *longue durée*.

John III also asserts that no one should pressure the bishop to change the regulation against inter-religious marriage, 'We thus have decided through the living anathema of God that no one is allowed to press on or oppose the bishop to dissolve this regulation,' suggesting that perhaps there was a group of clergy or elite members of the lay community attempting to do just that.[438] By the early 9th century CE, there appears to have been a movement attempting to allow divorce and remarriage, possibly following the example of Islamic courts.

5.3.c *Church of the East*

The Church of the East synod of Mar Isaac in 410, in canon 20, introduced by a Roman emissary, created a precedent allowing Christian men to marry non-Christians, yet prohibiting women from doing so.[439] There is concern that women moving into their husband's household will convert away from Christianity,

> 20. Regarding this, that the Christian women shall not be (given) to the pagans.
>
> It is the will of the general synod that it is lawful for Christian men to take wives from all the nations and that they shall take care of them and that they shall be instructed. But (regarding) their women, namely their daughters - it is not lawful for them to give them

438 Ibid, no. 25, p. 48.

439 Vööbus, *Mārūtā of Maipherqaṭ*, (Syriac) 439: 71-72, (English) 440: 62 (canon 20). Reference from Simonsohn, "Communal Membership Despite Religious Exogamy," 256:

> (to pagans) because they through their weakness, might be drawn towards the mind of their husbands, and that (thus) they [the in-laws] shall take them [Christian women] away from their Christianity and may cause them to be brought into paganism (ܚܐܬܢܘܬܐ) and Judaism.
>
> The general synod puts him who transgresses these (canons) under an anathema.[440]

From this point onward Church of the East discussion of exogamous marriage is generally targeted at women.[441] It is likely also significant in this instance that the word for 'paganism' became the word commonly used to describe Muslims in Syriac - a linguistic shift that would make this particular law appear to remain applicable to Muslims as well as 'pagans' after the conquest.

The 676 synod of Catholicos Mār Georges (r. 661-680), under Umayyad rule just four years before the beginning of the second *fitna*, focuses on exogamous marriage between Christian women and non-Christians - at this point Muslims can probably be assumed,

> Canon XIV. -- Qu'il ne convient pas que les chrétiennes s'unissent aux païens étrangers à la crainte de Dieu. -- Les femmes qui ont une fois cru dans le Christ et qui veulent vivre de la vie chrétienne doivent se garder de toute leur force de l'union avec les païens, attendu que l'union avec ceux-ci leur crée des usages contraires à la crainte de Dieu et entraîne leur volonté dans le relâchement. - Donc, que les chrétiennes évitent absolument d'habiter avec les païens; et que celle qui oserait le faire soit éloignée de l'Église et de tout honneur chrétien, par la parole de Notre-Seigneur.[442]

Here we see an example of the Church of the East's fascination with women marrying non-Christians, one that parallels what will later become normative Islamic jurisprudence with Muslim men permitted to marry non-Muslim women, but Muslim women only being allowed to marry Muslim men.

While Umayyad and the majority of Abbasid-era canon law did not view divorce as acceptable, the Metropolitan of Fars, Īšō'bōkt (r.c. 773-779/80), was part of a trend allowing

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440 Vööbus, *Mārūtā of Maipherqaṭ*, 439: 71, 440: 62 (canon 20). For further discussion of the emphasis on women regarding exogamy in Church of the East canon law, see Simonsohn, "Communal Membership Despite Religious Exogamy," 257.

441 Simonsohn, "Communal Membership Despite Religious Exogamy," 256-257.

442 Chabot, *Synodicon Orientale*, (French) 488, (Syriac) 223-224, (canon 14):

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some loopholes to this long-standing tradition.[443] Īšō'bōkt suggested that divorce be allowed in situations regarding a spouse 'rejecting God,' as well as prescribing that Christians be barred from marrying non-Christians.[444]

> The first is rejection of God, the second is adultery, and the third is murder; it being known that sorcery is also rejection of God, for no man is able to attempt this abomination without rejecting God first.[445]

His concept of 'rejecting God' appears to have been more closely related to suspicions of what he termed 'sorcery' (ܟܫܦܐ), which suggests that, at the very least, he feared that Christians may have been performing extra-Church of the East religious rites/practices.[446]

Significantly, Īšō'bōkt allowed women to divorce their husbands. He actually states that the leaders of the church 'command' a woman to divorce her husband if he committed murder, practiced sorcery, or if he 'rejected God.'[447] However, the validity of the husband's apostasy had to be determined by repeated interrogations which would have provided him the opportunity to reject the claim. Regardless, Īšō'bōkt not only allowed but seemingly encouraged women to divorce a husband who did not conform to Church of the East religious practices and emphasized the rule that Christians must marry other Christians. Whether intentionally or not, through these statements he created the basis of a defense against the creation and sustaining of inter-religious families, which were a catalyst for conversion over a generation or two.

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443 Weitz, *Syriac Christians in the Medieval Islamic World*, 210.

444 Ibid, 210 and 218-219, specifically footnote 455. Although, Weitz claimes that this policy may have been influenced by Zoroastrian practices. For prohibition of Christians to marry non-Christians see Sachau, *Syrische Rechtsbücher*, vol. 3, p. 52-55, especially p. 52(Syriac) & 53(German):
'Jedoch solange die Menschen noch nicht verheiratet sind, befiehlt der Apostel, nur Christinnen zu heiraten.'
ܟܬܒ̈ܐ ܕܡܫܝܚܝ̈ܐ ܒ̈ܢܝ ܐܢܫ̈ܐ ܠܐ ܡܬܚܬܢ̈ܝܢ ܗ̇ܘ ܫܠ̈ܝܚܐ ܕܦ̈ܩܕ ܕܢܣ̈ܒ ܠܢ ܐܠܐ ܒܢ̈ܬ ܡܫܝܚܝ̈ܐ

445 English: Ibid, 210; and Syriac: Sachau, *Syrische Rechtsbücher,* vol. 3, p. 56:
ܟܬܒ̈ܐ ܕܡܫܝܚܝ̈ܐ ܚܕ ܡܢ ܗ̇ܘ ܕܫ̈ܠܝܛ ܒ̈ܥܠ ܐ̈ܡܬܗ ܕܢܫܒ̇ܩ ܠܗ ܡܢ ܒ̈ܥܠ̈ܗ ܐ̇ܢ ܩܛ̈ܠ ܐ̇ܘ ܫ̈ܚܪ ܐ̇ܘ ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܐ̇ܦ ܗ̇ܘ ܕܫ̈ܚܪ ܐ̇ܘ ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܡ̈ܛܠ ܕܠܐ ܡ̈ܢ ܐ̈ܢܫ ܠܐ ܡ̈ܫܟ̈ܚ ܕܢܥ̈ܒܕ ܗ̇ܢ ܪ̈ܓܣ ܐ̇ܢ ܠܐ ܒ̈ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܩ̈ܕܡ

446 Ibid, 210.

447 Sachau, *Syrische Rechtsbücher*, vol. 3, (Syriac) p. 62 and (German) p.63:
'Die Leiter der Kirche befehlen dem Weibe, sich von ihrem Gemahl zu trennen, wenn er Gottesleugnung oder Zauberei oder Mord begeht, aber erst dann, wenn er mehrere Male zur Rede gestellet worden ist, trotzdem im Ungehorsam verharrt und nicht mehr auf seine Rückkehr zur Gottesfurcht zu hoffen ist.'
ܟܬܒ̈ܐ ܕܡܫܝܚܝ̈ܐ ܚܕ ܡܢ ܗ̇ܘ ܕܫ̈ܠܝܛ ܒ̈ܥܠ ܐ̈ܡܬܗ ܕܢܫܒ̇ܩ ܠܗ ܡܢ ܒ̈ܥܠ̈ܗ ܐ̇ܢ ܩܛ̈ܠ ܐ̇ܘ ܫ̈ܚܪ ܐ̇ܘ ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܐ̇ܦ ܗ̇ܘ ܕܫ̈ܚܪ ܐ̇ܘ ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܡ̈ܛܠ ܕܠܐ ܡ̈ܢ ܐ̈ܢܫ ܠܐ ܡ̈ܫܟ̈ܚ ܕܢܥ̈ܒܕ ܗ̇ܢ ܪ̈ܓܣ ܐ̇ܢ ܠܐ ܒ̈ܟܦ̈ܪ ܒ̈ܐܠܗܐ ܩ̈ܕܡ

While the above canons are merely prescriptions, the fact that Īšō'bōkt thought they were necessary suggests that there were enough interactions between Christians and Muslims in the realm of marriage and family life to cause him to emphasize rules intended to strengthen the barrier between the Church of the East and other local religious communities via marriage and divorce practices. He, like Abū Qurra, may have either witnessed or simply feared that the Christian disdain for divorce was somehow facilitating Christian conversion to Islam. However, he remained firm in the traditional prohibition of re-marriage, which would have kept unskilled women or women who were not independently wealthy from divorcing,

> Vielmehr will der Ausdruck besagen: Wie die Frau, solange ihr Mann lebt, nicht berechtigt ist einen anderen Mann zu heiraten, ebenso ist auch der Mann, solange seine Frau lebt, nicht berechtigt eine andere Frau zu heiraten.[448]

Although Īšō'bōkt only allows for divorce under very limited circumstances and prohibits remarriage, these canons likely addressed issues present within the community, potentially an increase in inter-religious marriages or converts to Islam. There must have been a desire for divorce amongst certain influential parties, either clergy who wished to help separate Christian and non-Christian, or differently Christian, spouses and/or wealthy lay people with political influence. These small allowances would have created the potential for clergy to build a more firm boundary between Christians and non Christians by providing legitimacy for dissuading or even divorcing inter-religious marriages. They also would have provided a wealthy Christian with a legitimate means for divorce or encouraging family members who might have married a Muslim, or whose spouse converted to Islam, to divorce. However, it is important to remember that Īšō'bōkt's allowances for divorce are incredibly restricted and may have had very little effect on lay Christian practice.

Patriarch Timothy I (r. 780-823) elaborates on Īšō'bōkt's divorce policy, suggesting that the phrase 'rejecting God' can mean outright apostasy in addition to practicing non-

448 Sachau, *Syrische Rechtsbücher* Vol. 3, (Syriac) p. 54 and (German) p. 55:
ܗܘ ܕܐܡܪ ܒܣܝܡ ܐܢ ܡܢ ܕܫܒܩ ܠܗ ܒܥܠܗ ܕܐܢܬܬܐ ܕܐܝܬ ܠܗ ܒܥܠ ܠܐ ܢܣܒ ܐܚܪܢܝܬ ܐܦ ܗܟܢܐ ܕܓܒܪܐ ܕܐܝܬ ܠܗ ܐܢܬܬܐ ܠܐ ܢܣܒ ܐܚܪܝܬ

Church of the East religious rituals or rites suspected of being sorcery.[449] He also uses Gregory of Nazianzen's 'Orations,' which states that women should be permitted to divorce adulterous husbands, and goes on to claim that apostasy[450] from Christianity constitutes a 'spiritual adultery.'[451] This marks another step towards easing the way for Christian women in situations similar to that of Bakchos' mother by decreasing the ambiguity of the rule ultimately allowing for her divorce and escape from an unwanted marriage to a non-Christian - a social situation in which she could be pressured to convert to Islam or act in accordance with her family's beliefs. While he does allow for women to initiate divorce, he retains the prohibition of remarriage in some of his writings and allows remarriage in others.[452]

Regarding exogamy, he disagreed with with Īšō'bōkt, stating that a Christian man may marry a non-Christian woman if he *attempts* to convince her to convert to Christianity; however he anathematizes Christian women who marry non-Christian men and everyone involved in the union.[453] This corresponds with the rulings of his contemporary 'Abdišō'bar Baḥriz (r. early 9th century) the Metropolitan of Ḥarran, and later Moṣūl and Ḥazza, who only allowed exogamous marriage to men as well as women if it was for the explicit purpose of converting the intended partner to Christianity.[454]

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449 Weitz, *Syriac Christians in the Medieval Islamic World*, 211.

450 Sachau*, Syrische Rechtsbücher*, vol. 2 (Syriac) p. 84 §36 and p. 86; (German) p. 85 §36 and p.87:

Aus wievielen Gründen wird die Frau von Manne, der Mann von der Frau geschieden? Vier Gründe sind es, wegen deren sie von einander geschieden werden: 1-daß man die Unschuld bewahren will (d.h. ein Gelübe der Enthaltung vom Geschlechtsleben), indem (nach erfolgter Scheidung) weder der Mann sich einem andern Weibe, noch das Weib sich einem andern Manne zuwendet. 2 - scortatio corporalis et adulterium; 3 - scortatio spiritualis, d.i. Zauberei und Abfall von Gott durch Unglauben und Dämonenkult. 4 - der Tod. Dies sind die Ursachen, welche die Männer von den Weibern, die Weiber von den Männern scheiden.

ه ممحد ملمد هلله محمهمد مد حدمد. ممحه. مهمهمد مح مدحد ٤مهمه مه مدحد مح مهمهمد ممهمه للله محمه
.مهمهمد مهمهمد لد ممحمه مدحد لا مد مهمحد ٤لحلا مح مهمحه. مهد مح مدحد ه مدحد مح مهد مهمه ممهللحه
مهمهمد مهممهه مهمهد هلهد. مدحد ه مهمدحه مهمهد. مهمهمد مدحد لد ممحمه مهمهمد مللمحه
مد مدحد لمعمه مهللد ممهمهمد ملمد. مهمحد. حدمد. ممدمحه ممسلمه ه مدمحمحه مهملد مح مهمحلا ه. مهمحمهمد
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451 Weitz, *Syriac Christians in the Medieval Islamic World*, 219.

452 Ibid., 212, footnote 442.

453 Ibid, footnote 455. He sites § 26 and §27 in MS Mount Sinai Syriac 82, folio 68b.

454 'Abd'išō' bar Baḥrīz, *Ordnung der Ehe und der Erbschaften sowie Entscheidung von Rechtsfällen*, ed. and trans. Walter Selb (Wien: Böhlau,1970), (Syriac) 36, (German)37 (reg. 43): FALL: Es ist den Christen

Here we see an interesting parallel to Islamic law, which allows Muslim men to marry free non-Muslim women (from the People of the Book), but by the 9th century begin attempting to proscribe Muslim women marrying non-Muslim men. Jurists of both religions would prefer that the male, and head, of the household identify as a member of their own religion - a small-scale method of retaining power over the spread of another religious tradition. *Ḥadīth* and *fiqh* collections from the 8th-9th centuries also contain prohibitions against Muslim women marrying non-Muslims, and discussions of what to do if Muslim women found themselves already married to a non-Muslim. It is possible that this was either a long-running tradition in the near east, or that Christian and Muslim communities were influencing each other.[455]

The Church of the East, unlike the Melkite church which had a history of being under Byzantine, and therefore Christian, rule may have been more accustomed to adapting to the policies of the ruling religion. Where Melkite Christian communities had to adjust to not being in tune with the empire after the conquest, the Church of the East developed under Zoroastrian rule and therefore may have been more flexible and adaptable to influence by those in power, whether for survival alone or simply because they traditionally had to be more open minded due to the historical relationship with the local Zoroastrian majority and saw adaptation as the norm.

Timothy's lenience regarding Christian men marrying non-Christian women on the understanding that, in theory, *after* the marriage the husband will attempt to convert his wife leaves room for the distinct possibility that Muslim women could have been marrying Christians and raising their children - people who were supposed to be future Christians. He does attempt to regulate what happened after marriage as well, prescribing that any man who allows his wife to remain non-Christian should be excommunicated. However, there are no

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nicht erlaubt, sich Ungläubigen order Juden zu vermählen. Irgendeinen von ihnen in der Hoffnung der Bekehrung zu nehmen, ist jedoch erlaubt; gleichzusetzen ist 'ihnen' mit 'Frauen', nicht aber mit 'jedermann.' Reference originally found in Simonsohn, "Communal Membership Despite Religious Exogamy," 262.

455 For a view pertaining to the mutual influence of Judaism and Islam see Michael E. Pregill, "The Hebrew Bible and the Quran: The Problem of the Jewish 'influence' on Islam," *Religion Compass* 1/6 (2007): 643-659.

specific time limits to this, leaving it at the discretion of the local authorities, if it was enforced at all.[456]

Timothy's policy regarding Christian men marrying non-Christians resonates with the occasional *ḥadīth* and ruling found in the *muṣannafāt* and *fiqh* discussed in chapter 3, where it would appear that in the early period Muslim women did, at times, marry non-Muslim men or remained married to men who apostatized from Islam creating inter-religious households where children could be raised in a variety of ways with regard to the two traditions. While Īšō'bōkt worked against what seems to have been a recent increase in inter-religious marriage and family in the mid-8th century, Timothy's reaction in the late 8th-early 9th century would suggest that inter-religious marriage was a practice common enough that it was, if grudgingly, considered a reality.

Patriarch Īšō'barnūn (r. 823-828) specificly states that apostasy can mean conversion to another religion, rather than merely performing an action indicating that the actor no longer affiliates with Christianity. He mentions a case very similar to that of Bakchos' mother,

> If there is a Christian woman who marries a man, and later...he apostatizes and compels her to apostatize, she may loose herself from him by the law of the church.[457]

Here we see this same domestic situation explicitly stated in a legal document - its appearance in a Melkite martyrology, Church of the East canon law, and Islamic *ḥadīth* and

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See especially 654-656.

456 Sachau, *Syrische Rechtsbücher*, 2:122-23 (reg. 11), reference originally found in Simonsohn, "Communal Membership Despite Religious Exogamy," 262.

457 Eduard Sachau, ed. and tr. *Syrische Rechtsbücher*. 3 vols. (Berlin: Georg Reimer, 1907- 14), vol. 2: (Syriac) p. 168, (German p. 169), § 114:
Wenn eine Christin mit einem Christen verheiratet ist, wenn letzterer dann vom Satan besessen wird und das Christentum abschwört und auch sie drängth dasselbe zu tun, dann ist sie nach dem Gesetz der Kirche berechtigt sich von ihm zu trennen. Und wenn sie ihn verlassen will, selbst wenn er sie nicht drängt [das Christentum aufzugeben], ist sie dazu berechtigt.

.ܠܗ ܥܡ ܢܚܕܪ ܠܗ ܝܠܝܗ: ܐܢ ܗܘ ܡܢ ܒܥܠ ܚܝܒܐ ܐܢ ܐܦ ܗܝ ,ܡܫܬܥܒܕܐ ܗܘ ܠܗ ܝܠܝ ܕ ,ܡܫܬ ܡܐ ܕܢ ܒܥܠ ܚܝܒ ܐ ܗܘ ܕ ܐ ܐ ܐ

fiqh collections suggest that inter-religious families were increasingly common, and that Christian women throughout the central Islamic lands were dealing with this issue in the 8th and 9th centuries C.E.

Interestingly, Īšō'barnūn assumes a position similar to Īšō'bōkt concerning marriage between a Christian and non-Christian. While Īšō'bōkt refused any inter-religious marriage, Īšō'barnūn allows a Christian man to marry a non-Christian woman if she converts to Christianity, although he suggests no time constraint on *when* she must convert. While this prescription is more strict than Timothy's, as it claims that she must actually convert rather than the husband must *attempt* to convert her, Īšō'barnūn's policy still allows for the, seemingly unavoidable, reality of Christians marrying non-Christians and leaves potential room for inter-religious households.

Unlike the Melkite and Syriac Orthodox traditions, whose clergy continued to emphasize a distaste for divorce regardless of the risks of creating inter-religious households which would produce more non-Christians than Christians, the Church of the East resembles Islamic law in that it is willing to allow divorce in situations where one spouse apostatizes, and attempts to reasonably regulate the seemingly inevitable requests for exogamy.

5.4 *Conclusion*

General Christian discussion of inter-religious marriage in the Near East appears to have revolved around concepts of impurity and risk of conversion. Regarding the situation put forth in the martyrdom of Bakchos the Younger, Bakchos' mother follows Melkite policy, and possibly local Christian societal values, by refusing to leave her husband.

In the end, it would appear that Melkite reluctance to officially allow divorce may have contributed to the conversion of the Levant to Islam over the course of the *longue durée*. By allowing inter-religious families to exist and produce offspring with both

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Reference originally from Weitz, *Syriac Christians in the Medieval Islamic World*, 219, footnote 454.

Christian and Muslim identities as well as both Christian and Muslim familial and social networks, the Christian religious elite's firm rejection of divorce made the boundaries between the two faiths increasingly permeable. When the question of choosing where one's identity lies is bound up in familial associations, it became increasingly less likely that a person might choose one or the other but rather adapt to immediate social and familial situations, or religious code switching.

Rather than discuss divorce as a possibility for dealing with inter-religious marriage, the various Christian communities living under Muslim rule in the Near East focused more on the issue of marrying Muslims in the first place. There is little discussion of Christian men marrying Muslim women, but much discussion about what to do if a Christian woman married a Muslim man, the former was considered less of an issue as the head of household was Christian. The Islamic legal sources discussed in chapter 4 reveal that there were Muslim women remaining married to Christian men and marrying them outright, therefore this was clearly an issue, but one that Christians benefitted from and were therefore less concerned with.

In the 7th-9th centuries the Melkite and Syriac Orthodox Christian groups' lack of acceptance of divorce may have encouraged higher class and skilled women married to Christian men to convert to Islam, thereby creating more Muslims. Meanwhile these policies also encouraged poorer, less skilled women to remain in inter-religious marriages that would have produced children with a background in both Christianity and Islam. While the Melkites continued to embrace a distaste for divorce, emphasizing easily attainable divorce as a major flaw in Judaism and Islam, and also continued in their disapproval of inter-religious marriage, there were a variety of later Church of the East canons allowing divorce, particularly female initiated divorce, as a way to escape inter-religious marriage.

