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Shifting Landscapes:
Christian Apologetics and the Gradual Restriction of Dhimmī Social-Religious Liberties from
the Arab-Muslim Conquests to the Abbasid Era

by

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Thesis

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Abstract

This historical research study explores the changes of conquered Christians' social-religious liberties from the first interactions between Christians and Arab-Muslims during the conquests c. A.D. 630 through the the 'Abbasid era c. A.D. 850. Examining the development of Christian apologetic interaction over time and its effect within Muslim communities, apologetic dialogue and disputation generated a serious concern of apostasy in the Islamic Empire in which later Islamic legal scholars particularly emphasized and restricted Christian apologetics and evangelical actions in universal Islamic law codes, altering Christian social-religious living. This thesis suggests that Christian social-religious liberties did not immediately begin in conflict or legal restraint, but rather gradually developed and became restricted over time because Christians pressed in, crossed over, and challenged the religious beliefs of Islamic confessional communities, potentially prompting Arab-Muslims to convert to Christianity.

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Introduction

In December A.D. 634/A.H. 12,¹ two years after the death of the prophet Muhammad, Arab-Muslims barred the annual Christmas Christian pilgrimage from Jerusalem to Bethlehem. The Christian Patriarch of Jerusalem, Sophronius, celebrated Christmas Mass in Jerusalem instead, delivered his homily there, and commented on the onslaughts that befell the surrounding communities. In the course of his Nativity sermon Sophronius asked, “Why do barbarian raids abound? Why are . . . the Saracens attacking us? Why has there been so much destruction and plunder? Why are there incessant outpourings of human blood? . . . Why have churches been pulled down? Why is the cross mocked? Why is Christ . . . blasphemed by pagan mouths?”² In describing the desert raiders, Sophronius stated, “These God-fighters boast of prevailing over all, and unrestrainedly imitating their leader, who is the devil . . .”³ The Patriarch, like many Christian writers in the early 7th century, did not fully understand the religion of the invaders. He thought that these raiders were pagans, that the raids would cease, and that the desert Arabs would retire back into the barrens of Arabia.⁴ But, unlike previous bedouin attackers, these Arabs occupied conquered cities, towns, and territories. The conquerors were not leaving.

The 7th century Near East was an era of unrest and upheaval between the Byzantine and Sasanian empires, especially as Arab-Muslims fought and conquered these two realms. The Arab-Muslim conquerors made a minority among the majority of various ancient places, peoples, cultures, and religions they encountered. This thesis proposes to investigate the emergence and

¹ The dating system used will be A.D. *Anno Domini* (in the year of the Lord), according to Christianity and the Western Tradition, and A.H. *After Hijra*, which, according to the Islamic tradition and calendar, dates at A.D. 622 signified in Muhammad’s flight from Mecca to Medina. Also, the time referent prior to A.H is B.H. or *Before Hijra*.

² Robert Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam* (Princeton N.J.: The Darwin Press, 1997), 72.

³ *Ibid.*, 73. The “leader” is presumed to have been Muhammad.

⁴ Sidney H. Griffith, *The Church in the Shadow of the Mosque: Christians and Muslims in the World of Islam* (Princeton N.J.: Princeton University Press, 2008), 25.

regulation of the social-religious liberties of the conquered from the initial conquests to the Abbasid era in general, but *specifically* will investigate how the role of confessional communal apologetic discourse and disputation affected and added to those regulations.

In the 620s through the 680s Arab-Muslims advanced from city to city and established contracts with the inhabitants. These contracts were surrender treaties called *sulh* agreements, which provided protections called *dhimmas*. The conquered people who acceded to the terms of surrender in the contracts were called *dhimmi*s. The obligations and freedoms of the conquered differed in each contract, inversely to the degree that the people of the territory or city fought and resisted the Arab conquerors.⁵ In the early surrender agreements the conquerors enacted consistent conditions from the conquered peoples: to surrender, to pledge not to resist Arab-Muslim military forces, and to pay poll-taxes, called the *jizya*, and land taxes called the *kharaj*. Other frequent agreements in the surrender treaties were the conquered peoples' protected freedom to continue to practice their religion, the protection of their places of worship, and the assurance of no forced conversion to the religion of the invaders.⁶ Therefore, as agreed between the conquerors and the conquered, Christians' *modus vivendi et status quo ante*⁷ was to remain.

However, Christians' way of living and status quo before the Arab-Muslim conquests gradually changed and developed throughout the early Islamic Empire's consolidation.