Inter-religious marriage appears to be increasingly accepted the longer Christians lived under Muslim rule. Again, while Melkites are largely against inter-religious marriage, thoughts on inter-religious marriage within the Syriac Orthodox and Church of the East

appear to be mixed, with some religious elites insisting that it was absolutely unacceptable while others allowed it, hoping that as 1 Corinthians 7:13-14 states, the unbelieving spouse and children are sanctified by the believing spouse.[458]

Uriel Simonsohn suggests that many Christian communities who did allow exogamous marriage in the former Sassanian provinces, lay and clergy alike, may have commonly held that Christian men were able to marry non-Christians, while Christian women were put at spiritual risk by marrying non-Christian men. He posits that this attitude came from both an ambiguous, yet persistent early Christian inheritance in addition to majority patriarchal societies in which women were supposed to move in with their husbands' families and submit to their husbands' religious views. Both before and after the 8th century, Christians associated with the Syriac Orthodox and Church of the East communities would have seen justification for these views reflected in 1 Timothy 2:12; Ephesians 5:34; Colossians 3:18; and 1 Corinthisans 11:3.[459] It is likely that this was the case in former Byzantine territory as well. This late antique concept of women following their husband's religious tradition possibly aided popular adoption of what eventually became the Islamic prescribed inter-religious family model, where the non-Muslim woman either converted automatically with her husband or was socially expected to raise her children to follow a Muslim husband's religious tradition.

Taking into consideration the information from the *ḥadīth* traditions and *fiqh* alongside the Christian evidence presented here, it would appear that both Christian and Muslim sources, though somewhat grudgingly at times, were forced to accept the reality of exogamy in every possible combination: Christian man and Muslim woman; Muslim man and Christian woman; Muslim man and multiple Christian women or a mix of Muslim and

458 "And if any woman has a husband who is an unbeliever, and he consents to live with her, she should not divorce him. For the unbelieving husband is made holy through his wife, and the unbelieving wife is made holy through her husband. Otherwise, your children would be unclean, but as it is, they are holy." The following lines, 7:15, allow for divorce should the unbelieving spouse decide to leave the union, "But if the unbelieving parter separates, let it be so; in such a case the brother or sister is not bound. It is to peace that God has called you." *Harper Collins Study Bible*.

459 Simonsohn, "Communal Membership Despite Religious Exogamy," 264-265.

Christian women; and, in the case of the Church of the East, Christian man and multiple Muslim women or a mix of Muslim and Christian women. The religious elites thus attempted to regulate inter-religious marriage to a certain extent. In the case of the Melkite Christians, this was done by continuing to adamantly ban it. The Church of the East canon law, on the other hand, created relatively flexible rules regarding marriage and allowing divorce should conversion occur. The increased tolerance in the material from the Church of the East when considered alongside the number of mentions in *ḥadīth* and *fiqh* material from the 8th and 9th centuries may suggest that inter-religious families were becoming more commonplace in 9th-century Iran and Iraq. This could equally apply to marriage between people belonging to different Christian sects.

Inter-Religious families have a significant by-product regarding large-scale conversion - children. Children with either Muslim or Christian names raised in a family where choosing either faith was a viable option due to social and familial networks complicate the traditional view of conversion. Both Muslim and Christian religious elites prescribe a range of possibilities for how this type of situation should be dealt with, as we have seen, and as will be discussed further in Chapters 6 and 7. Children of inter-religious unions may not have felt the need to choose. They could easily have lived in a constant negotiation of both faiths and communities - a situation religious elites of both faith groups worked to deter. The *Summa Theologiae Arabica* as well as several neo-martyr lives, such as that of Bakchos the Younger, from the 8th-9th centuries attest to this type of behaviour.

Chapter 6

Generational Islamization

Children's Socialisation via Family and Education

6.1 *Introduction*

Raising children comes as a natural extension to the consideration of exogamous marriage. Being a member of an inter-religious family likely involved shared participation in religiously significant rituals, be they daily, occasional, or annual. As is the case with any nascent religious community, one often defines oneself against others. In the case of Islam, this meant defining itself against the extant Abrahamic faiths with which they were initially comfortable being closely associated. What may not have seemed important about a Muslim marrying a Christian in the 7th century, due to a more likely context of conqueror marrying the women of the conqured community, changed during the 8th-9th centuries as Muslims integrated into the local populations. Debates about exogamy and which religion the resulting children adhered to alludes to the problem of self definition and differing views regarding how this should be carried out at a generational level. The situations considered were based on realistic scenarios of children from inter-religious families. As one might assume with a member of the Christian religious elite, such as Jacob of Edessa, Muslim jurists were likely familiar with a range of scenarios due to a combination of people consulting them for advice or rulings and simply living their daily life.

In order to understand how the religious identity of children may have functioned in society and at home this chapter will explore evidence for the religious potential of and social expectations about children firstly, observing who Christians and Muslims believed could influence their children, as this likely tells us who would actually have done so. Recognizing culturally established role-models and mentors acting as a religious influence on children also helps to provide a glimpse into what potential social factors may have been

conduits for Islamization with or without religious conversion. The religious potential and societal expectation regarding the religion of children can secondly be gained from understanding educational practices, which could also have influenced children in terms of Islamization.

Here, as throughout this study, Muslim *ḥadīth* collections, jurisprudence, a handbook on education, and theology will be juxtaposed with Christian neo-martyr narratives, poetry, canon law, and theological texts. The Islamic and Christian jurisprudence gives a glimpse into realistic cases and situations which presented more inter-communal blending than the jurists were generally comfortable with while the neo-martyr narratives show a similar perspective from the Christian side of things - albeit in a more public facing manner meant to represent holy examples of how to respond in certain social situations. The judgements of the jurists/canon lawyers and the exemplary actions of the characters in the neo-martyr narratives together exhibit the prescribed behaviours for situations commonly experienced or witnessed by the religious elites and laity alike. Theological tracts of both traditions provide glimpses of what the religious elite assumed as normative within society — social interactions between Christians and Muslims, which types of family or community members could be considered likely to influence a child, etc. - and wanted to prescribe reactions to clarify what they considered to be the Christian or Islamic interpretation of an issue, or critique.

Within this material there are mentions of daily life in the official texts. This is particularly the case with Islamic jurisprudence and *ḥadīth* collections which contain questions and cases showing that the population is not necessarily listening to the prescriptions of jurists or may not know about certain prescriptions and *ḥadīth*. If one follows the Islamic *ḥadīth* collections and jurisprudence regarding inter-religious marriage through time, there is evidence of initial debate and the slow building of what we know today as normative familial prescriptions within Islam. Although, the 8th-9th centuries were only steps along the path, remaining inconsistent in terms of prescriptions and displaying

evidence of widespread diversity in practice.

6.2 *Christian Sources*

6.2.a *Familial Influence on Children Regarding Religious Identity*

Within Christianity, neo-martyr narratives were designed, whether historically accurate or not, to be mimetic of common social situations and pressures regarding interactions with Muslims in order to strike a chord amongst clergy and laity alike. They gave blueprints for who to interact with and who to allow one's family to interact with, if one had any choice in the matter. These, and similar works such as Anastasios of Sinai's *Narrations* also had the function of instilling in Christians a sense of who they were responsible for on a religious level. Neo-martyr narratives and other popular texts and stories would have influenced the adults in a community regarding how they raised the next generation as well as providing a sense of which children they were responsible for.

Trusted mentors and/or education formed a significant part of the full picture of daily life for young Christians, and is discussed in neo-martyr narratives as well as theological tracts, such as the *Summa Theologiae Arabica*.

There were many neo-martyrs from the 8th-9th centuries who were portrayed as having an inter-religious family background, particularly from Palestine and al-Andalus. They all, for one reason or another, embraced Christianity over Islam due, in large part, to family members who greatly influenced their religious identity. Bakchos the Younger (d.c. 787) from Palestine, previously discussed, was greatly influenced by his secretly Christian mother. Also, many of the 9th-century Cordoban martyrs, and those martyrs related to that movement, had inter-religious families and were influenced by a Christian family member.

Nunilo and Alodia (d. 851) were killed in Bosca, but were related to the Cordoban martyr movement. They were sisters who had a Christian mother and Muslim father, who agreed to allow the mother to raise them Christian. When he died and the mother re-married

another, more strict, Muslim, the girls were sent to live with their Christian aunt who influenced them and supported their increasing piety.[460] Flora (d. 851), companion in martyrdom to Maria (d. 851), had a Muslim father and Christian mother. She was raised Muslim until the death of her father, whereupon her mother raised her and her sister Christian and acted as a strong influence, although the author of Flora's martyr narrative has her claim that she always had Christ in her heart. Her brother remained Muslim and caused her death by bringing her to the *qāḍī* for judgement.[461] Maria (d. 851) and her brother Walabonsus (d. 851) had a Christian father and an originally Muslim mother who had converted to Christianity. When their mother died Maria and Walabonsus were cared for by two different monastic communities. While both parents obviously influenced the siblings, the monastic communities they joined as children after loosing their mother play a more prominent role in their religious identity. Walabonsus was martyred first and appeared to one of the nuns in Maria's monastic community saying that she would be martyred as well. She went to Cordoba and met Flora at the church of St. Acislus. They were then martyred together.[462]

Aurelius (d. 852) had a Muslim father and Christian mother, both of whom died when he was young. He was raised by a Christian *paternal* aunt - it is significant that the brother and sister in his father's family were Muslim and Christian respectively. When he became an adolescant his Muslim relatives had him educated as a Muslim and may have encouraged him to practice Islam, although this is not made clear. According to his martyr narrative he remained a secret Christian during this time. Nathalia (d. 852), who changed her name to the more Visigothic Sabigotho, married Aurelius. Both of her parents were Muslim; however, when her mother remarried it was to a man who was a secret Christian. He is cited as the Christian influence in Nathalia/Sabigotho's life and convinces both her and her mother to convert to Christianity. Nathalia changed her name to Sabigotho when she was

460 Jessica A. Coope, *The Martyrs of Córdoba: Community and Family Conflict in an Age of Mass Conversion* (Lincoln and London: University of Nebraska Press, 1995), 23.
461 Ibid, 24.

baptised. Both Nathalia/Sabigotho and Aurelius felt they could not safely practice their Christianity in public out of fear of being labelled apostates. They acted Muslim in public yet kept their Christian faith privately. Eventually they were inspired to seek martyrdom together as part of the Cordoban movement and began openly living as Christians.[463]

Aurea (d. 856) and her brother John (d.c. 822) had a Muslim father and Christian mother, who it is implied was their biggest Christian influence. They were from a widely inter-religious family whom Eulogius describes in Aurea's martyr narrative as a 'noble Arab family.' Jessica Coope characterises the family as being predominantly Arab, that by the early 800s had intermarried with the local Iberian Christian women and allowed some children to be raised Christian. She suggests that this family, like many in this situation, likely let the members who wished to be Christian practice and identify however they wanted until tensions between the community arose, when they called upon these members to convert to Islam.[464] Both John, whose martyr narrative is lost, and Aurea resisted this and carried on in their Christianity, a choice which led to their deaths. Leocritja (d. 859) had two Muslim parents, and was from a well known Muslim family. However, she was greatly influenced by a Christian relative, a nun named Litiosa who had her secretly baptised and encouraged her to be a secret Christian as a child. She also sought advice from Eulogius, the author of many of the 9th-century Cordoban martyr narratives.[465]

There is also some evidence within canon law contemporary with the life of Bakchos regarding an admittance of inter-religious families producing heirs that could affiliate with either parental tradition. Išō'bōkt (r.c. 773-779/80), the Church of the East Metropolitan of Fars, provides similar evidence of inter-religious family units, members of which could potentially influence children in any number of ways in his regulation on inheritance within religiously mixed families,

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462 Ibid, 24-25.
463 Coope, *The Martyrs of Córdoba*, 27.
464 Ibid, 17.
465 Ibid, 30.

> 'If a man has children born to him by a woman of another faith, without having another wife, and these children are Christians, they shall inherit their father; but if they are *ḥanpē*, they shall not receive the possessions of their Christian father.'[466]

Here Išō'bōkt acknowledges that the children of inter-religious marriages could end up affiliating with either religious tradition, implying that he accepted a reality in which family units sorted themselves out regarding religious affiliation. His use of '*ḥanpē*' here likely means 'Muslim' at this point.

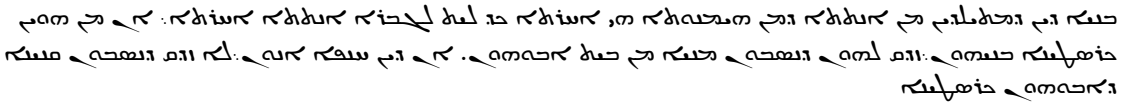
Throughout the martyrologies and canon law above, there are many examples of the inevitability of exogamous marriage and inter-faith family units. Whether the marriage begins with members of different faiths or whether one or both partners convert, pretend to convert, or pretend not to convert, these unions create multi-faith families filled with potential adults who could influence the resulting children. We also see a consistency in Christian sources regarding both the nuclear and more extended family as people who could potentially influence a child. As will be discussed below, the familial circle considered able to produce a child also can blend into the more social dynamic of mentors and educators influencing children, similar to the mentorship of Leocritja and Eulogius who was clearly an elevated figure within Christian society in Cordoba.

6.2.b *Mentor and Educational Influence on Children Regarding Religious Identity*

There are also literary figures who do not come from religiously mixed backgrounds, yet are depicted as struggling with choosing to remain Christian in religiously diverse environments. Anastasius of Sinai (d. 701), the author of the *vita* of Elias of Damascus (c. late-8th century), and the author of the *Summa Theologiae Arabica* (c. mid-9th century) all depict moments where a mentor or specific type of education was percieved by these religious elites to have made a difference in the lives of young Christians.

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466 Sachau, *Syrische Rechtsbücher*, vol. 3, (Syriac) 118 - (German) 119:



Anastasius of Sinai (fl. 7th century CE), was a monk and priest resident at Mt. Sinai. Having spent the first half of his life in Amathus, in southern Cyprus, he then left the island around 649 and, while based at Mt. Sinai, travelled throughout Egypt, Palestine, and Syria.[467] His views on the early *Dār al-Islām*, and the Christians residing within, can be considered to apply not just to Sinai, but also the Levant. While he lived just before the period discussed in this chapter, his opinions on who he was responsible for within the Christian community and why, embody social patterns that continued long past the 7th century.

Anastasius writes in his second set of narrations, written c. 690 and titled by André Binggeli *Récits utiles à l'âme*, about visiting a young man, Moses of Clysma, who is known to vacillate between Christianity and Islam.[468] Anastasius claims to write this collection of narratives particularly to comfort Christian prisoners of war in addition to any Christian reader.[469] Within this collection of tales, he includes those of Christian prisoners of war, Christian workers in horrible conditions, and the story of George the Black - a prisoner of war used as a slave when captured as a child, raised Muslim, who then converted back to Christianity as an adult.[470] The context, therefore, is very much one of Christian-Muslim relations and the narratives therein are intended to be symbolic and likely mimetic of the more difficult situations Christians found themselves in throughout the Umayyad Empire. He sets up the story of Moses in the context of the young man's repeated abandonment of Christianity for Islam.

This narrative fits with the undercurrent of fearing conversion to Islam present throughout the work, an act he actively encourages his readers to associate with demons.[471]

The English translation is mine, in consultation with the German translation provided.

467 Binggeli, A., "Anastasius of Sinai", in: *Christian-Muslim Relations. A Bibliographical History*, ed. David Thomas. Brill Online, 2014.

468 For the dating of this work see Robert Hoyland, *Seeing Islam*, 99. Hoyland refers to the text as *Encouraging and Supportive Tales of the Most Humble Monk Anastasius*. For the Greek edition and French translation, see André Binggeli, *Anastase le sinaïte récits sur le sinaï et récits utiles à l'âme: édition, traduction, commentaire*, (Ph.D. Thesis: Université Paris IV - Sorbonne, 2001).

469 Hoyland, *Seeing Islam*, 100.

470 Ibid.

471 Hoyland, *Seeing Islam*, 100.

In addition to the more obvious themes, Anastasius makes it clear that he feels responsible for Moses' spiritual well-being because he was close friends with his late father, and describes giving the young man a sermon and listening to him explain himself. He describes his and others' attempts to bring the young man back into the fold, emphasizing his feeling of responsibility as an example for his readers. Interestingly, there is no indication whether he is successful in his mission of convincing Moses to remain firm in his identity as Christan or not.[472]

> Il y avait à Clysma un dénommé Azarias, qui était le premier de ceux qu'on appelle les *doukatôres*; c'est un ami que nous connaissons bien. Il a un fils, appelé Moïse, qui est encore en vie et habite In. Ce Moïse était un possédé depuis son plus jeune âge. Son père est mort il y a cinq ans en bon chrétien, et Moïse, profitant de sa liberté, s'égara et renia sa foi dans le Christ. Á la suite des réprimandes de quelques concitoyens, il se fit à nouveau chrétien; mais peu après, il renia à nouveau notre foi, et comme il le fit à plusieurs reprises, ses concitoyens le réprimandèrent.
>
> L'année dernière, je me suis rendu à In, où je l'ai trouvé apostat; au nom de l'amitié ancienne qui me liait à son père et à lui, je l'ai réprimandé et sermonné d'avoir plusieurs fois renié la foi du Christ.[473]

It is significant that Moses does not begin to apostatise until after his father's death, an event often interpreted as a coming of age event. It is at the point where Moses loses his Christian familial mentor/role-model that he is portrayed as beginning to have trouble with his Christianity. Anastasius attempts to fill that role, and mentions that other monastics made a similar attempt thereby encouraging his Christian readers to act on a sense of responsibility for those who might see them as mentors.

Moving into 8th-century Syria, we find a slightly different set up regarding mentorship in the life of the neo-martyr Elias of Damascus (d. 779). The author of his life

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472 Binggeli, *Anastase le Sinaïte*, (Greek) 233-234 and (French) 548-549.

473 Ibid, (French) 548, (Greek) 233:
Ἀζαρίας τις λεγόμενος ἐν τῷ Κλύσματι πρῶτος τῶν λεγομένων δουκατόρων ἐτύγχανε, φίλος ἡμῶν ὑπάρχων καὶ γνώριμος. Οὗτος υἱὸν ἔχει Μωϋσῆν λεγόμενον, ἔτι ζῶντα καὶ ἐν τῷ Ἴν διάγοντα· οὗτος ὁ Μωϋσῆν ἐκνηπίας ἡλικίας πασχικὸς ἐτύγχανε. Τοῦ οὖν πατρὸς αὐτοῦ πρὸ πέντε χρόνων τελευτήσαντος χαλοῦ Χριστιανοῦ τυγχάνοντος, εὑρὼν ἄδειαν ὁ Μωϋσῆς πλανηθεὶς τὴν πίστιν τοῦ Χριστοῦ ἠρνήσατο. Εἶτα κατακραγεὶς ὑπό τινων συμπολιτῶν αὐτοῦ πάλιν Χριστιανὸς γέγονε· καὶ μετ' ὀλίγον χρόνον πάλιν τὴν πίστιν ἡμῶν ἠρνήσατο, καὶ τοῦτο διαφόρως πεποιηκὼς κατεκράζετο ὑπὸ τῶν συμπολιτῶν αὐτοῦ.

Τῷ οὖν μερυσινῷ χρόνῳ ἐλθὼν ἐγὼ εἰς τὸ Ἴν ηὗρον αὐτὸν ἀποστάτην· καὶ ὡς φίλος παλαιὸς καὶ αὐτοῦ καὶ

claims that he apprenticed as a carpenter under a *mawlā*, or client of an Arab tribe. Clientage was one of the first ways non-Arabs and non-Muslims could move up in society post-conquest.[474] The *mawlā* is Christian when Elias begins learning from and working with him, then he converts to Islam. This is portrayed as being dangerous for Elias.[475]

> When he arrived there he hired himself out to a certain man, who was a Syrian in descent, but a client and attached to one of the Arabs. Thereupon he continued in his service two years, making his living in the same craft. By the influence of the devil and the consent of the Arab, the client Syrian renounced the faith of Christ, but persevered making his livelihood in his craft. Being a child, Elias, the one who is now a great martyr, ignoring the designs of the Devil, remained hired out in his trade to the apostate.[476]

Elias is described as standing out amongst an average person in an average situation. He acts as a living example of the ideal, evidenced by the author's pointing out, in the same paragraph as explaining that the adult *mawlā* was influenced away from Christianity by his Muslim superior, that *even as a child* Elias ignored, 'the designs of the Devil.' The author juxtaposes what he considered the *mawlā*'s incorrect actions against Elias' correct ones.

It would seem that mentors, such as the *mawlā* and Anastasius were credited with having a responsibility over their mentees' spirituality, having a very influential role in shaping how young people around them viewed the world, and how they identified socially and religiously.

In 9th-century Palestine the author of the *Summa Theologiae Arabica* complains about Christians Islamicizing and still identifying as Christian. He says there is,

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τοῦ πατρὸς αὐτοῦ, κατέκραξα καὶ ἐνουθέτησα αὐτὸν ὡς ἀρνησάμενον πολλάκις τὴν πίστιν τοῦ Χριστοῦ.

474 Crone, *Slaves on Horses*, 52-57. For clientage and its relationship to conversion see Urban, Elizabeth, *The Early Islamic Mawālī: A Window onto Processes of Identity Construction and Social Change.* Ph.D. Dissertation: University of Chicago, 2012.

475 For English translation see McGrath, "Elias of Heliopolis The Life of an Eighth-Century Syrian Saint," 94. And for the Greek edition see, A. Papadopolous-Kerameus, *Συλλογὴ παλαιστίνης καὶ συριακῆς ἁγιολογίας*, I, Pravoslavnyj Palestinskij Sbornik XIX. 3 (=57), (Petersberg 1907), 45.

476 McGrath, "Elias of Heliopolis The Life of an Eighth-Century Syrian Saint," (English) 94; and Papadopolous-Kerameus, Συλλογὴ παλαιστίνης καὶ συριακῆς ἁγιολογίας, (Greek) 45:
Καὶ δὴ αὐτόθι γενόμενος ἐκμισθοῦται πρός τινα Σύρον μὲν ὄντα τῷ γένει, παράσιτον δὲ καὶ προσανακείμενόν τινι τῶν Ἀράβων, καὶ ἐκ τοῦτου διαρκεῖ πρὸς αὐτὸν ἔτη δύο κατὰ τὴν αὐτὴν τέχνην μετερχόμενος· κατ᾽ ἐπήρειαν δὲ τοῦ διαβόλου καὶ συναινέσει τοῦ Ἄραβος ὁ μὲν παράσιτος Σύρος ἀφίσταται τῆς πίστεως Χριστοῦ, ἐμμένει δὲ τὴν τέχνην ἐγχειριζομενος· καὶ παῖς ὢν Ἠλίας ὁ νῦν μεγαλομάρτος ἀγνοήσας τὰ νοήματα τοῦ μονηροῦ, παραμένει τῷ ἀποστάτῃ ἐκμεμισθωμένος τῇ τέχνῃ.

> ...a group in the midst of this [Muslim] community who rule over them, a group who were born among them, grew up among them and were educated in their culture (تادبوا بادبهم) with the result that they hide their faith and divulge to them [the Muslims] only what is acceptable and agreeable to them [i.e. to their Muslim faith] and practice terrible dissimulation. This they have from their forefathers and their children follow them in this restraint and concealment.[477]

Here we have evidence that Christians were being educated alongside Muslims, which is not exactly surprising, as Islamic styles of education would have become increasingly common as they developed post conquest. The phrase translated here as 'educated in their culture' is تادبوا بادبهم, the root for both of these words, *'db*, means more than just education in the conventional sense of reading, writing and arithmetic. It carries a sense of manners and politeness;[478] these things are inherently cultural, and in the 9th century could have been tied to religious identity performance. The author of the *Summa* is not complaining solely about educational methods or texts used, he is complaining about children being educated with an Islamic rather than Christian ethos - the Islamization of education amongst certain types of Christians.

The *Summa* is in Arabic, directly quotes the Qur'ān and alludes to *ḥadīth* as well as uses Muslim theological terms to comunicate very traditional Christian ideas.[479] Other figures come to mind such as John of Damascus, who worked in the caliphal administration and almost certainly knew Arabic, even if he did not write in it, or those Christian authors who wrote debate texts in Arabic and knew proper Muslim terminology and theological concepts well enough to have a grasp of Muslim arguments against Christianity and be able to form coherent retorts.

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477 Hoyland, "St. Andrews MS. 14 and the Earliest Arabic Summa Theologiae: Its Date, Authorship and Apologetic Context," 166. In manuscripts: BL Or 4950, fol. 6ab = St. Andrews 14, fol. 4b-5a:
أهل هذه الامه المالكين عليهم قوم ولدوا بينهم و نتيوا فيهم و تادبوا بادبهم فكتموا ايمانهم واظهروا لهو ما و افقهم و لان عندهم واخنسوا الخنس الفظيع منه عندهم و كان ذلك من او وليهم. و تبعنهم اولادهم على مثل ذلك خانسا محابيا

478 Lane, *Arabic-English Lexicon*, "أدب."
479 Hoyland, "The Earliest Arabic Summa Theologiae," and Sidney Griffith, "Islam and the Summa Theologiae Arabica: Rabī'i 264 A.H.," *Jerusalem Studies in Arabic and Islam* 13, (1990): 235-264.

In the former Byzantine provinces, education would likely have continued on in some semblance of what existed before the conquests. While Byzantines and those living under Muslim rule from the 7th-9th centuries would likely not have thought of education in terms of 'primary' and 'secondary,' they did understand that basic education, often considered to be the alphabet, early stages of literacy using religious texts, and basic arithmetic began at home via parents or tutors.[480] In some cases there were what today one would consider secular and monastic 'elementary schools' in some locations, both of which mixed classical culture and Christian ethics while largely teaching with Christian texts.[481]

Farther east, in Mesopotamia, Īšō'dĕnaḥ of Basra, Thomas of Marga, and the *Chronicle of Seert* author provide evidence for three 8th-9th-century types of what today we would call primary schools for Christians, the secular school, the village school, and the monastic school.[482] All of these schools likely used Biblical texts for the instruction of reading and writing, and depending on the relationship of the school to a local church or monastery would also have provided 'liturgically oriented study.'[483] Some of the secular schools and village schools were associated with local churches, but not all of them. Adam Becker suggests that these schools, while reported as established in the 6th and 7th centuries actually reflect 8th and 9th-century realities.[484]

In the 8th century, there is undoubtedly a shift regarding education. Although there is very little evidence on the specifics of education for the 8th-9th centuries in the *Dār al-Islām*, it is the 8th century which gives us the first Christian theologians who write in Arabic in a style so closely mimicing the terminology and structure of Islamic *kalām*, or theology, that Sidney Griffith refers to them as *mutakallimūn*.[485] For the Melkites, the first Arabic

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480 Nikolaos Kalogeras, *Byzantine Childhood Education and its Social Role from the Sixth-century until the End of Iconoclasm*, (Ph.D. Dissertation: University of Chicago, 2000),122-123.

481 Kalogeras, *Byzantine Childhood Education*, 125.

482 Adam H. Becker, *Fear of God and the Beginning of Wisdom: The School of Nisibis and Christian Scholastic Culture in Late Antique Mesopotamia*, (Philadelphia: University of Pennsylvania Press, 2006), 157.

483 Becker, *Fear of God and the Beginning of Wisdom*, 161.

484 Ibid, 156.

485 This term usually refers explicitly to Muslim theologians, hence the significance of Griffith's monograph; Griffith, *The Beginnings of Christian Theology in Arabic,* vii-viii.

writing theologian was Theodore Abū Qurrah (c. 755- c. 830) who may have spent time at the Palestinian monastery of Mār Saba, and was certainly Bishop of Harrān around 811.[486] The first Arabic writing theologian for the Syrian Orthodox community was Ḥabīb ibn Khidmah Abū Rā'iṭah (d.c. 855) from somewhere near Takrīt in Iraq, sadly not much is known about his life.[487] 'Ammār al-Baṣrī (d.c. 845) was the first Church of the East theologian to write in Arabic, again, we do not know much about him aside from his association with the city of Basra.[488] However, all of these men would have recieved primary education in the late-8th century.

These theologians, in addition to the *Summa* author, all of whom were capable of writing in Arabic using Muslim terminology and style to the standard of a Muslim *mutakallim*, provide evidence that across the central lands of the *Dār al-Islām* there must have been a shift in what schools were using as base texts for teaching literacy. It would appear that sometime during the 8th-century primary schools move from teaching Syriac and Greek with Biblical passages to teaching Arabic with Qur'ānic passages. M. Canard and G. Lecomte suggest that, at least within the former Byzantine territories, the same educational methods were used, however with different languages and texts due to a change in societal requirements.[489] It is likely that a similar process occured in Mesopotamia and the Persian provinces, especially considering the sudden 8th-century interest of the Christian religious elite in former Sassanian territory in the establishment of specifically Christian schools.

It is not surprising that there are Christians being educated in Arabic, and that this education is becoming increasingly influenced by Islam in 9th-century Palestine. At this point Palestine had been under Arab rule for at least 160 years. The earliest surviving

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486 Lamoreaux, "Theodore Abū Qurra," in: *Christian-Muslim Relations: A Bibliographical History*.
487 S. Toenies Keating "Ḥabīb ibn Khidma Abū Rāʾiṭa l-Takrītī", in: *Christian-Muslim Relations: A Bibliographical History*, ed. David Thomas, (Brill Online: 2014).
488 Beaumont, Mark, "ʿAmmār al-Baṣrī", in: *Christian-Muslim Relations: A Bibliographical History*, ed. David Thomas, (Brill Online: 2014).
489 M. Canard and G. Lecomte, "Sur la vie scolaire à Byzance et dans l'Islam," *Arabica*, T. 1, Fasc. 3 (Sep., 1954), 330-331.

examples Christian apologetic literature written in Arabic date from the late-8th-early-9th centuries,[490] and the earliest Islamic work on primary education that we have, written by Ibn Ṣaḥnūn (817-870), is either slightly earlier or contemporary with the *Summa*.[491] As there is very little written about primary school education practices before Ibn Ṣaḥnūn, it is incredibly difficult to assess how and when Islamic primary education may have begun to spread. Based on previous practices in the formerly Byzantine and Sasanian territories it is reasonable to assume that primary education involved recitation, and possibly reading and writing; although the educational materials used for this purpose are more difficult to surmise.[492] However, the adoption of Arabic as a *lingua franca* amongst Christians, the complaints of the *Summa*, the instruction manual of Ibn Ṣaḥnūn as well as al-Jaḥiẓ's (d. 868) work on more advanced levels of education would all suggest that by the 9th-century primary education was moving in a more Arabic and Islamic direction. Of course, this would have varied by region.

Significantly, the author of the *Summa* blames contemporary pedagogical conventions alongside family members for this cumulative practice of what he calls 'terrible dissumulation.' Suppose that each successive generation of wealthy Christians were educating their children in a primary school group, or hiring a private tutor, in order to provide them with a chance at a successful civic administrative career by learning proper Arabic, necessary for working in government administration from the 8th-century onwards. One might expect that each generation at the very least learned how to affect being somewhat Islamicised in public. As will be discussed in section 6.3, learning how to recite, read and write in Arabic in the 9th century, and possibly earlier, was inseparable from learning about the Qur'ān and Sunna alongside a certain amount of religiously expected etiquette.

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490 Griffith, "Islam and the Summa Theologiae Arabica," 225.

491 Ibn Ṣaḥnūn is the son of the *Mudawwana*'s compiler. Sebastian Günther, "Be Masters in That You Teach and Continue to Learn: Medieval Muslim Thinkers on Educational Theory," *Comparative Education Review*, Vol. 50, no. 3, *Special Issue on Islam and Education - Myths and Truths*. Guest Eds: Wadad Kadi and Victor Billeh, (Chicago: University of Chicago Press, 2006) 367-388.

6.3 *Muslim Sources*

6.3.a *Familial Influence on Children Regarding Religious Identity*

Just as in Christian martyrologies, theological tracts, and narratives, Islamic jurisprudence also attributes religious influence to family and education, although there is less in the Islamic material concerning more distant relatives such as aunts/uncles influencing young people as is the case in many of the neo-martyr narratives from al-Andalus. There also seems to be fewer direct statements about family friends influencing young people; however, communal support for Islamic education appears to be the norm from the 8th-9th centuries. Within the *Dār al-Islām* during this period, education becomes increasingly associated with learning the Qur'ān (or how to read via the Qur'ān), how and when to pray, and how and when to properly perform ablutions.[493]

Regarding familial influence on the children of exogamous marriages, the *ḥadīth* compilers and jurists of the 8th-9th centuries are still not quite settled on what their prescribed religious identity should be. There are a variety of opinions and proposed ways of dealing with the issue of these children; however, there is at least some agreement that the parents influence their children. Unlike the Christian sources more distant relations are not mentioned. Either the father or mother seems to influence them, though which parent has more influence is up for debate. In order to exhibit the variety of opinions throughout the central Islamic lands and the burgeoning law schools, we will examine sections from al-Shaybānī's (d. 805) *Kitāb al-Siyar*, al-Shāfi'ī's (d. 820) *Kitāb al-Umm*, Saḥnūn's (d. 855) *Mudawwana*, Ibn Ḥanbal's (d.855) *Ahl al-Milal,* and al-Bukhārī's (d. 870) *Ṣaḥīḥ*.

Within the *Siyar*'s questions to Abū Ḥanīfa al-Shaybānī consistently records Abū Ḥanīfa as asserting that children follow the religion of their mother. In a section discussing

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492 Canard and Lecomte, "Sur la vie scolaire à Byzance et dans l'Islam," 330-331.
493 Konrad Hirschler, *The Written Word in the Medieval Arabic Lands: A Social and Cultural History of Reading Practices*, (Edinburgh: Edinburgh University Press, 2012), 83-84, and Bradley J. Cook and Fathi H.

female apostasy, the question arises regarding the religious identity of the children from a woman who was married to a Muslim, but never converted to Islam, who moves to the *Dār al-Ḥarb* after their divorce,

> I [al-Shaybānī] asked: If she did not adopt Islam, but she gave birth to a child [i.e. the Muslim husband's child] in the territory of war and both [she and her child] were later captured [by Muslims], do you think that they would become *fay'*?
>
> He [Abū Ḥanīfa] replied: Yes.[494]

Muslims could not be taken as slaves for *fay'*, or booty from conquest meant for the Muslim community. In what is supposed to be an explanation of an international or war-time situation, he assumes some basic things about this inter-religious family: the theoretical Muslim man's children were both taken into custody by the mother upon divorce as well as raised non-Muslim. Here al-Shaybānī is assuming what he considers a fact, that the children follow the religion of the mother. While this is not the obvious intention of the dialogue, what is assumed within the discussion provides one viewpoint of how to deal with the children of an inter-religious family. Granted, this is in the context of separation or divorce; however, that was as much fact of life in early and medieval Islam as now, and cannot be considered an unusual familial situation.[495]

Malkawi, *Classical Foundations of Islamic Educational Thought*: *A Compendium of Parallel English-Arabic Texts*, (Provo, Utah: Brigham Young University Press, 2010), xii-xiv.

494 English: Shaybānī, *The Islamic Law of Nations*, 207. Arabic: Muḥammad ibn al-Ḥasan al-Shaybānī, *al-Qānūn al-dawlī al-Islāmī: Kitāb al-Siyar lil-Shaybānī*, Ed. Majid Khadduri, (Bayrūt: al-Dār al-Muttaḥidah lil-Nashr, 1975) 205-206:

قلت: أرأيت مل تسلم، و كانت هناك بأرض الحرب، فولدت ولدا ثم سبيا جميعا. ايكونان جميعا فيئا؟

قال: نعم

495 The fact that non-Muslims were allowed to both keep their children and raise them non-Muslim is interesting when compared to the Christian *Concilliar Canons* from 7th-century Toledo, a council which specifically dealt with crypto-Jews. This council prescribed that Jewish children, especially sons who risked being circumcised, should not be allowed to remain with their Jewish parents. Rather, these children should be entrusted to Christian families and raised Christian, Toledo IV, [842] C. 59:

'Eos autem quos circumciderunt, si filii eorum sunt, a parentum consortio separentur...'

'Those, however, whom they will circumcise, if they are their sons, they shall be separated from their parents' company...'

and [843] C. 60:

'Iudaeorum filios vel filias, ne parentum ultra involvantur errore, ab eorum consortio separari decernimus deputatos aut monasteriis aut christianis viris ac mulieribus Deum timentibus, ut sub eorum conversatione

Al-Shaybānī also records a discussion on a situation where 'the men and women of a Muslim city apostatized and took control of the city - except some Muslims who remained in it in security - and the city was later captured by the Muslims.' He enteres a detailed discussion of whether or not the children of these apostates could be considered Muslims via the avenues of asking whether or not they would be taken as slaves.[496]

> I asked: If there were no Muslims with them, and the women did not apostatize, would the children become slaves?
>
> He replied: No.
>
> I asked: Why?
>
> He replied: Because they would be regarded as Muslims, following the religion of their mothers.[497]

Here, again, al-Shaybānī represents Abū Ḥanīfa as insisting that children follow the religion of their mother. When discussing whether the child of a Muslim woman and an apostate father who has left for the *Dār al-Ḥarb* with the child would be considered Muslim and returned to his mother upon the death of the father and capture of the child, he responds that the child would, indeed, be returned and considered a Muslim. This is despite the fact that he/she clearly would not have been raised Muslim.

> I asked:...would the child become *fay'*?

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cultum fidei discant atque in melius instituti tam in moribus quam in fide proficiant.'

'We decree that the sons and daughters of the Jews should be separated from the company of their parents in order that they should not become futher entangled in their deviation, and entrusted either to monasteries or to Christian, God-fearing men and women, in order that they should learn form their way of life to venerate the faith and, educated on better things, progress in their morals as well as their faith.'

Amnon Linder (ed. & trans.), *The Jews in the Legal Sources of the Early Middle Ages* (Detroit: Wayne State University Press; Jerusalem: Israel Academy of Sciences and Humanities, 1997), 485-489. Thank you to Prof. Anna Abulafia for this reference.

496 English: Shaybānī, *The Islamic Law of Nations*, 216. Arabic: Shaybānī, *Siyar*, 214:

أرأيت أهل مدينة من المسلمين ارتدوا عن الاسلام فغلبوا على مدينتهم، غير أن فيها قوما من المسلمين معهم آمنين و ارتدت نساؤهم معهم ايضا، ثم ظهر المسلمون عليهم، كيف الحكم في نسائهم و ذراريهم؟

قال: كلهم أحرار و لا سبيل عليهم، غير انهم يجبرون على الاسلام

497 English: Shaybānī, *The Islamic Law of Nations*, 216-217. Arabic: Shaybānī, *Siyar*, 214:

قلت: فان لم يكن في الدار قوم من المسلمين، غير أن نساءهم معهم لم يرتددن، هل تسبى الذراري؟

قال: لا

قلت:لم؟

قال: لأنهم مسلمون على دين أمهاتهم

He replied: No, he would be returned to his mother.

I asked: Why, if the father had taken him to the territory of war?

He replied: Because his mother is a Muslim and the child follows its mother's religion.

I asked: If the mother died before the father apostatized, would the child become *fay'*?

He replied: No, he would not become *fay'* because the mother died as a Muslim before the father had apostatized [and the child would follow her religion].[498]

In this situation he assumes that a father could also take custody of children in a divorced family. Yet, he still firmly states that regardless of how the father raised the children, or what they personally could have believed and practiced, they are Muslim and must identify as such because of their Muslim mother. Al-Shaybānī consistently records Abū Ḥanīfa as defending the principle that a child by default adopts the religious identity of its mother even if one is discussing *dhimmī*s.

I asked: Would the same hold true if the mother were a Christian or one of the People of the Book or a Dhimmī?

He replied: Yes, since this and the foregoing situation would be the same.[499]

According to the *Siyar*, even if the child's mother was a Christian the same rule would hold true. This seems somewhat odd considering the common prescription that only a male Muslim could marry a *dhimmī*, meaning that the prescribed form of inter-religious marriage would produce non-Muslim offspring.

'Abd al-Razzāq (d. 826) predominantly reports traditions that assume religious identity to pass via the maternal line in his *Muṣannaf*. The topic of childrens' religious identity and parental influence come up in his sections on inheritance and funerals.

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498 English: Shaybānī, *The Islamic Law of Nations*, 217. Arabic: Shaybānī, *Siyar*, p. 215:
قلت: فان ارتد الرجل ثم احتمل ولدا له صغيرا فدخل به دار الحرب وترك امرأته في دار الاسلام مسلمة، ثم قتل الرجل وسبي ابنه، أيكون فيئا؟
قال: لا ولكنه يرد على أمه
قلت: و لم وقد دخل به أبوه ارض الحرب؟
قال: لأن أمه مسلمة و الصبي على دين أمه
قلت: فلو أمه ماتت قبل أن يرتد ابوه، أيكون ولده فيئا؟
قال: لا يكون فيئا لأن أمه قد ماتت و هي مسلمة قبل أن يرتد أبوه

499 English: Shaybānī, *The Islamic Law of Nations*, 218. Arabic: Shaybānī, *Siyar*, 215:
قلت: وكذلك لو كانت امرأة نصرانية أو من أهل الكتاب أو من أهل الذمة؟
قال: نعم، و هذا وتلك سواء

While the details of how material inheritance plays out is interesting, it is the family situations themselves which are relevant to an understanding of inter-religious families. There are numerous inheritance traditions about Muslim men with non-Muslim children. These traditions tend to call for the conversion of their non-Muslim children, 'If a Muslim [man] dies and he has a Christian son, then his inheritance is not apportioned until his Christian son converts to Islam, he has no right to it [if] the inheritance falls to him before he converts.'[500] Another *ḥadīth* outright states that children inherit their religious affiliation matrilineally,

> A Christian [man] died and his wife was pregnant, then she converted to Islam before giving birth, then she gave birth and died.
>
> He [Al-Thawrī] said: They leave everything to their child, because inheritance falls to him [from] his parents, his father happened to die and then his mother happened to die and he followed her in her religion, so she passes her inheritance on to him.[501]

This is not a tradition about a person who has come of age and can choose their own faith, but rather a newborn who is assumed to have inherited the religion of his mother. Some Muslim communities in the 8th and early-9th centuries appear to have favoured martrilinial inheritance of religious affiliation, much like Jewish tradition.

The numerous accounts within volumes six and ten of his *Muṣannaf* speak to the weight of this issue for Umayyad and early Abbasid Muslims. For ‘Abd al-Razzāq, where there is inheritance there is often non-Muslim family to be considered, and Muslim men seem to frequently have non-Muslim offspring.