Conquered peoples' social-religious liberties became increasingly restricted from the time of the

⁵ Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (New York: Cambridge University Press, 2011), 36. Conquered peoples actions to resist or capitulate resulted in the consequences of destroyed religious buildings such as churches. This is why when Sophronius the Patriarch of Jerusalem commented on churches being pulled down, and in other writings non-Muslims bespeak of the Arab-Muslim conquerors protecting the conquered peoples' churches.

⁶ Hoyland, *Seeing Islam as Others Saw It*, 18.

⁷ "Way of living and the state that was before." *Modus vivendi* is an arrangement or agreement allowing conflicting parties to coexist peacefully, either indefinitely or until a final settlement is reaching; a way of living.

conquests through the Umayyad, and into the ‘Abbasid eras. During those eras, government officials and legalists drafted universal legal edicts concerning dhimmīs’ social-religious liberties in the Islamic Empire. These universal pacts consisted of different versions drawn up and debated throughout the Umayyad and Abbasid eras. These versions were the *Shurūt ‘Umar*, Abu Yusuf’s *Account on Dhimmīs*, and *Shafi’i’s Version of the Pact to be Accorded to Non-Muslim Subjects*. Throughout the legal debates in the 8th and 9th century, the *Shurūt ‘Umar* gained prominence as *the* universal legal pact implemented for dhimmīs.⁸ While earlier surrender treaties allowed for greater social flexibility and religious liberty, the later universal edicts codified new particular social-religious restrictions on dhimmīs, and replaced the earlier surrender treaties.⁹ What is most striking and overlooked, is the parallel to the gradual increase in dhimmī social-religious restrictions alongside the development of Christian apologetic discourse and disputation texts in quantity and quality during these periods. Christian apologetic discourse and proselytization was never a particular social-religious restriction in the earlier *sulh* treaties.

Why did later universal legal pacts increasingly restrict the social-religious liberties of Christians in general, and particularly restrict Christians from engaging in apologetic dialogues, proselytization, and promulgation, *specifically* defining what constituted as such, in the universal pacts?

While Christian apologetics did not play *the* central role in the gradual restriction of social-religious liberties, they made a significant impact in that restriction. Apologetics and proselytization affected both people inside and outside confessional communities. It affected people inside the group because it encouraged and educated members of the confessional

⁸ Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 60-61.

⁹ *Ibid.*, 59.

community about their core religious convictions, potentially preventing them from apostatizing. It also gave members of that confessional community the necessary theological tactics for engaging in dialogues with members of other confessional communities to not only defend their religious beliefs, but also proselytize those beliefs across social-religious boundaries. Therefore, apologetics had the possibility and probability to impact and influence the beliefs of competing confessional communities within the Islamic Empire. Because of this, Christian apologetics had the potential of apostatizing a Muslim or preventing a non-Muslim from converting to Islam. This was one of the growing concerns that made its way into the legal debates of Islamic lawyers and universal legal pacts addressing how to manage the social-religious situation and conditions of the conquered. Christian apologetics developed simultaneously as Islamic legalists authored competing universal legal edicts; and, the edicts clearly identified apologetics and proselytizing Muslims from their religion as restricted, resulting in the removal of a dhimmī's protection.

In the first chapter I will argue that Christian social-religious liberties became increasingly restricted because the social-religious culture of the conquered blended with the life ways of the conquerors, enduring few social-religious restrictions from the early conquest era until 'Abd al-Malik's systematization of the Umayyad Empire. Early surrender contracts did not specify strict social-religious restrictions on the conquered, but permitted them to continue living in a *status quo ante*. Conquered Christians continued to practice public forms of worship, sold pork and wine openly, venerated Jesus, images of saints and relics, and worked as governmental aids for the conquerors, all of which would later offend Muslims.¹⁰ Non-Muslim texts confirm little to no specifically codified social-religious restrictions for the conquered prior to the

¹⁰ Ibid.

Umayyad and ‘Abbasid eras. The early surrender agreements and covenants reveal more specifically positive, protected social-religious freedoms for Christians.¹¹ Christian texts reveal more interaction between themselves and their conquerors as well as crossing confessional communal boundaries, worshipping together, and closely coexisting.¹² The political and social-religious milieu was a shifting landscape that gradually changed and developed over time. It did not arise in immediate constraint, permanently formed *ex-nihilo*.

In the same chapter I will also argue there were no specific codified restrictions of apologetic proselytization for Christians in the early surrender agreements because the conquered peoples did not know if their conquerors would remain; conquered peoples did not thoroughly understand the new religious beliefs of the invaders; and they were more concerned with apologetic engagement among other competing Christian sects. The earliest Christian apologetic texts mentioning the Arab-Muslims’ religious cult are obscure and not prominent. Moreover, the early Arab-Muslim conquerors’ delay of forming an imperial government and managing social-religious boundaries until the 8th century due to two Arab civil wars, allowed cross-cultural, and religious interaction between Christians and Arab-Muslims to continue and develop.