The issue of religious inheritance also comes up in sections on funeral arrangement. The 8th and early 9th-century views on how the religious affiliation of infants, and even

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500 ‘Abd al-Razzāq, *al-Muṣannaf*, vol. 6, no. 9888, p. 24:
إن مات مسلم وله ولد نصراني، فلم يقسم ميراثه حتى أسلم ولده اليصراني، قلا حق له، وقع الميراث قبلا أن يسلم. مثل ذلك في العبد مات أبوه حراً، فلا يقسم ميراثه حتى يعتق
This is one of several traditions on this theme on pp. 24-25, and vol. 10, pp. 344-349.

501 The word translated as 'religion' in the quote above is *milla*, a term often used in place of *fiṭra* and associated with the Abrahamic faiths, discussed in chapter 7. ‘Abd al-Razzāq, *Muṣannaf*, vol. 10, no. 19326, p. 349:
في نصراني مات و امرأته حبلى، ثم أسلمت قبل أن تلد، ثم ولدت فماتت، قال: يرثهما ولدهما جميعاً، لأنه وقع له ميراث أبيه حين مات أبوه، ثم ماتت أمه فأتبعها عبى ملتها، فورثها

embryos not yet born, should be categorized include some disagreements, although, as seen with al-Shaybānī and ‘Abd al-Razzāq, 8th-century Muslim traditionalists and early jurists often took a matrilineal view of religious identity inheritance. In a section on a Christian woman who passes away while pregnant by a Muslim man, ‘Abd al-Razzāq records four traditions questioning whether she should be interred in a Christian or Muslim cemetery, three of which claim that she should be buried in a Christian cemetery.

> If a Christian woman is pregant by a Muslim then she dies while pregnant, she is buried with people of her religion.
>
> She is entrusted to people of her religion and she is buried with them.
>
> Wāthilah ibn al-’Asqa‘[502] rejected [the following]: a woman from the Christians died and she was pregnant by a Muslim, which cemetery [should she be in?] Not in the Christian cemetery and not the cemetery of the Muslims. Sulaymān [ibn Mūsā] said: She is entrusted to the people of her religion.[503]

The only tradition to reject the appropriateness of the woman and presumably her unborn child's burial in a Christian cemetery is from an unnamed 'Sheikh of the people of Syria' who heard from ‘Umar Ibn al-Khaṭṭāb that,

> A woman from the people of the book was pregnant by a Muslim, then [‘Umar buried her] in a Muslim cemetery.[504]

The unborn child interred with the mother appears to influence the choice of religiously affiliated cemetery. The predominant opinion is that both mother and child belong in the cemetery associated with the mother's religious affiliation, while there is evidence of dissagreement claiming a more patrilineal influence on religious identity.

Ibn Abī Shayba (d. 849) records more traditions supporting a patrilineally inherited religious affiliation for children. Similar transmitters make an appearance, namely Sulaymān ibn Mūsa, Wāthilah ibn al-’Asqa‘, and ‘Umar ibn al-Khaṭṭāb,

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502 Wāthilah ibn al-’Asqa‘ (d. 704 CE) was a companion of the prophet who settled in Syria, "Glossary of Names and Terms," *The Epistle on Legal Theory: A Translation of Al-Shafii's Risalah*, Eds. Kecia Ali, Devin J. Stewart, Trans. Joseph E. Lowry (London: New York University Press, 2015), 304.

503 ‘Abd al-Razzāq, *Muṣannaf*, vol. 3, p. 528-529, no. 6583, 6584, 6586:

إذا حملت امرأة النصرانية من المسلم فماتت حاملاً دفنت مع أهل دينها :٦٥٨٣

يليها أهل دينها و تدفن معهم :٦٥٨٤

دفع امرأة من النصارى ماتت و هي حبلى من مسلم، في مقبرة ليست بمقبرة النصارى و لا مقبرة المسلمين، بين ذلك قال سليمان: و يليها :٦٥٨٦ أهل دينها

504 Ibid, vol. 3, no. 6585, p. 528:

عبد الرزاق عن ابن جريج قال: أخبرني عمرو بن دينار أن شيخاً من أهل الشام أخبره عن عمر بن الخطاب أنه دفن امرأة من أهل الكتاب حبلى من مسلم، في مقبرة المسلمين

> ...Sulaymān ibn Mūsa from Wāthilah ibn al-'Asqa' said: concerning a Christian woman with a child from a Muslim in her belly, he said: She is buried in a cemetery, not a Jewish or a Christian cemetery.
>
> ...'Umar said: a woman from Syria died and there was a child from a Muslim man in her belly, and she was Christian, so Umar ordered that she be buried with the Muslims, [to] whom her child was due.[505]

Ibn Abī Shayba does not record any traditions or opinions allowing for the woman to be buried in a cemetery of her own religious affiliations. Considering the attitude of the second precedent he cites, it would appear that he firmly believes that the child of this union would have been Muslim and that the woman's religious affiliations are overridden by those of the Muslim child. Ibn Abī Shayba's *Muṣannaf* preserves the alternative opinion of patrilineal religious inheritance, which, in the centuries to come, would become the norm.

Al-Shāfi'ī, when discussing the religious identity of children from exogamous marriage, is not of the opinion that children can affilate to a religious group on their own, rather they belong to a parent who is part of a religious community. A ruling from a section on a female convert to Islam with a *dhimmī* husband, implies that children are not capable of following religious practices. They simply belong to (تبع) their Muslim parent, this belonging seems to function as a type of dependent religious affiliation as these children merit a Muslim funeral, should they die, and inheritance rights.

> And if between the *mushrikīn* there is a child, then [it belongs to] whichever parent converts to Islam. All those who have not come of age from childhood belong to the Muslim [parent]; pray for him[/her] if [s]he dies, and [s]he inherits from the Muslim, and [s]he gives his[/her] inheritance to a Muslim.[506]

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505 Ibn Abī Shayba, *al-Muṣannaf*, vol. 4, p. 582, nos. 12006-12007:
١٢٠٠٦ حدثنا أبو بكر قال: حدثنا جعفر بن عون عن ابن جريج عن سليمان بن موسى عن واثلة بن الإسقع: في امرأة نصرانية في بطنها ولد من مسلم قال: تدفن في مقبرة، ليس مقبرة اليهود و اليصارى
١٢٠٠٧ حدثنا أبو بكر قال: حدثنا سفيان بن قيينة عن عمرو قال: ماتت امرأة بالشام، و في بطنها ولد من مسلم، و هي نصرانية، فأمر عمر أن تدفن مع المسلمين، أجل ولدها

506 Because the masculine pronoun is a default, it is possible that this refers to both male and female children. Al-Shāfa'ī, "Kitāb al-Wāqidī," *Kitāb al-Umm*, vol. 5 p. 659:
و أذا كان بين المشركين ولد فأى الإبوين أسلم، فكل من لم يبلغ من الولد تبع للمسلم؛ يصلى عليه إذا مات، و يورث من المسلم، و يرثه المسلم

Another example comes from what al-Shāfi‘ī calls, a 'saying,' not even a tradition. Again children have no agency and cannot be held responsible for religious identity. It cannot be assumed that they actually have one because they do not have the maturity to make such a monumental decision. A few lines after claiming that a child who belongs to their Muslim parent is prayed for if he/she dies and their inheritance goes to Muslims, Al-Shāfi‘ī then goes on to describe the religious practice of children rather like more primitive primates, claiming that they merely copy the example of those around them without understanding the meanings or intentions that lay behind the actions. Because they do not understand the meanings they cannot be considered to participate in religion, including having a religious identity. Although, he does assert that Islam is the natural religion for all humans from birth unless changed by familial or social circumstance, 'When the children are small, they follow their elders, they do not participate in the religion of Islam or the religion of others, but Islam is foremost within him[/her].'[507]

One can see the allusion to *fiṭra* here, which will be discussed in detail in chapter 7. *Fiṭra* is the concept that either there is the potential for Islam in all children before parental influence begins, or that everyone is born Muslim and non-Muslim parents actually change their children's predisposition, as well as a wide array of definitions in between. Despite the subtle claim that *fiṭra* to him means that all children are born Muslim in an abstract capacity, he does not seem to be fully convinced that children are capable of consciously having a religious idenitity. Whether or not their actions merit being treated as a Muslim, he consistently implies that they simply copy the actions of their parents.

He also gives two completely contradicting secondary opinions, seen below - not entirely uncommon, as jurists often cite differing opinions from their own.

> When they [children] are born to shirk they are on it [i.e. they are *mushrikīn*] until they are

507 Al-Shāfi‘ī, "Kitāb al-Wāqidī," *Kitāb al-Umm*, vol. 5 p. 659:
هذا القول ما كان الإولاد صغاراً و كانوا تبعاً لغيرهم، إلا يشرك دين الإسلام و غيره في دين إلا كان الإسلام أولى به

> able to express their own feelings, if [one of] their parents [508] converts to Islam, the ruling of [just] one of them is not a Muslim ruling. I do not say this: I do not know any scholar who does say it.
>
> When it is said: the child [follows] the father, where is the portion of the mother in him/her? If [s]he follows the mother without the father, it is like [how] [s]he follows her in emancipation and in slavery.[509]
>
> ...and when one of the parents of a child or cognitively impaired person is Muslim the child is Muslim for God almighty [raised] Islam over the [other] religions, the highest one is the more deserving of rule.[510]

This opinion agrees with al-Shaybānī in the second quote. The child does not by default follow the mother's religious identity; however, this opinion cites precedence regarding the children following their mother in other social circumstances - whether she is considered free or a slave, thereby implying a preference for a matriarchal religious lineage. In the second quote he preserves a tradition contradicting both himself and al-Shaybānī by ‘Umar ibn al-Khaṭṭāb asserting that the child takes the highest ranking religion. Generally this hierarchy had Islam at the top, then Christianity, Judaism, then Zoroastrianism.

Regarding the influence of parental religious identity on children, the *Mudawwana* preserves Mālik's opinion as stating when a man or woman in a non-Muslim marriage converts to Islam, it does not affect their children. Saḥnūn records a question addressed to Mālik about a man who converts to Islam but did not attempt to influence his children regarding religion. The children did not become Muslim when they reached 12 years of age, one of many possible ages considered an 'age of discernment.' Mālik found this to be acceptable and did not encourage intervention.[511] However, several Mālikī scholars are quoted just after this passage who disagree with this ruling, suggesting that the children

508 Some editions of this text say, 'if the father converts to Islam...'

509 Al-Shāfi‘ī, "Kitāb al-Wāqidī," *Kitāb al-Umm*, vol. 5 p. 659:
أنهم إذا ولدوا على الشرك كانوا عليه حتى يعربوا عن أنفسهم، فلو أسلم أبواهم لم يكن حكم واحد منهم حكم مسلم، و لست أقول هذا، و لا إعلم أحداً يقول به من أهل العلم
فأما أن يقال: الولد للأب فأين حظ الأم منه؟ و لو اتبع الأم دون الأب كما يتبعها في العتق و الرق

510 al-Shāf‘ī, *Kitāb al-Umm*, (1993) vol. 9, p. 334, reference originally found in Friedmann, *Tolerance and Coercion,* 174:
و إذا أسلم أحد أبوي الطفل أو المعتوه كان مسلماً لأن الله عز وجل أعلى الإسلام على الأديان و الأعلى أولى أن يكون الحكم له

511 Friedmann, *Tolerance and Coercion*, 115.

must identify as Muslim and that intervention of some kind is necessary.[512]

Al-Bukhārī (d. 870), in his *Ṣaḥīḥ*, shows a preference in his collection for the Muslim member of an exogamous marriage being a man, though he allows for exceptions based on the life of the companion ‘Abd Allāh Ibn ‘Abbās (d. 687), whose mother was an early convert to Islam, while his father did not convert.[513] Regarding the religious identity of the offspring from an inter-religious marriage when deciding how to organise a funeral for a child, he preserves a *ḥadīth* narrated by Ibn Shihāb (d.741-2) saying,

> The funeral prayer should be offered for every child even if he were the son of a prostitute as he was born with a true faith of Islam (i.e. to worship none but Allah Alone). If his parents are Muslims, particularly the father, even if his mother were a non-Muslim, and if he after the delivery cries before his death then the funeral prayer must be offered.[514]

While above he expresses his preference for a paternal line for the inheritance of religious identity, he also seems to take into account the messiness of life by preserving a brief sentence narrated by Ibn ‘Abbās, about himself, 'My mother and I were among the weak and oppressed. I from among the children, and my mother from among the women.'[515] This sentence seems out of place until one takes into consideration that this chapter, although it is entitled, 'If a child becomes a Muslim and then dies, should a funeral prayer be offered for him/her? Should Islam be explained to a child?' is discussing religious identity of the living in addition to the practicalities of dealing with the deceased. Al-Bukhārī, with this brief aside, preserves an example referencing the reality that there were women who had converted to Islam, or were born Muslim, who may not necessarily have Muslim

512 Ibid.

513 For further discussion of this, see Friedmann, *Tolerance and Coersion*, 113-114.

514 al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, vol. 2, p. 253, no. 1358:
يصلى على كل مولود متوفى و إن كان لغية من أجل أنه ولد على فطرة الإسلام، يدعي أبواه الإسلام أو أبوه خاصة. و إن كانت أمه على غير الإسلام إذا استهل صارخاً صلي عليه

515 Ibid, vol. 2, p. 252, no. 1357:
كنت أنا و أمي من المستضعفين، أنا من الولدان و أمي من النساء

husbands or fathers of their children.

The question in the title of this chapter, 'Should Islam be explained to a child?' suggests that the potential religiosity of children was very much up for debate in the 9th century. In most of his examples in this chapter, al-Bukhārī, in addition to al-Shāfi'ī represents children as not understanding religion and requiring parental guidance.

The *Ahl al-Milal* records Ibn Ḥanbal responding to questioning by his son 'Abd Allāh Ibn Aḥmad regarding reports of an interesting arrangement between *dhimmī* and Muslim families,

> I asked my father about people who gave their daughters in marriage among people [Muslims] on the condition that the male [offspring] become Muslim, and the female [offspring] become *mushrika* - Jewish or Christian, or Zoroastrian?
>
> He said: Force all of them who refuse Islam [to become Muslim] because their parents are Muslim. The *ḥadīth* of the Prophet says, 'It is his parents who make him a Jew or a Christian.'[516]

Here *mushrika* means to follow the *dhimmī* religion of the mother. The title of this section is, 'Chapter concerning a Christian woman who is married to a Muslim on the condition that the male [offspring] become Muslim but the female [offspring] become *mushrika* after the woman.' This is a tradition that occasionally crops up in societies where there are common intermarriages between Christians and Muslims - the arrangement is that a non-Muslim gives his daughter in marriage to a Muslim who promises that while he will raise the male children Muslim, he will agree to allow the wife raise her female children to identify with her own religious tradition.[517] We know this was practiced in some parts of the *Dār al-*

516 al-Khallāl, *Ahl al-Milal*, 92.
سألت أبي عن قوم يزوّجون بناتهم من قوم على أنه ما كان من ذكر فهو للرجل مسلم، و ما كان من أنثى، فهي مشركة يهودية أو نصرانية، أو مجوسية؟
قال: يجبر كل هؤلاء من أبي منهم على الإسلام لأن آباءهم مسلمون لحديث النبي ﷺ <<فأبواه يهودانه و ينصرانه>>

517 For a study on this practice in 21st century Nigeria, see Insa Nolte and Tosin Akinjobe-Babatunde,

Islām, particularly 9th-century al-Andalus where it was common for the female children of inter-religious marriages to identify as Christian.[518] These types of agreements are also common today, particularly in Nigeria.[519]

Ibn Ḥanbal is not represented as agreeing with this type of arangement. To prove his opinion he quotes a commonly preserved *ḥadīth* on *fiṭra* discussed below. The plural of 'parents' is somewhat odd here, since the mother is obviously non-Muslim. The transmitter or copyist is likely implying that because the father is Muslim the family unit is, by default, Muslim. An alternative reading given by the editor based on other manuscripts is the singular 'their father' (آباهم مسلماً).[520]

It is not surprising that some families may have had pre-agreed conditions regarding how the children of an exogamous marriage would have been raised. This is fairly direct evidence that such things did occur. In agreements such as the ones mentioned by ʻAbd Allāh ibn Aḥmad, the larger familial unit clearly has expectations of how the couple will raise their children, and could have attempted to exert control over the children's religious identity.

ʻAbd al-Razzāq, who preserves 8th-century material, includes more traditions supporting matrilineal religious inheritance than patrilineal. For the *Siyar*, most likely containing material from 800-860 and representing Abū Ḥanīfa with the influence of al-Awzāʻī, the child follows the religion of the mother. The *Kitāb al-Umm*, potentially covering material from the 790s-the early 900s, implies a preference for matrilineal religious inheritance, but questions whether or not children are actually capable of having a religious identity other than copying their parents.[521] However, the beginnings of support for patrilineal religious inheritance in the 8th century can be found in Ibn Abī Shayba's

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"Marrying out: Gender and Religious Mediation in Interfaith Marriages," in *Beyond Religious Tolerance. Muslim, Christian and Traditionalist Encounters in an African Town*, eds. Insa Nolte, Olukoya Ogen and Rebecca Jones, (Rochester, NY: James Currey Ltd., 2017).

518 Coope, *The Martyrs of Cordoba*, 31.

519 See Nolte and Akinjobe-Babatunde, "Marrying out: Gender and Religious Mediation in Interfaith Marriages."

520 al-Khallāl, *Ahl al-Millal*, 92, footnote 4.

Muṣannaf.

The *Mudawwana* potentially containing layers from the late 700s to the 860s and representing Mālik Ibn Anas, does not assume that having an inter-religious marriage has any impression at all on the children who are open to choose a faith of their liking as adults but includes other proto-Mālikī jurisprudence suggesting that the children should follow whichever parent is Muslim. Al-Bukhārī, a 9th-century traditionalist who does not seem to belong to any particular school, preserves *aḥādīth* representing the views that a child is Muslim from birth if one of the parents, especially the father, is Muslim as well as traditions implying that religion can come from either parent. He consistently assumes the need for parental guidance and directly questions whether or not children are capable of understanding religion. The *Ahl al-Milal*, which potentially retains layers from the early 800s through to the early 900s is somewhat unclear, both implying that children should follow the Muslim parent in religion or that children follow the religion of the father. It also records deals made at the time of exogamous marriages dictating that while the sons may be Muslim like their father, the daughters will identify as Christian, like their mother.

Throughout these texts one can see evidence for the practice of both matrilinal and patrilineal religious inheritance. The opinions are mixed regarding whether or not children are capable of identifying with a religious tradition and with which parental religion they should be expected to identify. However, there was a gradual shift from the default of matrilineal religious inheritance in the 8th century to predominantly patrilineal in the 11th century.[522] Considering that a significant portion of the central Islamic lands may have actually practiced matrilineal religious inheritance alongside the consistent ability of Muslim men to marry non-Muslim women would both contribute to the likelihood of inter-religious families in the earliest days of Islam. matrilineal religious inheritance could possibly have been a contributing factor to the surprisingly late date of a Muslim majority population in

521 For an explanation of these date ranges see Introduction section 1.4.
522 As an example see: Ibn ‘‘Abd al-Barr al-Namarī (d. 1070), *al-Tamhīd li-mā fī al-Muwaṭṭa’ min al-ma‘ānī wa-al-asānīd*, eds. Muṣtafā b. Aḥmad al-‘Alawī and Muḥammad ‘‘Abd al-Kabīr al-Bakrī, (Rabqāṭ: al-Maṭba‘a

some areas of the *Dār al-Islām*.

Before coming of age, children were not given agency regarding religious affiliation; however, it becomes apparent from most jurists' opinions that parents are considered the most likely to influence children which would obviously impact their choice of religious affiliation as adults. While Christianity often discusses the influence of an uncle or aunt, Islam focuses on the nuclear family unit. This could symbolically represent the maternal and paternal larger family unit in some situations; however, the texts rarely read as such.

6.3.b *The Influence of Early Islamic Education on Children's Religious Identity*

For the purposes of understanding some semblance of daily life for children in cities, especially those in the higher levels of society, it is necessary to examine primary education and the role it may have played for both Christians and Muslims. Primary education in the *Dār al-Islām* during the 8th-9th centuries appears to become increasingly intertwined with Islam-focused religious instruction, as discussed above regarding the flourishing of Arabic as the *lingua franca*, the first Christian authors to write in Arabic using the *kalām* style and terminology, the earliest Islamic manuals on education in the 9th century, and the complaints of the *Summa Theologiae Arabica*.

The main drive behind what later began to be known as the *kuttāb* (pl. *katātib*), or primary school, likely building on indigenous means of pre-Islamic education,[523] was on the one hand educating students in rudimentary reading, writing and memorization. However, by the 9th century, memorization of the *Qur'ān* was becoming increasingly important. Even in this early period, Islam highly valued knowledge and strongly emphasized community support for education.[524] Possibly under the late Umayyads, and likely early Abbasids,

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al-malakiyya, 1987), vol. 18, p. 135.
523 Landau, J.M., "Kuttāb," in: *Encyclopaedia of Islam, Second Edition*.
524 Hirschler, *The Written Word in the Medieval Arabic Lands*, 83-84. And Bradley J. Cook and Fathi H.

katātib would have increasingly functioned as agents of socialisation, educating the wide array of ethnic and religious groups on Islam and how to live appropriately according to Muslim faith in the burgeoning *Dār al-Islām*.[525]

Katātib, though often private and required fees, especially during the 1st century or so of Abbasid rule, were sometimes funded by wealthy patrons or families through the *waqf* system, a system of charitable endowment, likely having its origins in the 9th century.[526] Although, the *waqf* system did not become widespread for quite some time.

Katātib were located in a variety of places including shops, tents, private homes or even out in the open, some were attached to mosques.[527] Students were taught Qur'ānic memorization and recitation and, in some places, how to read and write using slates with the Qur'ān as a sample text.[528] Alongside this they were also taught how and when to pray and how and when to perform ablutions. Education began when the child was around 4 years old.[529]

We have evidence from Christian and Muslim sources that Christians, Jews and Zoroastrians attended *katātib*, likely because this was the only primary schooling available if one could not afford a private tutor. Below is an excerpt from the *Ahl al-Milal*. Here Ibn Ḥanbal is presented as claiming to dislike teaching Christians and other *dhimmī* children the Qur'ān, but he does not say it should not happen at all - an opinion he does not hesitate to give on other issues.

> ... he asked, 'what about a Muslim teaching the child of a Zoroastrian, a Jew, or a Christian the Qur'ān?' He said, 'I don't like it.'[530]

Malkawi, *Classical Foundations of Islamic Educational Thought*, xii-xiv. And Günther, "Be Masters in That You Teach and Continue to Learn, 368-369.

525 Landau, "Kuttāb", in: *Encyclopaedia of Islam, Second Edition*.

526 Meier, Astrid, "Waḳf", in: *Encyclopaedia of Islam, Second Edition*. And Talbi, "Saḥnūn," *Encyclopaedia of Islam, Second Edition*.

527 Cook and Malkawi, *Classical Foundations of Islamic Educational Thought*, xii-xiii.

528 Hirschler, *The Written Word in the Medieval Arabic Lands*, 86.

529 Cook and Malkawi, *Classical Foundations of Islamic Educational Thought*, xiv.

530 al-Khallāl, *Kitāb Ahl al-Milal*, "Concerning Christians Learning the Qur'ān," p. 120-121, nos. 130-131:
... يسأل عن المسلم يعلّم ولد المجوسي, و اليهودي, و النصراني القرآن؟ قال: لا يعجبني

In the next paragraph, Ibn Ḥanbal is again asked about educating non-Muslims about the Qur'ān:

> 'What is your opinion about a Muslim man teaching the child of a Zoroastrian something from the Qur'ān?' He said, 'If he converts, then yes, but I don't like that he could bring the Qur'ān to another place.' We said, 'What if he is taught to pray to the Prophet (PBUH)?' He said, 'yes.'[531]

In the second quotation Ibn Ḥanbal begins by agreeing that the children of a Zoroastrian must convert to learn about the Qur'ān; however, he changes his mind when asked if the child could simply learn to 'pray to the Prophet,' in addition to learning Qur'ānic material. Though this section is entitled, 'Concerning Christians Learning the Qur'ān,' he also mentions Jews and Zoroastrians on what appears to be equal terms, it seems likely that any particular group referred to in this section is interchangeable - it might as well say *dhimmī* in the title instead of Christian. Therefore, we can assume that Christians, Jews, and Zoroastrians all fell under these restrictions, regardless of which religious group he specifically names. The material from the previous section above concerning the religious hierarchy of *dhimmī* groups when deciding the religious identity of a child of inter-religious marriage would likely also apply here, meaning that Christians may have been entitled to a slightly higher status than Jews and Zoroastrians, and Jews entitled to a higher status than Zoroastrians who sat at the bottom of the hierarchy. If a Zoroastrian was allowed the privilege of learning the Qur'ān under certain circumstances, it is likely that Christians and Jews would have been as well.

That Ibn Ḥanbal allows for a non-Muslim child to learn the Qur'ān without converting officially, if they at least learn to pray to the Prophet, is particularly interesting in

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531 Ibid:
هل ترى الرجل المسلم أن يعلّم غلاماً مجوسياً شيئاً من قرآن؟ قال: إن أسلم فنعم. و إلا فأكره أن يضع القرآن في غير موضعه. قلنا: فيعلّمه أن يصلّي على النبي؟ قال: نعم

light of the Caliph al-Mutawakkil's (r. 847- 861) attempt to ban non-Muslims from primary school during his life time.[532]

Ibn Saḥnūn (d. 870), living a generation after Ibn Ḥanbal, who also lived through the caliphal ban on non-Muslims attending *katātib*, disagrees with Ibn Ḥanbal in his *Book of Rules of Conduct for Teachers* saying, 'It is not permissible for the teacher to teach Christian children the Qur'ān or writing.'[533] However, this quote is bizzarely placed in the middle of an explanation that a teacher should teach the pupils how and when to perform the prayers and ablutions. He pauses to insert this line, and only this line, on the subject and then continues on to discuss whether or not it is necessary for either the students or the teacher to perform ablutions before doing writing exercises using Qur'ānic phrases on slates. He then asserts that a teacher should teach the children to perform ablutions before touching the Qur'ān itself.

The commonalities in time and subject matter, despite geographical difference, are interesting - is it possible that educators largely considered it appropriate to teach *dhimmī* children, regardless of their non-Muslim status, the same material in the same way as Muslim children? Considering that Christians and Jews often worked as government administrators, it is certainly reasonable that this would be the case. If one also keeps in mind that, with the prevalence of inter-religious marriage and the Muslim vs Christian identity confusion regarding names resulting from such an arrangement, it may not have been very easy to tell which child identified as which religion. Children with one Muslim parent could easily have gotten away with attending the entire cirriculum because of the increasingly popular assumption that they would be Muslim, this may also have been the case for children of parents who were assumed to be Muslim for a variety of factors, even if they did not identify as Muslim privately.

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532 Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 103. Landau, "Kuttāb", in: *Encyclopaedia of Islam, Second Edition*.

533 Ibn Saḥnūn, *Book of Rules of Conduct for Teachers*. Edited and translated in Cook and Malkawi, *Classical Foundations of Islamic Educational Thought*, no. 54, p. 12:
قال: و لا يجوز للمعلم أن يعلم أولاد النصارى القرآن و لا الكتب

There is also the likely possibility that there was only one option for primary education in a neighborhood or city if a family could not afford a private tutor, and the Muslim methods and ideas that work their way into this education was a factor of increasing Islamization rather than anything consciously planned, at least to begin with. Additionally, from what is known about primary education in the 8th-9th-century *Dār al-Islām*, even if the teacher did not let the Christian or other *dhimmī* children come to class for the recitation and writing segments, there is nothing saying they could not learn the prayers or purity rituals, as seen above, Ibn Ḥanbal and some of his followers appear to have actively encouraged this practice. Lastly, there is the practicality that any reading Christian children learned in this environment would most likely have used the Qur'ān as a base text.

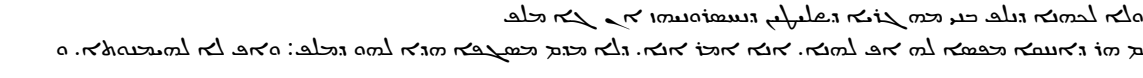
On the other hand, Syrian Orthodox Christians appear to have had little problem with educating Muslims. Jacob of Edessa (d. 708) in his 'Response to Addai' records the question likely asked by more than one priest regarding whether or not Christians could educate Muslims,

> Q: Must a priest instruct the children of Muslims who could punish him if he does not instruct [them]?
>
> A: Besides the fact that necessity compels it, I add that this does not harm either the teacher or the [Christian] faith, even if the [Muslim] leaders do not have the power to punish him; it often happens that advantages stem from similar things.[534]

Presumably all the same problems that would apply to Muslim teachers figuring out the religious identities of their pupils would have applied to Christians.

Several factors could have played into the question posed to Jacob of Edessa, such as one of the parents being Christian, a high percentage of Christians in an area resulting in Muslims having no access to Muslim education, or the most likely possibility, that in the

534 For French translation see François Nicolas Nau, *Les Canons et les résolutions canoniques de Rabboula*, *Jean de Tella* [and others], (Paris, 1906) p. 61, no. 58. For Syriac edition: A. P. Lagarde, *Reliquiae iuris ecclesiastici antiquissimae*, (Lipsiae: B.G. Teubnerus, 1856), no. 58, p. 140:



late-7th-century Muslim-run educational instutions were not yet common. Jacob, sadly, gives no details as to the social backgrounds of the communities who would have needed this information, although we do know that when he flourished, Edessa and the surrounding area was very much Christian. Arabic does not replace Greek as the language of administration until 700, and most bureaucrats were Christian.[535]

It is during the end of Jacob of Edessa's first time as bishop (684-688) and the second Muslim *fitna* (683-692), that Christian and Muslim interaction begins to increase through the progression of Muslim settlement into the conquered territories.[536] Where there is interaction between religious communities there is, inevitably, the creation of inter-religious families, some of whom may have been defined as Muslim by convention regardless of the religion of the wife and mother or vice versa. At this point the legal concept that Muslim women should not marry non-Muslims was not well established or integrated into society at large. This would have resulted in what Jacob and other priests understood as 'Muslim' children who may not have had access to Muslim primary education, if it even existed, or whose parents may have preferred Christian education.

6.4 *Conclusion*

Christian and Muslim sources both attest to strong familial influence, whether direct generation influence from parents and grandparents, to extended familial influence through aunts and uncles. In some cases, particularly within Christianity, the friends of parents are considered to have some form of responsibility over the easily influenced young people in their community. When one looks at mixed Christian-Muslim families through the context of religious identity formation in children, the line between Christian and Muslim becomes difficult to draw. While this intermingling of influences makes it difficult to discuss

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535 Robert Hoyland, "Jacob of Edessa on Islam," in Eds. H.J.W. Drijvers, G.J. Reinink and Alexander Cornelis Klugkist, *After Bardaisan: Studies on Continuity and Change in Syriac Christianity in Honour of Professor Han J.W. Drijvers*, (Leuven: Peeters, 1999), 150.

conversion or even identity in the short-term, it does aid understanding regarding the *longue durée*. Familial influence was but one of the social means through which Islamization spread in the 8th-9th-century central Islamic lands. This being said, socialisation and the concept of even non-family members being responsible for the religious identity of youth was also likely one of the main reasons that Christianity survived long-term, albeit in smaller communities.

In terms of social influences on children via education, it would seem that, while primary education evidencing Islamization was not yet common in the late 7th century, it becomes common amongst the elite classes in the late-8th-early 9th century. Whether this was through monopoly or conscious choice would have been tied to geographical area and era, especially as Muslims begin to consciously develop a concept of specifically Islamic education in the middle period. The description of the curriculum in the 9th century would suggest that primary education increasingly functioned as a tool of Islamization, teaching children how to pray and handle the Qur'ān in addition to conceptually introducing them to ideas present in the Qur'ān and Sunna.

By the 9th century scholars and religious elites from both traditions discuss non-Muslims attending *katātib*, coinciding with a caliphal ban on just such an activity, suggesting both a demand for Arabic-centred education and the potential for some level of Islamization of each subsequent generation. These schools would have encouraged a Islamic-centred outlook on life as well as certain behaviours. While not necessarily converting those who identified as Christians, this type of education would have taught them how to function within Muslim elite society, both professionally and socially.

536 Hoyland, "Jacob of Edessa on Islam," 152.

Chapter 7

Initiation Rituals and Religious Affiliation

fiṭra, *ṣibgha*, and *ma'mūdiyya*

7.1 *Introduction*

Rituals are one of many means to distinguish religious traditions, or varieties thereof.[537] During the formative centuries of Islam, the sources suggest some confusion regarding whether or not Muslim children could rely on an inborn instinct to be Muslim, *fiṭra*, or whether they needed a type of initiation ritual - either circumcision or a type of ritual washing to fight illness and impurity. This ritual washing was known to Arabic speaking Muslims as *ṣibgha* and Arabic speaking Christians as *ma'mūdiyya*, otherwise known in English as baptism. This chapter will explore how the Muslim and Christian religious elite countered this confusion. The Muslim religious elite did this by emphasising the inherent state of *fiṭra* in Muslim children and the ritual of circumcision as a Muslim initiation ritual in an attempt to dissuade parents, mainly concerned with their children's health and wellbeing on a practical rather than an ideological level, from having their children baptised. Some Christian religious elites appear to have emphasized baptism as initiation into Christianity in an attempt to exclude non-Christians from participating, while others may have either adapted this ritual to suit Muslim families, or simply allowed them to baptize their children - although it is possible that this was done under the misconception that the families were entirely Christian.

537 For a discussion of ritual and its use in various academic fields, see Catharine M. Bell, *Ritual Theory, Ritual Practice*, (Oxford: Oxford University Press, 2009).

7.2 Fiṭra

There have been a wide variety of interpretations for *fiṭra* throughout history.[538] However, a simple summary of this interprative spectrum would be that *fiṭra* could possibly be defined as: the inclination of all humans towards Islam; the potential all humans are born with to become Muslim; or the blank slate all people are born as without any inclination at all. The variety of theological interpretations of *fiṭra* have often revolved around the death of non-Muslim children.

Camilla Adang and A. J. Wensinck suggest that the debate may have begun over the question of whether or not unbelieving children would go to hell if they died before reaching the age of discernment, a discussion supposedly begun by the Azraqiyya sect of Khārijism. The Azraqiyya claimed that all non-believing children who die before the age of discernment must be considered unbelievers because, like any non-Muslim adult, they have not converted to Islam.[539] Wensinck claims that the debate on *fiṭra* must have occurred as popular backlash to that idea, giving rise to the many *ḥadīth* insisting that everyone is born in a state of *fiṭra* leaving moral responsibility up to the parents rather than the minor.

Joseph Van Ess claims that the origins of the debate lay in Basra with the Murji'a theological school and came into fruition with the rise of theological speculation in the early Abbasid period. He suggests that this came naturally out of an earlier belief that *fiṭra* represented 'the image of God,' evolving into a more complex understanding, the base of which being that there must be a 'Gotteserkenntnis' or 'knowledge of God' that existed within believers and non-believers alike.[540]

The term *fiṭra*, itself, comes from Qur'ān 30:30,

538 For an in-depth discussion on *fiṭra* and its linguistic as well as theological history, see Geneviève Gobillot, *La Conception Originelle (Fiṭra): ses interprétations et fonctions ches les penseurs musulmans* (Le Caire: Institut français d'archéologie orientale, 2000).
539 Camilla Adang, "Islam as the Inborn Religion of Mankind - The Concept of Fiṭra in the Works of Ibn Ḥazm," *Al-Qantara*, vol. 21.2 (2000): 393-394. And A. J. Wensinck, *The Muslim Creed. Its Genesis and Historical Development* (Cambridge, 1932, repr. London: Frank Cass, 1965), 44, 214.
540 Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam*, (Berlin: Walter de Gruyter - 6 vols, 1991-1997), vol. 4, p. 361.

> So direct your face toward the religion, inclining to truth. [Adhere to] the *fiṭra* of God upon which He has created [all] people. No change should there be in the creation of God. That is the correct religion, but most of the people do not know.[541]

Regardless of the potential 7th-century origins of debate, the 8th-9th centuries see a combination of concern for inter-religious families as well as a concern for non-Muslim children generally. Amongst the *ḥadīth* collections, there are several variations of traditions which can be traced back to al-Aswad ibn Sarī (d. 662) and Abū Ḥurayra (d. 678).[542] Abū Ḥurayra is the more commonly mentioned companion within the *ḥadīth* varients. Below is a common *ḥadīth* regarding *fiṭra* originally narrated by Abū Ḥurayra, versions of which can be found in five of the six traditionally sound Sunni *ḥadīth* collections:[543]

> No babe is born but upon *fiṭra*. It is his parents who make him a Jew or a Christian or a Polytheist. A person said: God's Messenger, what is your opinion if they [the child] were to die before that [before reaching the age of adolescence when they can distinguish between right and wrong]? He said: *It is God alone Who knows what they [the parents] would be doing.*[544]

While this is from Muslim ibn al-Ḥajjāj's (d. 875) *Ṣaḥīḥ*, in a section entitled, "The Book of Destiny," most of these *ḥadīth* come up in the context of the death of a spouse in an exogamous marriage or the death of a child living in an inter-religious household. A similar varient can be found in the *Muwaṭṭa'* and al-Bukhārī's *Ṣaḥīḥ*, within the section on funerals, *al-Janā'iz*, where there are several traditions discussing this issue.[545]

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541 My own translation, based upon the Saheeh International translation of the Qur'ān.

542 Gobillot*, La Conception Originelle*, 20. For more information on the al-Aswad ibn Sarī variants, see *La Conception Originelle*, 20 as well. She suspects that the al-Aswad ibn Sarī variants serves multiple functions - to put the People of the Book in the same camp as polytheists, as well as taking part in a larger polemic against the Qadarites and Mu'tazilites.

543 *Ṣaḥīḥ Muslim*, *Muwatta Mālik*, *Ṣaḥīḥ Bukhārī*, *Sunan Abī Dāwūd,* and *Jami' al-Tirmidhī,* although in the varient in al-Tirmidhī's Jami' has *milla* rather than *fiṭra.*

544 'The Book of Destiny (*Kitāb al-Qadr*),' English - Muslim Ibn al-Ḥajjāj*, Ṣaḥīḥ Muslim: Being Traditions of the Sayings and Doings of the Prophet Muhammad as Narrated by His Companions and Compiled under the Title 'al-Jami' us-Sahih',* trans. Abdul Hameed Siddiqui (Beiruit: Dar al-Arabia, 199?) My translation, based on English ref. vol. 4, p. 1398, no. 6426. My Italics. Arabic - *Ṣaḥīḥ Muslim* (Bayrūt: Dār Iḥyā' al-Turāth al-'Arabī, 199?), p. 36, no. 23.
عن أبي هريرة، قال: قال رسول الله ﷺ: ما من مولود إلا يلد على الفطرة فأبواه يهودانه و ينصرانه و يشركانه. فقال رجل: يا رسول الله أرأيت لو مات قبل ذلك؟ قال: الله أعلم بما كانوا عاملين

545 'Book of Funerals (Kitāb al-Janā'iz),' *Muwaṭṭa' Mālik*, English - *Muwaṭṭa' Imam Mālik*, recension of

The last sentence of the *ḥadīth* above suggests that jurists had no real control over family matters such as how a child may have been raised at home before legal expectations came into play upon their coming of age. While this is attributed to the prophet, for our purposes it is irrelevant whether or not he actually uttered these exact words. The important point here is that this *ḥadīth* was passed down and/or recorded in the 9th century, signifying the relevance of the material and phrasing of it for this period.

Fiṭra was also employed practically, as justification for certain *fiqh* opinions regarding the fate of children whose parents had apostatized. The *Ahl al-Milal* presents Aḥmad Ibn Ḥanbal (d. 855) giving his opinion on how to manage a family where the wife apostatizes,

> When a woman apostatises her apostasy is not her divorce. If she gives birth, *fiṭra* is upon [the child]. Kill her if she does not repent. If she does repent, she [remains] in her marriage. If not, she is killed.[546]

In this ruling Ahmad ibn Hanbal uses *fiṭra* as definitive, both in the sense of clearly distinguishing between Muslims and non-Muslims as well as in the sense of *fiṭra* being an absolute reality. For him, and those who recorded his legal opinions, *fiṭra* was clearly not an abstract theological term but rather was concrete enough to be used when legally discussing a prescription concerning the fate of a child.

Ibn Ḥazm (d. 1064), the Andalusian champion of the now extinct Ẓāhirī school, preserves a *ḥadīth* which he claims the Azraqiyya used to defend their position in the original debate about *fiṭra*. Khadīja, the first wife of the prophet as well as his first follower, asks Muḥammad about the fate of her children from previous marriages, before she (and by

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Yaḥyā ibn Yaḥyā trans. Muhammad Rahimuddin (New Dehli: Kitab Bhavan, 1989), 105-115. Arabic - *Muwaṭṭa' Mālik*, recension of Yaḥyā ibn Yaḥyā, ed. 'Ajamī Muḥammad ibn Nāṣir (al-Kuwayt: Markaz al-Dirāsāt wa-al-Buḥūth al-Kuwaytīyah, 1997), 135-148. For variations of this narration in particular see English, p. 115, no. 565 and Arabic, p.146, no. 53(569) See also "Funerals - What is Said Regarding the Dead Children of Muslims and What is Said Regarding the Children of *Mushrikīn*," al-Bukhārī*, Ṣaḥīḥ al-Bukhārī*, 260-265.

546 al-Khallāl, *Ahl al-Milal*, vol. 1, p. 503, no. 1256:
حدثنا عبد الله بن أحمد (قال): قال أبي: و إذا ارتدت المرأة لا يكون ارتدادها طلاقها فإن كانت ولدت على الفطرة قتلت و لا استتيبت، فإن تابت فهما على نكاحهما و إلا قتلت

extension any of her children) became a Muslim. The Prophet tells her that they are in hell. She repeats the question and he answers, 'If you wish, I will make you hear their cries.'[547] There is clearly an anxiety regarding inter-religious families here, as Khadīja's previous children were not Muslim.

Debates about *fiṭra* and the fate of unbelieving children can be seen in light of a burgeoning religious community attempting to find places to conveniently differentiate themselves from the surrounding monotheistic faiths. However, as the boundaries between Islam and the other Abrahamic faiths solidified after the 'transitional phase' in the Umayyad period, and the social dichotomy of conquerors and the conquered changed to one constructed primarily upon religious affiliation, marriage with Jews and Christians became a conceptually murky issue. Difficulties in deciding what to do about the religious identity of the children from these unions can be seen in chapter 6 in the legal debates regarding which parent influences their child's religious identity. The unclear concept of *fiṭra* as it can be found in the Qur'ān and the debates surrounding it were also used by Qur'ānic exegetes to make a different type of argument all together. As will be discussed below, the Muslim religious elite used *fiṭra*, specifically the *fiṭra* of God, as they saw it, to differentiate Muslim from non-Muslim initiation rituals.

7.3 Ṣibgha *and* ma'mūdiyya

The *tafsīr*, or exegetical texts on the Qur'ān, can provide some insight into whether or not early Muslims practiced baptism due to the timing of their debates over the word *ṣibgha*. The earliest *tafsīr* commentators (early 700s through to the mid-late 800s) do not discuss baptism in their exegesis of Qur'ān 2:137-138, the verses which mention *ṣibgha*, if they even discuss 2:137-138 at all.[548] However, two well known *tafsīr* commentators from

547 Adang, "Islam as the Inborn Religion of Mankind," 396.
548 Muqātil ibn Sulaymān al-Balkhī (d. 150/767) discusses Qur'ān 2:137-138; however, he simply states that *ṣibgha*, 'means Islam,' and does not include drawn out lists of opinions equating it with *fiṭra* or *milla*. *Tafsīr Muqātil ibn Sulaymān*, ed. Aḥmad Farīd, (Bayrūt: Dār al-Kutub al-'ilmīyah, 2003), vol. 1, p. 81. Dating for al-

the late-9th-early10th centuries do bring up baptism. Al-Ṭābarī (d. 923), al-Māturīdī (d.c. 944), amongst other 10th-century and later authors of *tafsīr*,[549] discuss Christian baptism, or the Muslim word for baptism, *ṣibgha,* alongside *fiṭra*. Al-Ṭābarī states clearly in his commentary on Qur'ān 2:137-138 that only Christian children require *ṣibgha* while Muslim children are born Muslim because of *fiṭra*. Al-Māturīdī argues that there is no relation between *ṣibgha* in the Qur'ān and baptism, and firmly equates *ṣibgha* with the Muslim concepts of *fiṭra* and *milla*.

Qur'ān 2:137-138 discusses people who turn away from Islam, whether through affiliating with a non-Muslim religion from birth or apostatising from Islam is not specified; though Christians and Jews who do not convert to Islam are implied from earlier verses,

> So if they believe in the same as you believe in, then they have been [rightly] guided; but if they turn away, they are only in dissension, and Allah will be sufficient for you against them. And He is the Hearing, the Knowing.

> [And say, 'Ours is] the religion of Allah. And who is better than Allah in [ordaining] religion (*ṣibgha*)? And we are worshippers of him.[550]

The term *ṣibgha* has a complicated history. Its use in the Qur'ān has been translated in a variety of ways such as, 'dye,' 'baptism,' 'savour,' 'colouring,' 'unction,' 'hue,' etc. However, in daily life in the 8th-9th centuries CE, *ṣibgha* was the Arabic term Muslims used for baptism.[551] While the Qur'ānic use of *ṣibgha* is interesting for the history of Christian-

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Balkhī's *Tafsīr* as material from the early 700s to the end of his lifetime based upon Harald Motzki, Nicolet Boekhoff-Van Der Voort and Sean W. Anthony, *Analysing Muslim Traditions: Studies in Legal, Exegetical and Maghāzī Ḥadīth*, (Leiden: Brill, 2010), 298. Additionally, al-Bukhārī, in the *tafsīr* section of his *Ṣaḥīḥ*, has a commentary on 2:136 but not 137 or 138. Muslim ibn al-Ḥajjāj, in the *tafsīr* section of his *Ṣaḥīḥ* does not comment on 2:137-138 either.

549 Sean Anthony points out that multiple contemporary and later *tafsīr* works contain an association between *ṣibgha* and Christian baptism in, "Further Notes on the Word ṣibgha in Qur'ān 2:138," *Journal of Semitic Studies*, vol. 59.1 (2014): 120-121. On page 120 he also cites the mystic al-Ḥakīm al-Tirmidhī (d. 318/930) who said, 'God immerses the heart of the believer in the water of mercy,' and Geneviève Gobbilot's discussion in *La conception originelle*, p. 81, of Imāmī-Shī'ite literature which uses language such as God, 'created the believers from His light' and 'plunged/baptized them (aṣbaghahum) in His mercy.' This use of the word *ṣibgha* certainly suggests that some early Muslims had no problem with baptism and may not have considered it a primarily Christian practice.

550 Qur'ān*, Saheeh International.*

551 Anthony, "Further Notes on the Word *ṣibgha* in the Qur'ān 2:138," 119. This term is used for baptism in

Muslim relations in the 7th century, the relevant material for the 8th-9th centuries is how this word was interpreted and used by the religious elite of both Muslim and Christian communities. That baptism is rarely mentioned in *tafsīr* before the late 9th century and is frequently mentioned afterwards, indicates the beginnings of widespread debate on the topic during the end of the 800s.

Al-Ṭabarī, in his *Tafsīr*, immediately brings the discussion of *ṣibgha* to that of initiation, particularly of Christians, who he mentions in the first sentence. He uses the term as a type of instilling religious identity into someone as well as meaning simply a religious identity. To him it is both the becoming and the being of religiosity. The very first thing he does after a short statement echoing the verse that the proper *ṣibgha* is the *ṣibgha* of Islam, is distinguish between the *ṣibgha* of Islam and Christian baptism, which he describes,

> If a Christian wants to Christianize their children, they place them in water, asserting that it is a kind of sanctification.[552]

He then makes clear that this is different from the *ṣibgha* of Islam, comparing the actual ritual to that of circumcision within Islam,[553] or, in other editions of this work, the ablution for *al-janāba*, major impurity.[554] The reading of ablution is particularly pertinent to understanding whether or not the average Muslim may have wanted their children baptised or acquiesced to Christian relatives wanting to baptise their children. A desire to purify children with a type of ablution resonates with an extant Christian guide to performing the 'baptism of John the Baptist' for Muslims - a type of blessing/purification ritual practiced in

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any context, although it is most frequently used in the context of Christian baptism.

552 Al-Ṭabārī, *Tafsīr al-Ṭabarī,* (2003) vol. 2, p. 603:
أن النصارَى إذا أرادت أن تُنصِّرَ أطفالَهم جعَلتهم في ماء لهم تزعُمُ أن ذلك لها تقديس

553 Ibid:
الختانة لأهل الإسلام

554 For *ghusl al-janāba* as an alternate reading to circumcision, Al-Ṭabārī, *Tafsīr*, (2003) vol. 2, p. 603, footnote 1. See also Anthony's translation from a different edition, "Further Notes," 121. For discussion on *al-janāba*, see chapter 3 on exogamous marriage in Islamic Law. al-Ṭabarī and others discuss the *ṣibgha* of the Jews as well as Christian baptism - they specify that Christians use water and tend to spend more time

the 12th-century Jazīra.[555]

Within al-Ṭabarī's *Tafsīr* there are hints that a dialogue existed about whether or not Muslims could baptise their children or be baptised themselves as a type of purification without converting to Christianity. The lack of clarity regarding *ṣibgha* and the discussion concerning a Muslim equivalent to Christian baptism suggest larger theoretical and orthopraxic issues on the position of Islam towards baptism, particularly between the *'ulamā'* and the average Muslim. Common conceptual confusion encompassed: what the purpose of Christian baptism was for Christians and possibly Muslims; whether or not Islam had an equivalent; and whether or not Muslims should be allowed to seek baptism for purification or healing.

If children were not considered to have a religious identity until they reached a certain age, and child baptism was practiced in an area, in the eyes of parents of an inter-religious marriage it may not necessarily have indicated that the child would be part of one tradition or another. Rather, it could have been viewed as something to be taken into account by the child as he/she reached an age where they would be expected to establish a religious affiliation.

After his initial comparison with Christian baptism and circumcision or abolution, al-Ṭabarī goes on to state clearly that the Christian *ṣibgha* makes children Christian. He then quotes from an earlier verse in the same *sūra*, 2:135, citing Muḥammad and the companions, mentioning only the part that someone trying to convince a Muslim to be one of the People of the Book might say, 'Be Jews or Christians [so] you will be guided.'[556] He does this as part of a common exegetical association with *ṣibgha* in 2:138 and the *milla of Abraham* at the end of 2:135. The verse as a whole reads,

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describing the Christian rite. For further discussion see, *La Conception Originelle*, 71-87.

555 David Taylor "The Syriac Baptism of St. John: A Christian Ritual of Protection for Muslim Children," in *The Late Antique World of Early Islam: Muslims among Christians and Jews in the East Mediterranean*, Ed.

> 'They say, 'Be Jews or Christians [so] you will be guided.' Say, 'Rather, [we follow] the religion (*milla*) of Abraham, inclining toward truth, and he was not of the polytheists.'[557]

This link to the *milla* of Abraham, commonly translated into English as 'religion,' as it is in the Saheeh International translation cited above, is also commonly associated with the word for religion in Arabic - *dīn*. The sequence of insisting that baptism makes children Chrisitan and the immediate quotation of religious pressure in Qur'ān 2:135 implies that some may have felt somehow pressured to baptize their children. One can easily see where this might have been the case in inter-religious families. This may reflect a slow, even generational, process of simultaneous affiliation and dissaffiliation as discussed in section 2.2.

After his analysis al-Ṭabarī lists several opinions of other scholars on the definition of *ṣibgha*, some of which insist that it means '*dīn Islām*,' while others claim that it means *fiṭra*, paraphrasing *sūra* 2:138 while replacing *ṣibgha* with *fiṭra*. A tradition had formed of associating the two within *tafsīr* literature by the late 9th century.

Al-Māturīdī (d.c. 944) was a Ḥanafī jurist and theologian from Samarqand. He is known as the founder of the Māturīdiyya, a Sunnī theological school, and is known to have engaged with and vocally disagreed with Christian theology.[558] In his *Tafsīr*, he lists several opinions on what *ṣibgha* could mean in 2:138. Among them are 'Religion of God,' (دين الله), 'Fiṭra of God' (فطرة الله), and 'Sunna of God' (سنة الله).[559] When he mentions *fiṭra*, he quotes a snippet from the funeral section of Bukhārī's *Ṣaḥīḥ*, 'Every child is born with *fiṭra*.' The full *ḥadīth* from Bukhari is:

> The Prophet said, "Every child is born with *fiṭra* and his parents convert him to Judaism, Christianity, or Zoroastrianism, as an animal delivers the animal. Do you find it mutilated?[560]

Robert Hoyland, (Princeton, New Jersey: The Darwin Press, Inc., 2015): 437-459.
556 Qur'ān*, Saheeh International.*
557 Ibid.
558 Madelung, W., "al-Māturīdī", in: *Encyclopaedia of Islam, Second Edition*.
559 Muḥammad ibn Muḥammad al-Māturīdī, *Tafsīr al-Māturīdī, al-musammā, Ta'wīlāt ahl al-sunnah*, eds. Ibrāhīm and al-Sayyid 'Awaḍayn (al-Qāhirah: Lajnat al-Qur'ān wa-al-Sunnah, 1971), 314.
560 al-Bukhārī, *Saḥīḥ al-Bukhārī*, vol. 2, p. 267 no. 1385. This is my own translation modified from the translation in this edition.

There is a strong link between the concepts of *ṣibgha* and *fiṭra* in the early Islamic scholarship. This suggests confusion about the definition of the word, but also that there was social confusion about initiation rituals. Both *ṣibgha* and *fiṭra* are types of initiation - either baptism or birth is considered initiation, but which one Muslims are supposed to rely upon seems to remain an issue between the religious elite and the average Muslim in the late-9th and early-10th centuries. Whatever the origin of the word *ṣibgha* as used by Arabic speaking Muslims, which by the 9th and 10th centuries would have been associated with Christian baptism in common usage, seems to have presented some confusion.

Al-Maturīdī then makes a statement about Christian baptism - implying that they are attempting a type of purification that is incorrect due to its Christian rather than Muslim origins.

> It is said: Truly the Christians baptize (yāṣbghūn) their children in water to purify them with it. So Almighty God said, 'Ṣibgha of God' meaning Islam is that which purifies them, not water.[561]

Again we can see an attempt to dissuade people from seeking Christian baptism - al-Maturīdī feels the need to state that this is not an acceptable purification ritual for Islam, something rarely done before the late 9th century. He claims the purification this type of ritual aims for is rendered unecessary simply by identifying and living as a Muslim, basically Muslims do not require this. He argues in terms of necessity claiming that it is not required rather than outrightly forbidding it or implying that it is wrong or unacceptable for Muslims. He also does not suggest a different, more Islamic, practice for people to seek out.

عن أبي هريرة رضى الله عنه قال: قال رسول الله ﷺ : كل مولود يولد على الفطرة فأبواه يهودانه أو ينصرانه أو يمجسانه، كمثل البهيمة تنتج البهيمة هل ترى فيها جدعاء؟

561 al-Māturīdī, *Tafsīr al-Māturīdī,* 315:
وقيل: إن النصارى كانوا يصبغون أولادهم في ماء ليطروهم بذلك فقال الله عز وجل: <<صبغة الله>> يعنى الإسلام هو الذي يطهرهم لا الماء

It is possible that he was aware of a common belief that baptism was necessary for a child's wellbeing.

The link in late 9th - early 10th-century *tafsīr* between *fiṭra* and *ṣibgha*, and whether or not *ṣibgha* is the equivalent to circumcision or ablution in Islam, suggests that there may have been confusion or debate amongst some of the populations concerning whether or not Muslims required an initiation ritual, and what that ritual was, as well as whether or not Muslims could seek baptism for their children for purification or health purposes. In many places before the late 9th century the popular practice amongst Muslims may have been to have their children baptised as a blessing. Just as there were Jewish-Christians, or Judaizing Christians, who existed for centuries after the foundation of Christianity[562] and Christians who continued to follow indigenous Egyptian cultic practices,[563] it is not outside the realms of possibility that there were Muslims who continued to believe in and/or practice certain aspects of Christianity. The lack of objection to baptism in commentaries on Qur'ān 2:137-138 up to the late 800s may be evidence that Muslims baptizing their children was common throughout the early Islamic period in certain areas. It would not be shocking considering the likelihood of recently converted populations in late antiquity and the early medieval periods to practice some aspects of their previous faith. Baptism as a blessing even became briefly institutionalised in the 12th-century Syrian Orthodox community, as discussed below in section 7.4.

It was common in the early conquest and Umayyad periods for Muslims to seek Christian monastic aid for health purposes, 'Ubayd Allāh ibn Ziyād (d. 686), governor of Iraq, is one among a handful of prominent early Islamic figures portrayed as seeking Christian help in primary sources.[564] The Iraqi 10th-century *Chronicle of Seert* states that Mu'āwiya, the first Umayyad caliph (r. 661-680), approached the monk Rabban Khudhāhwī

562 For two surveys see Adam H. Becker and Annette Yoshiko Reed, *The Ways that Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, (Tübingen: Mohr Siebeck, 2003), and Sebastian Brock, "Jewish Traditions in Syriac Sources," *Journal of Jewish Studies*, vol. 30, (1979): 212-232.
563 David Frankfurter, *Religion in Roman Egypt: Assimilation and Resistance*, (Princeton, Princeton University Press, 1998).

to heal his daughter, who had a withered arm.[565] Rabban Khudhāhwi, according to the chronicle, did this via baptism and prayers for saintly intervention,

> Rabban Khoudahwi vécut jusqu'aux jours de Mo'áwya. Il baptisa une de ses filles, qui avait le bras desséché; au bout de deux jours, Dieu la guérit par les prieres du Saint.[566]

Neither baptism nor the prayers of a Christian monk to Christian saints are represented as being objectionable to Mu'āwiya. The caliph's portrayed acceptance of baptism and saintly intervention for healing purposes may be explained away as a Christian author using earlier Christian sources; [567] however, it is also likely that Muslims seeking Christian monastic aid for illness may have remained common practice in some areas through the 10th century, when the chronicle as a whole was compiled.

Jacob of Edessa (d. 708), claimed that Muslims should be allowed the same care from the clergy as they gave to Christians. When 'John the Stylite of Litarb,'[568] a common character in Jacob's question and answer texts, asks if a priest should, 'give from the blessed [elements] (*burkātā*) of the holy [mysteries] to the Muslims (*mhagrāyē*) or to the pagans (*ḥanpē*) who are tempted by evil spirits, in order to calm them and heal them, or *ḥnānā*[569] in the same manner?'[570] John replies,

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564 Hoyland, *Seeing Islam as Others Saw It*, 189-190.

565 Christian Sahner, "Swimming against the Current: Muslim Conversion to Christianity in the Early Islamic Period," *Journal of the American Oriental Society* 136.2 (2016), 270; Hoyland, *Seeing Islam as Others Saw It*, 191; Tannous, *Syria Between Byzantium and Islam,* 460. According to Philip Wood, the surviving text of the chronicle in the 7th-century only covers up to 650, therefore this event may have been before Mu'āwiya was calif, while he was still governor of Syria. Philip Wood, *The Chronicle of Seert:Christian Historical Imagination in Late Antique Iraq* (Oxford: Oxford University Press, 2013), 3.

566 A. Scher, ed. and French trans., *Histoire nestorienne (Chronique de Séert)*, pt. 2, (Patrologia Orientalis 13) (Paris, 1919), 594:

وطالت حياة ربّن خذاهوى الى ايام معوية. وعمذ ابنة له عسما. فشفاها الله بركانه في يومين

The word used for baptism is 'amdh (عمذ). According to Lane, "...the pointed ذ [as opposed to the usual spelling with a non-pointed د], signifying الطهارة," a term associated with meanings of '*ablution*,' or '*purification*' as well as 'baptism' and 'baptismal water.' Lane, *Arabic-English Lexicon*, "عمذ".

567 Wood, *The Chronicle of Seert*, 3-4.

568 Robert Hoyland, *Seeing Islam as Others Saw It*, 161. David Taylor, "The Syriac Baptism of St. John," 452.

569 Ḥnānā is 'a consumable form of holy relics,' such as 'powdered bones or dust which is taken from the graves of saints, and is mixed either with oil for anointing, or with liquids such as water or wine for consumption,' David Taylor, "The Syriac Baptism of St. John," 453.

570 Vööbus, *The Synodicon in the West Syrian Tradition I*, Syriac: 249; English: 228. This is David Taylor's

> It is right by all means, very right, that no one should hold back anything from them in such a case. Rather, I permit myself to say, that it should be given them on account of any sickness, whatever it may be. For the fact that God grants them healing when you give them of the blessed [eucharistic elements] is a clear proof that it is right for you to give [this] to them without restraint.[571]

It follows that if ritualistic items as sacred to Christians as the eucharistic bread and consumable holy relics (*ḥnānā*) can be shared with Muslims, baptism would not necessarily be outside the realm of possibility.[572]

7.4 *Insights on Muslim Baptism from Later Sources*

Though it is after the perview of this chapter, there are interesting and pertinent sources from the 12th century regarding Muslims seeking Christian baptism for their children. Theodore Balsamon (d. post 1195), a Byzantine Canon lawyer who became the Melkite Patriarch of Antioch, mentions Muslim baptism by Christians during the Patriarchate of Loukas Chrysoberges (1156-1169), in his commentary on the Council in Trullo, Canon 84,[573]

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translation, "The Syriac Baptism of St. John," 453:

ܠܗܘ ܠܐܦܣܘܩ ܚܕܐ ܡܢ ܫܘܠܛܢܐ ܕܐܦ ܠܐ ܢܫܬܘܩ ܠܡܢ ܕܡܬܥܡܕ ܒܥܕܬܐ ܕܠܐ ܢܫܬܘܩ ܠܗܘܢ ܒܟܠ ܡܕܡ ܕܐܦ

> ...Agarenes [Muslims] appeared before the synod. Upon being requested to receive baptism they replied that they had already been baptized in their own lands. On their being asked how, they answered that it is the custom for all the infants of the Agarenes to be baptized by Orthodox priests. But they [and their explanation] were not accepted. For they heard that the baptism which the unbelievers demanded from the Christians was not demanded by reason of good disposition and Orthodox purpose but for healing of the body. For the Agarenes suppose that their children will be possessed of demons and will smell like dogs if they do not receive Christian baptism.
>
> Accordingly they do not invoke baptism as a cathartic of all spiritual sordidness and as the provider of holy light and sanctification, but rather as a remedy or magical charm. Some of these [Agarenes] said they had Orthodox mothers and it was a result of their [mothers'] care that they were baptized by Orthodox priests.[574]

The nonchalance with which Theodore describes the Muslim response to whether or not they required baptism would suggest both a long-standing tradition, although how long standing we cannot know, as well as a complete lack of realisation that this may not have been considered appropriate religious behaviour. Aside from the evidence of baptism as a Muslim tradition, it is also stated that some of these Muslims had Christian mothers and claim that they are the main reason they were baptized, suggesting that inter-religious families in the 12th century, and almost certainly earlier, were practicing the rituals of each familial religious tradition as they saw fit without any sense that this would have been inappropriate.

A contemporary 12th-century mention of Muslims being baptised without conversion is found in the Syrian Orthodox tradition. Amongst the canons established during the council at the monastery of Mar Ḥananya/Dayr al-Za‘farān held in 1153 under Mar Yoḥannan (d. 1165) Bishop of Mardin and Dara - known, and occasionally maligned, for being practical more than theological - was Canon 25 establishing a separate Muslim baptism.[575] The canon states:

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574 Greek: Georgios A. Rhalles, and Michael Potles, Σύνταγμα τῶς θείω χαὶ ἱερῶν χανόνων, vol. II (Athens: Εχ της τυπογραφίας Γ. Χαρτοφύλαχος, 1852), 498. A translation is given by Speros Vryonis Jr., *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth-century* (Berkeley: University of California Press, 1971), 487-488. References and translation of this passage found in David Taylor, "The Syriac Baptism of St. John," 439.
575 Taylor "The Syriac Baptism of St. John," 442-444.

> However, regarding the children of the Muslims (*mašlmānē*) we issue instructions with caution, and we tell you, by apostolic commandment, that the priests are not allowed by God to baptize them together with the children of the believers (*mhaymnē*) in our holy font. But there shall be another baptism for them, apart, on another day, whether before or after, with plain water (*mayā šḥīmē*). Let only the service of penance be [said] for them. That is, the quqliōn-psalm, and the anthem (*sedrā*), and the hymn (*qālā*) of penance, etc. And let the priest baptize the children of the Muslims (*ṭayāyē*), as he, the priest, says thus: 'This N.N. is baptized in the name of the Lord (*Māryā*) in this baptism of John for the remission of debts and for the forgiveness of sins. Amen.' And they shall anoint him with plain oil (*mešḥā šḥīmā*).[576]

Clearly Muslims in some areas were seeking Christian baptism in the 12th century and were recieving it. One wonders whether this particular set of clerical instructions is unique in that it allows for the baptism of Muslims, or if it is unique in that it actually tries to separate the baptism of Muslims from that of Christians. For some places, such as the 20th-century Church of al-Khiḍr/St. George in Palestine discussed below, it may not have been worth separating which children belonged to which tradition, especially if the mother was Christian and the priest was attempting to encourage the parents to raise the child Christian. Also, if the religious tradition of children was considered to be something along the lines of 'neutral' until coming of age, priests and mixed Muslim-Christian families may have had no problem with the child being baptized.

Canon 25 goes on to add that non-Christians cannot be appointed as godparents[577] - suggesting that perhaps this was being done regularly enough to merit the prohibition,

> There is absolutely no permission from God to any believer to take for him a sponsor, that is a godparent, (who is) a non-believer. Also not to tie the crown (of marriage) with him in a wedding feast. The sponsor, however, shall be a believer and must know that he is obliged to teach him the spiritual teaching, the true faith, the observation of the dominical commands. The reason is that he is his sponsor -- the priest is his sponsor before God. He shall have his eye continuously upon him and take care of the growth in the fear of God until the death of

576 Vööbus, *Synodicon of the West Syrian Tradition II*, Syriac: 246, English: 259. Translation and citation from David Taylor, David Taylor "The Syriac Baptism of St. John," 444:

ܕܫܡܫ ܕܡܠܐ ܥܠ ܡܠܝܢ ܒܪܫ. ܐܝܟܐ ܕܒܥܝ ܠܡܐ ܒܝܬ ܡܥܡܕܢܐ ܕܒܪ ܡܫܠܡܢ ܐܝ ܠܐ. ܐܝܟ ܕܐܡܪ ܐܢܐ ܠܟ. ܐܝܟ ܕܒܥܝ ܒܝܬ ܡܥܡܕܢܐ ܠܡ ܐܠܗܐ ܠܡ. ܠܐ ܕܒܪ ܡܢ ܒܝܬ ܡܥܡܕܢܐ ܕܡܗܝܡܢܐ ܒܥܕ ܒܝܬ ܡܥܡܕܢܐ ܕܡܫܠܡܢ ܐܝ ܠܐ. ܐܝܟ ܕܐܡܪ ܐܢܐ ܠܟ. ܐܝܟ ܕܒܥܝ

one of them.[578]

It would not be suprising that within inter-religious families and friend groups people of different faiths might have been appointed as godparents or participants in wedding rituals for exogamous marriages.[579] Here he is prohibiting both, possibly implying that these phenomena are often linked. While he is speaking to a 12th-century cultural situation, it is likely that similar non-Christian inclusions to Christian rituals had been happening long before this but were not necessarily considered problematic. Mar Yoḥannan claims that the reason for this is that the godparent would have to help raise the child as a Christian; however, if this was an inter-religious family and children were not necessarily considered as having a religious identity amongst the average lay person, they might not have emphasized the Christianity of this help. Any person who would have spent time with the child could have been chosen with the idea in mind that they would morally guide them based on local and familial traditions rather than instil in them a clear-cut religious identity. Alternatively, it is easy to imagine situations where a Christian and Muslim parent would agree on a type of compromise that included asking members of both faith traditions to look out for their child, or, if the parents were simply performing the ritual in order to ensure its health and well-being, they may not necessarily have put much thought into who was present at the ceremony or what the witnesses' presence may have meant. In any case, it is evident that there were situations where non-Christians, very likely Muslims, were participating in baptisms as godparents, as well as taking part in Christian weddings in the 12th century.

Taylor claims that while the religious elites of Christianity and Islam were busy creating visible boundaries to clearly distinguish the two communities, the average lay

578 Vööbus, "Canons of Jōḥannān of Mardē," *Synodicon of the West Syrian Tradition II*, English: 260; Syriac, 246:

ܡܢ ܐܝܬܝܢ ܕܒܪܐ. ܐܦ ܗܟ ܕܟܬܒ ܠܢ ܡܪܝ ܝܘܚܢܢ ܕܟܬ ܒܝܬ ܕܒܪ ܠܡܫܪܝ ܕܟܬ ܒܝܬ ܕܒܪ ܠܡܫܪܝ ܕܡܠܐ ܕܟ ܕܟܠܝ

people for the first several centuries of Muslim rule were living a reality of inter-religious families, friend groups, and work places in a largely intermingled society. These people were more concerned with the practicalities of daily life, 'the health and prosperity of family, livestock, and crops, and warding themselves against the unwanted attention of evil powers, whether demons, jinns, or the evil eye.' [580] Whatever ritual or tradition worked for this purpose, whether old Christian family traditions or relatively new Muslim ones, could be used without necessarily realising that they were particpating in another religion's practice. This was the very reality that the religious elite were fighting against.

In the 1990s Lance Laird performed fieldwork in the village of al-Khaḍr in Palestine, which serves as a modern day example of how daily life and local cultural leanings might cause Muslims to baptise their children - even without the pressure of inter-religious in-laws. He quotes a Muslim woman who he met at the festival of St. George, this saint is known to the Muslims in the area as al-Khaḍr [al-Khiḍr] and equally revered by them, held at the Greek Orthodox Church of St. George. She explains that she baptized her child in the church,

> I named him [her son] Khaḍr and had him baptized in the church as a vow. You see, my mother-in-law had four children and three of them died. The only one to survive was my husband. So I decided to baptize my babies so they would go on living. I baptized not only Khaḍr but also my other son.[581]

When asked how she could baptize her child she said,

> I baptized them like anyone baptizes their children. Like the Christians, I believe in ʻĪsā, ʻalayhī as-salām [Jesus, peace be upon him]...Look, this is his godmother [introducing a second middle-aged woman next to her and pointing to a large pendant of the Virgin that hung from her neck. The second woman nodded in affirmation]. She is a Christian, and she was here when the priest baptized him![582]

This woman felt no shame in having participated in a Christian practice. She baptized her children because she perceived that this would be best for their wellbeing, due to a local custom of Muslims baptising their children. She even went so far as appointing a Christian god-parent who, from the fact that they were together at the festival, was likely taking an

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579 See chapter 3 for a discussion of non-Muslim participation in Muslim marriages.
580 Taylor "The Syriac Baptism of St. John," 438.
581 Lance D. Laird, "Boundaries and *Baraka*: Christians, Muslims, and a Palestinian Saint," in *Muslims and Others in Sacred Space*, ed. Margaret Cormack (New York, NY, Oxford University Press: 2013), 48.

active role in the child's life. Laird continues to cite several interviews with Muslims who had their children baptized or knew those who did. In this particular society it was common, often due to a fear of health issues in the children or as a way to ensure their basic survival.[583] Laird explains the mentality of those Muslims who baptize their children by stating that firstly, they are seeking the *baraka*, blessing, of the saint and holy place which is considered capable of healing, 'physical, mental, or spiritual illness';[584] secondly, while it is a Christian practice essentially, it is also a Muslim one to the practitioners, one that ensures the spiritual, physical, and mental safety of the child via the Muslim view of Jesus and al-Khiḍr without any risk of making the children Christian.[585] These examples from much later times are interesting parallels to the 8th-9th centuries, they obviously exemplify different cultural norms and circumstances and cannot be used as direct models of what may have occurred in the late Umayyad and early Abbasid eras; however, there is some material from these examples that resonates with the earlier sources.

7.5 *Textual Sources Relevant to Muslim Baptism in the 8th-9th Centuries*

As previously mentioned, there are two terms in Arabic for baptism - *ṣibgha* is the one generally used by Muslims for Christian baptism while *ma'mūdiyya*[586] is used by Christians when they are speaking only to known Christians. There are moments in

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582 Laird, "Boundaries and *Baraka*," 48.
583 Ibid, 48-51 and 61-63.
584 Ibid, 61.
585 Laird, "Boundaries and *Baraka*," 62. Jack Tannous also cites F.W. Hasluck, Manolis Peponakis, and Speros Vryonis to make a similar point, claiming that, 'We have no reason to believe that in the earliest centuries of Islamic history, when the script of Islamic orthodoxy was still being hammered out the situation would have been any less hybrid and mixed-up than it was in the later periods which scholars like Hasluck, Peponakis, and Vyronis studied; in fact, because what would become the central institutions, rites, texts and habits of later Islamic orthodoxies either did not yet exist or were in their very earliest stages of development, we should assume that the level of hybridity in this early period was even greater, especially if the large majority of Muslims had become Muslim through group conversion and possessed little profound acquaintance with the content, such as it was, of their new religion.' See Tannous, *Syria Between Byzantium and Islam*, 453-454. For Muslims baptizing their children under the Ottomans see F.W. Hasluck, *Christianity and Islam under the Sultans*, vol. 1 (Oxford, 1929), 30-37. For similar practices in Crete, see M. Πεπονάκης, *Εξισλαμισμοί και επανεκχριστιανισμοί στην Κρήτη (1645-1899)*, (Rethymno, 1997), especially pp. 75-76. For similar practices in the Balkans, see Speros Vyronis, "Religious Changes and Patterns in the Balkans, 14th-16th-centuries," in H. Birnbaum and S. Vryonis, Jr., eds., *Aspects of the Balkans: Continuity and Change. Contributions to the International Balkan Conference held at UCLA*, *October 23-28, 1969* (The Hague/Paris, 1972), pp. 173-176.

Christian literature where authors are insistant in re-enforcing the concept that baptism is purely a Christian activity throughout the 8th-9th centuries. They show baptism as a symbol of either fully joining the Christian Church or converting to Christianity. It can be seen throughout the neo-martyr narratives, and occasionally in debate texts and poetry. Regardless of genre, there is a consistent theme coming from elite clergy that baptism ideally equals conversion from Islam to Christianity when discussed in the context of Christian-Muslim interaction. This evidence within *tafsīr* suggesting that Muslims were very familiar with the concept of baptism and needed an explanation as to why they did not require it, in addition to the Christian sources discussed below, suggests that some Christian priests and Muslim populations may not have had an issue with Muslims having their children baptised, a trend that some within the various churches of the Near East sought to correct. If churches practiced child baptism rather than adult baptism, it would have been nearly impossible to know what the intentions of inter-religious families were concerning raising the newly baptised child. Within the 8th and 9th-century *ḥadīth* and *fiqh* literature, the earliest legal material we have within Islam on the subject, most incidents of children's religious identities are discussed surrounding a child's death, potentially indicating that their life before adolescence was not governed by religious identity or expectations of any particular kind.

Īšō'bōkt (r.c. 773-779/80), in his *Corpus juris of the Persian Archbishops* includes a ruling regarding the children of inter-religious marriage, which reads almost like an exegesis of 1 Corinthians 7. He insists, based on 1 Corinthians 7:13-14,[587] that exogamous marriages are acceptable, '... on the condition that their children are baptized (ܡܥܡܕܝܢ ܕ ܒܪܝܡܐ ܒܥܕܬܐ).'[588] Here Īšō'bōkt does not appear to mind inter-religious marriage, contradicting his rulings discussed in chapter 5. On the surface, through his insistance on baptising the

586 Related to the Syriac, ܡܥܡܕܢܐ.

587 1 Corinthians 7:13-14: 'For the unbelieving husband is made holy through his wife, and the unbelieving wife is made holy through her husband. Otherwise, your children would be unclean, but as it is, they are holy.' *New Revised Standard Version Bible.*

588 Sachau, *Syrische Rechtsbüche*, vol. 3, (Syriac) 52, (German) 53.

children, he seemingly also contradicts his relatively *laissez faire* ruling in chapter 6 regarding children of exogamous marriages. Although, one should note that he does not explicitly say that these children should be raised Christian, merely that they should be baptized. Given the common Christian emphasis on baptism as a type of conversion, this could be interpreted as intitiating them into the Christian community; however, that is not explicitly spelled out. It is entirely possible that he is not contradicting his other ruling regarding the children of inter-religious unions at all. There is also always the possibilities that he changed his mind throughout his life, or that these particular rulings were prompted by specific situations and discussions, thereby exhibiting considerable confusion on the matter even amongst Church of the East religious elite.

In a later, Melkite, source we see objections to inappropriate activity after baptism by Sulaymān al-Ghazzī (fl. 10th century CE), a Palestinian Christian who entered the monastic life as a youth, then left it for a lay person's life of wealth, marriage and family. He returned to the monastery in his old age after losing everything and is an interesting figure in that he experienced both lay life as well as monastic life.[589] Al-Ghazzzī's work is known for subtly referencing Islam, and his poem 'Not all Baptised with Water Are Christians,'[590] is no exception. While on the surface it appears to be discussing hypocrisy and bad leadership within the Melkite Church; the veiled references to people being baptised or part of the Christian community and then not behaving as one might expect sounds similar to the complaints of the *Summa*'s author regarding religious code switching.[591]

ما كل مُعتمِدٍ بالماءِ نصراني غيرَ أعتمادِ حياةِ العالمِ الثاني

> Not all baptised with water are Christians Without the baptism of the life of the world to come;

589 Samuel Noble, "Sulayman al-Ghazzi," in *The Orthodox Church in the Arab World*, *700-1700: an Anthology of Sources,* eds. Samuel Noble and Alexander Treiger, (DeKalb, Illinois: Northern Illinois University Press, 2014), 160.

590 He uses the Christian insider root for baptism in this poem - ما كل معتمدٍ بالماءِ نصراني.

591 Chrysostomides, "'There is No God but God,'" 122.

و با لمسيحِ شعوبُ الأرضِ إعتمدوا و نافقَ البعضُ منهم بعد إيمان

In Christ the peoples of the earth have been baptised Though some of them afterwards showed hypocrisy.

صاروا كاعضاءِ جسمٍ في طبيعتهِ منهم معينٌ و منهم غيرُ معوانِ

They became like a body's parts in its natural state - Some helpful, some unreliable...[592]

While it seems as though Sulaymān is talking about the potential for everyone to become Christian because of Christ's existence, he then goes on to discuss Christian elites in particular with no transition suggesting that he is also talking about those specifically baptised Christian. The line, 'Though some of them afterwards showed hypocrisy,' mimics both the *ḥadīth* literature on 'hypocrites,' with his use of *nāfaqa,* as well as early *ḥadīth* collections discussing people who apostatized from Islam 'after belief' (بعد ايمان).[593]

Sulaymān uses what we might call the 'insider' root for baptism, *'amd*, used between Christians but not in discussion with Muslims. In Arabic, the poem's title reads: mā kull mu'tamad bi-l-mā' naṣrānī/ما كل معتمدٍ بالماءِ نصراني.

'The Disputation of the Monk Abraham of Tiberias,' (wr. late 9th century CE) is a religious debate text set in Jerusalem between the amir 'Abd al-Raḥmān al-Hāshimī, his chosen interlocutors, al-Manẓūr ibn Ghaṭafān al-'Absī, a bedouin named al-Bāhilī, and 'a learned pilgrim from Basra,' with the monk Abraham.[594] This text, though written by a Melkite Christian, moves effortlessly from quoting *ḥadīth* and the Qur'ān to the Gospels and

592 English translation from Noble "Sulayman al-Ghazzi," 163. Arabic from Néophytos Edelby, *Sulaïmān al-Ġazzī (Xe-XIe siècles) Al-Diwān*, *Patrimoine Arabe Chretien: Textes et Etudes de Littérature Arabe Chrétienne Ancienne Xe-XIe siècles*, no. 8 (Jūniyah: al-Maktabah al-Būlusīyah,1985) 23-24.

593 Chrysostomides, "'There is No God but God,'" 125-126. And chapter 4 discussion of apostasy.

594 For general information on this text, a translation and full bibliography of secondary studies see Krisztina Szilágyi, "The Disputation of the Monk Abraham of Tiberias," *The Orthodox Church in the Arab World*, (DeKalb: Northern Illinois University Press, 2014): 90-111; and N. Swanson, Mark, "Mujādalat al-rāhib al-qiddīs Ibrāhīm al-Ṭabarānī maʿa l-amīr ʿAbd al-Raḥmān ibn ʿAbd al-Mālik ibn Ṣāliḥ al-Hāshimī", in: *Christian-Muslim Relations: A Bibliographical History.*

Hebrew Bible, provides social context for the two Arabic words for baptism.[595] The respective terms for baptism are used based upon who is speaking to who. When the monk discusses baptism with the various interlocutors chosen by the amir he uses *ṣibgha*, when the two Muslims attending who had once converted from Christianity, alongside the two who had converted from Judaism, decide to (re-)convert to Christianity they use *ma'mūdiyya* when asking Abraham to baptise them.

When the Muslim interlocutor enquires about the divine hypostases he receives a short lecture on baptism,

> The Muslim said, 'From where did you recieve it, monk, that God is three hypostases?
>
> The monk said, 'We recieved it from the apostles.'
>
> The Muslim said, 'What did the apostles say?'
>
> The monk said, 'We, all nations and peoples, had been worshipping idols and other such things until John, son of Zechariah, the seal of the prophets, and the apostles came to us and called us to baptism [و دعا إلى صبغة] in the name of the Father, the Son, and the Holy Spirit, one God...[596]

The author uses *ṣibgha* because Abraham is speaking to a Muslim; however, later in the text when converting to Christianity and asking to be baptised, the Muslims who were once Christians and Jews use the 'insider' term, *ma'mūdiyya*,

> He made the sign of the cross, put both his hands in the brazier, and started to turn them over the fire.When the boys in the service of the emir, who had been Christian and had converted to Islam at his hands, saw this, they stood up, as did the two Jews, and prostrated themselves before him [Abraham] and professed their belief in Christ that He is the eternal Son of the living God.
>
> The monk said, 'Praise be to God, who does not keep His slaves from His mercy, who

595 Szilágyi, "The Disputation of the Monk Abraham of Tiberias," 90-91.

596 Szilágyi, "The Disputation of the Monk Abraham of Tiberias," 103. Arabic from Giacinto Būlus Marcuzzo (ed. and trans.), *Le Dialogue D'Abraham de Tibériade Avec 'Abd al-Raḥmān al-Hāšimī à Jérusalem vers 820: Étude, Édition Critique et Traduction Annotée d'un texte Théologique Chrétien de la Littérature Arabe*, (Rome: Pontificia Universitas Lateranensis, 1986), 347-349:

قال المسلم:<<من أين قبلت، يا راهب، أن الله ثلاثة أقانيم؟>>

قال الراهب: <<قبلناه من الحواريّن>>

قال المسلم: << و ما قالت الحواريوّن؟>>

قال الراهب:<<أما نحن، معشر الشعوب و الأمم، لم نزل نعبد الأصنام و غيرها، حتى أتانا يوحنا ابن زكريا، خاتم الأنبياء و الحواريّن، و دعا إلى الصبعة باسم الآب و الابن و الروح القدس، إله واحد. ففزعنا من هذا الأسماء، فقالوا لنا: << لا تفزعوا، فإنّها أقانيم الله الواحد>>>>

> revives the earth after it was dead. Him we ask for help in obeying Him.' He gave thanks to God and said, 'By God, "the angels truly rejoice when one sinner repents," as our Lord said.' They said to him, 'Baptise us.' (اعطنا المعمودية)[597]

It is highly unlikely that any of this is a historical account of a debate, aside from the fact that there probably was one in Jerusalem, under ‘Abd al-Rahman al-Hashimi (fl. late-8th- early-9th centuries CE), where the Christian debater happened to win. [598] It was commonplace regarding Christian debate texts for the messages contained within the debate, and the symbolism to be taken from the Christian winning the debate, to have been more important to convey than historical fact.[599]

The topics the author chose to elaborate upon and the words he used to highlight the symbolic meaning behind the event of the debate were carefuly crafted to convey significant concepts. That baptism is one of these concepts would be expected, that baptism comes up in the context of the hypostasis highlighting this ritual as a historically integral part of being Christian also might be expected. What a modern reader might be surprised by, is that the author uses the Qur’ānic word for baptism, *ṣibgha*, when speaking to the Muslim and the Christian word for baptism, *ma‘mūdiyya*, when the Christians, or prospective Christians, are speaking to each other about conversion.

The author either wanted to convey the monk's knowledge of Islamic traditions and Qur’ānic vocabulary, he does, after all, recite *aḥādīth*, *belles lettres*, and direct Qur’ānic quotations throughout the text; or it was simply natural for him to use both terms in their respective social context and he assumed that his readers would understand because this socially specific usage was commonplace. In order for him to choose to use those two words where he does, it is more likely the author both expected that his audience would understand the useage and wanted to make a point. It is significant that the use of *ma‘mūdiyya* comes at the moment when those witnessing the debate, some formerly Christian, some not, choose to

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597 Szilágyi, "The Disputation of the Monk Abraham of Tiberias," 109. Arabic from *Le Dialogue D'Abraham de Tibériade Avec ‘Abd al-Raḥmān al-Hāšimī à Jérusalem*, 529.
598 Szilágyi, "The Disputation of the Monk Abraham of Tiberias," 91-92.

convert from Islam to Christianity. Here baptism is portrayed as a very clear means of entering the Christian community, and *only* of entering the community, so much so that it is the mechanism by which one converts. Baptism is an action of Christian identity in this text. The mention of *ṣibgha* and the cultural context of the discussions surrounding baptism within the Islamic tradition, regarding whether or not such a thing is necessary for Muslim children and clarifying that it is a thing that *non*-Muslims do - something which would not need clarification if there was not confusion on the subject- would likely have been in the minds of those reading the text.

Another intriguing aspect of this text is that the former Christians seem to be included in the request for baptism upon conversion. Christians were not required to be re-baptised from what we know of the Syriac Orthodox tradition.[600] We do not know what 8th-9th-century Melkites may have thought on this subject. The author does not elaborate on this oddity, suggesting that he was either using the concept of baptism symbolically to make a point that it was a way of entering the church only, as opposed to a type of blessing, or that it was the common usage of these two terms. It is important to note that the date of composition for this piece falls within the early 800s, making it a few decades earlier than the beginnings of Muslim discussion of Christian baptism within *tafsīr* literature.

Both Christianity and Islam had an understanding of baptism as an intitiation ritual, although Muslims sometimes also considered it a type of ritual purification. Muslim elites, such as al-Ṭabarī and al-Maturīdī, thought of it as something unecessary to Muslims. We have no way of knowing what the average Muslim would have known about this practice, aside from knowing that there were two Arabic words in useage - one for Muslims and one for Christians. The fact that al-Ṭabarī and al-Māturīdī were taking the time to sort out the *ṣibgha* mystery in the Qur'ān and to record commentaries about how baptism was not necessary for Muslims because of the concept of *fiṭra*, when previous commentators did not

599 Ibid, 92.
600 Hoyland, *Seeing Islam as Others Saw It*, 162-163, specifically the quote from Jacob of Edessa: 'We should not rebaptise a Christian who becomes a Muslim or pagan then returns...'

feel a need to do so, would suggest some debate or at the very least confusion on the topic.

The closest we can currently get to knowing what the average Muslim thought of Christian baptism is through a mix of the discussions in Islamic theological literature, such as *tafsīr* and the occasional Muslim-authored Christian-Muslim debate text, as well as Christian cannon law, debate texts, and martyrologies where issues regarding understanding of baptism and what priests are allowed to do for Muslims crop up occasionally. It is apparent throughout the early sources that, as with most new religious traditions, the average Muslim did not necessarily know how to properly act as the religious elites thought to be appropriate. It would likely have taken a few centuries for the orthopraxic knowledge of how to enact prescriptions to be disseminated amongst all levels of the population in urban and rural areas.

There is also the possibility that Muslims in most areas, elites and laity alike, simply did not see baptism as something outside the perview of Islam before the late 800s. This is substantiated partially by an absence of explanations about baptism being uneccessary for Muslims within *tafsīr* literature prior to their appearance in the late 9th century.

The 9th-century Christian-Muslim debate text 'Wāṣil of Damascus and the Byzantine Leaders,' written by a Muslim, shows a general confusion of the nature of baptism on the part of both Christians and Muslims.[601] It is uncertain whether this was intended to make the Christian priest in the text look bad or whether it reflects the Muslim author's lack of understanding of baptism.[602] The confusion shown in this text includes Muslim assertion that Christian baptism is little more than a blessing practice reflecting a tradition from John the Baptist - coincidentally the name of the specifically Muslim baptism suggested by the 12th-century Mar Yoḥannan. In this text a former Christian who is raised Muslim while enslaved and returns to Christianity, Bashīr, debates with a Muslim prisoner of war, styled by the 9th-century author to represent Wāsil ibn ʻAṭā (d. 748), founder of the Muʻtazilites.

601 David Bertaina, *Christian and Muslim Dialogues: the Religious Uses of a Literary Form in the Early Islamic Middle East* (Piscataway, NJ: Gorgias Press, 2011), 172.

[603] Because the Muslim author is discussing baptism with Christians and through the voice of Christian characters, he uses the Christian word for baptism throughout, *ma'mūdiyya*. The priest that Bashīr has called in to help threatens to baptize Wāṣil in the introduction of baptism as a topic, showing the Christian tendency to equate baptism with conversion,

> Tomorrow I am going to immerse you in baptism (*ma'mūdiyya*), an immersion from which you will emerge as on the day your mother bore you.
>
> The Shaykh said: What is this Baptism (*ma'mūdiyya*)?
>
> The Priest said: Holy water.
>
> The Shaykh said: Who made it holy?
>
> The Priest said: I made it holy, and the bishops before me.
>
> The Shaykh said: Do you have offenses and sins?
>
> The Priest said: Yes, without them being many.
>
> The Shaykh said: Can someone then make the water holy, who cannot make himself holy?
>
> He spoke and the priest fell silent. Then he said: I do not myself make it holy.
>
> The Shaykh said: How then has the tale come about?
>
> The Priest said: It is but a practice (sunna) from Jesus, Mary's son.
>
> The Shaykh said: How did the affair happen?
>
> The Priest said: John, Zachary's son, immersed Jesus, Mary's son, on whom be peace, in the Jordan; he immersed him, he anointed his head, and he called down a blessing on him.
>
> The Shaykh said: So Jesus needed John to anoint his head and to call down a blessing on him. Then worship John, for John is in that case better for you than Jesus.
>
> The Priest fell silent.
>
> Bashīr fell back on his cushion and he put his sleeve into his mouth and he began to laugh. He said to the Priest: Stand up, God shame you, I summon you to convert him to Christianity, and now you have become a Muslim![604]

The author subtly points out in the line, 'Can someone then make the water holy, who cannot make himself holy?' what he would have seen as a failing within Christian orthopraxy - the lack of purification rituals.[605] Within the dialogue the character of Wāṣil slowly undermines the sacredness that Christians would have applied to baptism, reducing it to either a blessing or somewhat lacking purification ritual, if not both. Muslims were aware of Mandaeans, a

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602 Bertaina, *Christian and Muslim Dialogues*, 172.
603 Sidney Griffith, "Bashīr/Bēsēr: Boon Companion of the Byzantine Emperor Leo III: The Islamic Recension of His History in *Leiden Oriental MS* 951 (2)," in *The beginnings of Christian Theology in Arabic: Muslim-Christian Encounters in the Early Islamic Period* (Aldershot: Ashgate, 2002), 303.
604 Griffith, facing page edition and translation, "Bashīr/Bēsēr: Boon Companion of the Byzantine Emperor Leo III," Arabic) 320, (English) 321.

religious community who practiced baptism as a purification ritual and worshipped John the Baptist. There may also have been some historical memory of other baptising communities such as the Ebionites and the Elchasaites, known by Arab historians and theologians as *al-mughtasila* (those who purify themselves) and a variety of other sects which may have inspired the much disputed term for the mysterious 'Sabian' religion in the Qur'ān.[606] From the average Muslim perspective in the 8th-9th centuries, baptism might not even have necessarily been predominantly a ritual of Christianity, but rather a purification, blessing, or initiation ritual found in a variety of monotheistic religious traditions that Muslims might benefit from participating in, dependant on the religious background of their own family and community.

Bashīr, himself formerly a Muslim, jokingly accuses the priest of converting when he has no response to Wāṣil regarding baptism. Being able to defend baptism as a sacred initiation ritual is here represented as a basic tennant of being Christian. The priest threatens to convert Wāṣil by threatening to baptize him, equating conversion and baptism, and in the end he is unable even to clearly explain and defend the Christian understanding of baptism. The priest is mocked for having himself converted to Islam, inversing the threat and the outcome. This text is geared towards a literate audience of non-religious elite, as with any text it is safe to assume that a major theme, here Christian baptism and the nature of the ritual itself, would have presumably been familiar to the intended audience,[607] as would the tendnecy of Christian religious elite to potentially insist that it is more than a purification ritual or blessing while not being able to clearly explain why. Could it have been the case, as in the 20th-century village of al-Khaḍr that priests who insisted on a more hard-line definition of baptism as conversion to Christianity only or for Christians only, were considered 'fanatical' by the local population, whether Christian or Muslim?[608] It does seem that there is a flavour of mocking such people in the text, especially when even Bashīr who

605 See chapter 3 discussion of *al-janāba*.
606 T. Fahd, "Ṣābiʾa", in: *Encyclopaedia of Islam, Second Edition*.
607 Bertaina*, Christian and Muslim Dialogues*, 172.

has returned to Christianity, laughs at the priests attempts.

7.6 *Conclusion*

The Muslim concept of *fiṭra*, commonly defined as a concept of inherent religiosity or even inherent Islamic tendencies, in conjuction with Christian initation rituals and Christian-Muslim families exhibits another context for potential passive non-Muslim religious experiences in which children would have participated and witnessed. Would the average Muslim or blended family have known about *fiṭra* and assumed its plausible reality? Could baptism be seen as anything but a purification ritual if the Muslim parent of the couple felt secure that their encouragment towards Islam and naturally occuring *fiṭra*, inherent in every child, would ensure the Islamic leanings of their offspring? Was baptism even considered to be outside the perview of Islam before the late 800s? The primary source material exhibits confusion surrounding these issues.

Children with both Muslim and Christian family would likely have been aware of baptism as a ritual, and may have attended the baptism of relations, regardless of whether or not they were ever actually pressured to be baptised or convert by Christian family members. The discussion of baptism in the 10th-century and later *tafsir* literature assumes a need to clarify that baptism was not a Muslim ritual, suggesting that some thought it could be included amongst rituals within nascent Islam. Considering the lack of similar discussions before the late 9th century, it is not a long assumptive leap to suggest that Muslims in the early centuries of Islam's development may have been comfortable with baptising their children. In addition to this, recent converts to Islam may have gone through a stage of dissaffiliation with Christianity where they still felt compelled, whether via familial or social pressure or via their own initiative, to continue to participate in some Christian rituals such as baptising their children.

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608 Laird, "Boundaries and *Baraka*," 61.

The possibility that baptism may have been considered a ritual included within the scope of early Islam should remind us that when we explore the concept of Islamization we are talking about the influence of a form of Islam contemporary to the time of the discussion rather than the form it currently has in the 21st century. Islamization of the Near East was not a stately march towards the Islam we know today. In this case it is the Islam of the 8th-9th centuries, a time when the religion likely retained significant elements of the traditions common amongst its most recent converts. In many areas Islamization, and even conversion, of individuals, families, or communities may not have looked radically different to the religions prevalent in the central Islamic lands for centuries preceding the conquest.

Chapter 8

Conclusion

Religious elites of both traditions attempted to regulate the formation of inter-religious families with what appear to be mixed results. The 8th-9th centuries began at the twilight of a societal shift from the dichotomy of conquerors and the conquered to one based upon religious affiliation. As part of this shift the *'ulāma* found it necessary to increasingly regulate exogamous marriage, which during the conquest does not appear to have been an issue. In the 8th century there is evidence that some jurists permitted Muslim women to remain married to non-Muslim men, likely reflecting common local practices. This domestic arrangement becomes increasingly frowned upon in the 9th-century legal literature, which is insistant that Muslim women should only marry Muslim men. Muslim men, on the other hand, were free to marry non-Muslim women from the time of the conquest; however, during the 9th-century jurists restricted inter-religious marriage further based on a developing social hierarchy of religious afiliation and free or slave status. This hierarchy permitted Muslim men to marry free and enslaved Muslim women as well as free *kitābī* women while only allowing them sexual relationships with slave *kitābī* women. No relationship with Zoroastrians was permitted by the majority of 9th-century jurists.

From a Christian perspective exogamous marriage was dealt with differently in different areas within the central Islamic lands. The Church of the East, predominantly situated within the formerly Sasanian territories, began to make allowances for exogamous marriage (despite disapproving of it) by insisting on the baptism of any resulting children, while on the other hand helping people escape exogamous marriages by condoning divorce for non-Christian behaviour or the apostasy of a spouse. The increased tolerance of divorce may have coincided with the beginnings of Islamization in Fars, thought to be one of the earliest territories to see a majority Muslim population. Melkite and Syriac Orthodox

Christianity, both of which predominantly existed within either formerly contested Sassanian-Byzantine or Byzantine territories, were somewhat more strict regarding exogamous marriage. The Melkites insisted that the non-Christian partner promise to become Christian and did not allow divorce or remarriage for women. Some Syriac Orthodox elites were more accepting of exogamous marriage, thought they still insisted on mild punishment for it, while other clergy absolutely forbade exogamous marriage, divorce, and remarriage.

One can imagine that there may have been quite a bit of ambiguity surrounding religious affiliation and identity within inter-religious families. Generally the issue of prescribed religious affiliation for children of exogamous marriage does not often come up in *ḥadīth* and *fiqh* unless an event causes the community at large to become responsible for the child - the death of the parents, the death of both parents and child, or the capture of the child in the *Dār al-Ḥarb*. When it does come up, it is even occasionally suggested that children are not expected by society to have a religious affiliation or identity per se, until they reach the age of maturity. This tendency in the *fiqh* and *ḥadīth* material may have been because religiously mixed families allowed their children to be exposed to all familial traditions regardless of religious influence and did not press the matter of belonging to one or another tradition until early adulthood.

The religious traditions a child of a religiously mixed family was exposed to would largely depend on who was her/his primary care-giver and which extended family members (s)he most interacted with. Depending on whether the mother or father was Christian, the child could have spent most of its time with Christian relatives attending important family events such as baptisms, weddings, funerals, and Christian festivals and then expected to identify as Muslim when he/she came of age, or vice versa. As Abū Hurayra reports Muḥammad saying, *'It is God alone who knows what they would be doing.'*

In the 8th-9th centuries there was still significant debate on what to prescribe regarding children of exogamy. The *muṣannafāt* preserve 8th-century traditions which show

both matrilineal and patrilineal inheritance of religious affiliation. Even the 9th-century *fiqh* works preserve opinions allowing for matrilineal religious inheritance, alongside the burgeoning hierarchy of faiths that was also applied to exogamous relationships. Outside the time range of this thesis, the schools of law begin to lean in the direction that children of inter-religious marriages should ideally have a Muslim father, but if that is not the case they follow the Muslim parent, or parent of what the jurists considered the highest ranking religious tradition. However, in the 8th and 9th centuries there are an equal amount of jurists prescribing matrilineal and patrilineal religious inheritance.

Regarding initiation rituals, in some areas of the central Islamic lands in the 8th and early-9th centuries there is little discussion of baptism within *tafsīr* literature, with Qur'ān 2:137-138, the verses containing the term *ṣibgha,* not even included in some early exegetical texts. Beginning in the late-9th- early-10th centuries there appears significant confusion surrounding the concept of baptism for Muslim children within the *tafsīr* of Qur'ān 2:137-138. The seventh chapter of this study begs the question - what did Islam look like in the 700s-800s? When we use the term Islamization, 21st-century Islam - itself an ever-evolving tradition - appears a natural 'final destination'. However, while the 8th-9th centuries saw the shift to religious affiliation as the predominant identity marker, this does not mean that the Islam that politically topped the burgeoning religious hierarchy was the Islam of today. These were the centuries during which Islamic theology, rituals, and laws were being formed. Nothing can be taken for granted in the 8th and 9th centuries regarding Islamic norms, as they had yet to be formed and canonized - a process that slowed change, but even then did not stop it. Then, as now, Islam was a living, growing religious community made of countless other local communities who would have had their own customs and ways of being Muslim. However, in the 8th-9th centuries there was no uniting set of canons - those were in the process of being formed. There is no reason to think that Muslims would not have participated in several of what we would now consider specifically religious practices of Christianity, Judaism, Zoroastrianism and other faiths, but what to them may have been

viewed as common local, practical, ethnic, or familial practices.[609]

In terms of the Abrahamic faiths, it is commonly accepted that some of the rituals, social norms, and religious beliefs of the pre-existing and contemporary faith communities either permanently or temporarily formed part of the new religious tradition. Obviously this is a complex process of give and take that only occurs in specific areas for specific reasons, but that does not negate that it is a common phenomenon amongst nascent religions or religions new to an area.

This thesis puts forward scenarios which appear quite different than what many academics once assumed to be the norm - that all exogamous marriages involved a Muslim husband and that all the children of those unions followed their Muslim father's religion. When one takes into consideration the messiness of family networks and the gradual canonization of what we would today consider Islamic norms, the generational Islamization and conversion to Islam of the central Islamic lands looks significantly more complex.

Jack Tannous, Uriel Simonsohn, and Thomas Sizgorich amongst others have clearly illustrated how slow-moving the process of conversion across the *Dār al-Islām* was. However, Islamization, a related but different concept, led the way for conversion. Islamization is a concept that can be used to explain phenomena mentioned in the sources that do not fall neatly into the category of 'conversion,' such as those who claimed to be Muslim but clearly did not know what that really meant and generally kept on living as before in many areas. We have significant evidence that even amongst the 'converted,' people did not necessarily follow the prescriptions of Muslim jurists. In the case of inter-religious marriage there were still couples where the woman is Muslim and the man is not in the late-10th/early-11th century. This arrangement had been consistantly agreed upon by jurists as less than ideal if not strictly prohibited as early as the 8th century in some areas. Those who followed what academics might consider nascent Islamic norms yet still

609 For a preliminary list of authors who suggest variations on this theme in the Abrahamic faiths, see the work of David Frankfurter, Eric Rebillard, Adam H. Becker, Annettee Yoshiko Reed, Sebastian Brock, Martin

affiliated publicly with a different faith could also fall under the umbrella term of Islamization. This is possibly a more useful category of exploration than the more exclusive concept of 'conversion' regarding the widespread religious change in the medieval Near East.

Children of exogamy are an excellent example of a group of people that conversion, as a conceptual category, overlooks. Because of their origins, they may have had either a Christian or a Muslim sounding name, could have one parent who wanted them baptised, even if just as a blessing. They would have relatives and possibly even a parent who attended church and lived according to long-engrained Christian traditions of their family or locality. The other parent, while claiming to be Muslim may or may not have understood a range of prescriptions as to how to live according to Islamic law concerning daily issues such as ritual purity, whether it was acceptable to attend Christian festivals and services, or events such as the baptism of family members.

Inter-religious families appear to have been largely left to themselves to raise their children, a practical necessity as enforcing such an intimate prescription on the population would have been incredibly difficult. During the 8th century it became a *societal* expectation in some areas that children with Muslim fathers should be raised Muslim, which we know from the appearance of this expectation in the Christian neo-martyr narrative of Bakchos the Younger. This societal expectation may not have existed in many areas largely because the prescriptions against Muslim women becoming or remaining married to non-Muslim men was clearly discouraged but not yet commonly followed as late as the 11th century. Children of inter-religious families between the 8th-9th centuries could have been raised in any number of ways with any number of names outwardly identifying them as affiliating with one religion or another.

The slow social acceptance of the prescriptions that regulated exogamous marriage played a role in the eventual widespread conversion of the *Dār al-Islām*. Religious

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prescription that has made its way into societal expectation as enforced by family networks, seen in the Bakchos narrative where his sister-in-law reports him to the authorities, and in the narrative of Flora, whose brother brought her before the *qāḍī* for apostasy, is the only way that such an intimate matter as how one raises one's children could have viable practical results. The prescriptions of the jurists were not enforceable until the populace of the *Dār al-Islām* both became aware of them and eventually accepted them to the point of being willing to carry them out. In the 8th-9th-centuries the prescriptions of the religious elites were just beginning to be formed. Some of these early rulings may appear quite surprising to the 21st-century reader, particularly the early tendency to assume matrilineal inheritance of religious affiliation, the tolerance and likely widespread practice of Muslim women being married to Christian men, and the lack of practical application of the death penalty for apostasy.

All of the above, as complicated as it may seem, is a two-dimensional perspective if one considers the experiences and contributions of the other two *dhimmī* communities, Jews and Zoroastrians, who are often interchanged with Christians in early Islamic legal sources as though it did not matter which of the three *dhimmī* groups one was discussing. This interchangeability is not universal, but is common, and further study of contemporary Jewish, and if possible, Zoroastrian sources on inter-religious family networks and Islamization would likely yield an even more complex picture. The 8th-9th-century central Islamic lands would have been filled with members of all three of these communities, each with their own traditions, biases, sects and legal systems, who all would have interacted with members of other faiths socially and through family networks. It would be interesting to see how the results of such a study challenged or reinforced the material discussed above, and studies of the social dynamics involved in the Islamization of these communities in the 8th-9th centuries are desparately needed to better understand not only the phenomenon of Islamization, but the formation of early Islam.

While the Muslim *'ulāma* and the Christian religious elites yearned for a world of clearly defined boundaries between religious communities, the reality looks significantly

more intertwined. It seems that, looking into the world of children and family, Islamization may not necessarily have occurred on a large scale through officially stated conversion, but a gradual building of social practices and norms that slowly took hold throughout the *Dār al-Islām*. Each generation of non-Muslims was increasingly likely to lead lives where socially and professionally interacting with Muslims was common. The political and social Christian elites of each generation were more likely to embrace Islamic education for their children, thereby indirectly teaching them how to think and behave in the context of a more Islamic milieu. As a result, the Islamization of the population seems to have outpaced actual conversion, as shown through the dichotomy between Bulliet's conclusions and those of his critics.

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