In the second chapter I will argue that ‘Abd al-Malik’s establishment of an official Islamic creed and identity in the Umayyad era, defined the religion of the conquerors more specifically. ‘Abd al-Malik’s public promotion of the conquerors’ beliefs defined the Muslim conquerors religiously and legally, and differentiated them from other confessional communities

¹¹ John A. Morrow, *The Covenants of the Prophet Muhammad with the Christians of the World* (Tocoma, WA: Angelico Press, Sophia Perennis, 2013). See also Ahmed El-Wakil, “The Prophet’s Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants,” *Journal of Islamic Studies* 27, no. 3 (July 2016): 273-354.

¹² Michael Philip Penn, *Envisioning Islam: Syriac Christians and the Early Muslim World* (Philadelphia: University of Pennsylvania Press, 2015), 3.

within the empire. ‘Abd al-Malik’s construction of the Dome of the Rock, chiseled in Arabic with Islamic religious texts as well as pejorative coins having removed crosses and re-stamped with Islamic simulacra, defined the conquerors’ religion. Umayyad leaders not only promoted Islamic beliefs, but also set out to establish publicly visible social-religious boundaries between Muslims and non-Muslims. Such measures inhibited cross-cultural social-religious syncretism. As more apparent differences unfolded in the social spheres between Christians and Muslims, Christians more clearly understood the religion of their conquerors. The conquerors’ religion defined itself as a theological antithesis of Christian Trinitarian beliefs. Therefore, Christian Arabic apologetic texts intended for Christian and Muslim readers emerged in the early 8th century. They developed gradually, increasing sophistication of their arguments as well as their understanding of the conquerors’ religion from the 8th to the 9th century.

Lastly, in the third chapter, I will argue that Christian apologetic disputations and proselytization thus must have affected Christian social-religious liberties in the 8th and 9th centuries in the Islamic Empire because they appeared in the universal legal pacts of *Shurūt ‘Umar*, Abu Yusuf’s *Account on Dhimmīs*, and *Shafi’i’s Version of the Pact to be Accorded to Non-Muslim Subjects*. Moreover, the growing concern with apostasy are evidenced in the competing jurisprudence of Islamic lawyers including Abū ‘Ubayd’s *Kitāb al-Amwāl*, Shaybānī’s *Siyar: The Islamic Law of Nations*, and Abū Yusūf’s *Kitāb al-Kharaj*, and the concern of apologetics in *Al-Shafi’i’s Version of the Pact*, all of which developed during the same eras.

Previous Scholarship

This research works within and builds upon the scholarship of two areas concerning Christian-Muslim in Near East Late Antiquity. The first area falls in the the scholarly field

concerning conditions of dhimmīs' general social, political, and religious permitted freedoms as conquered peoples in the Islamic Empire. The second area fits within that first scholarly field and historical conversation; that is it consists of cross-cultural interaction between the non-Muslim and Muslim populations and their religious apologetic dialogues. This area and sub-area has attracted the attention of many scholars of Islamic Late Antique and Medieval history.

Arthur S. Tritton and Antoine Fattal constructed a survey about the legislation and status of dhimmīs, and traced the implication of Muslim legal literature pertinent to the question. Tritton examined the Covenant of 'Umar¹³ and argued that the document was one of many 'pattern treaties' drawn up in Islamic legal schools as practice exercises. He suggested the covenant existed, but was not fully formed and completed until it had absorbed latter accretions, or that new, updated editions were prepared in later generations c. A.D.815/A.H.193.¹⁴

Albrecht Noth and Mark Cohen continued in this intellectual vein, and argued that the Covenant of 'Umar and the status of dhimmīs was a continuous process that integrated details from the conquest era with more particular details of the time of the covenant's implementation and enforcement. Noth argued that the Covenant of 'Umar originated in the early conquest era, reflecting a need to protect and differentiate Muslims. The purpose of the Covenant was to differentiate Muslims from the conquered populations, and was not intended to humiliate dhimmīs.¹⁵ Cohen argued that the Islamic legalists manufactured features of the conquest treaties

¹³ This is the same aforementioned document *Shurūt 'Umar* text.

¹⁴ Arthur S. Tritton, *The Caliphs and their Non-Muslim Subjects: A Critical Study of the Covenant of 'Umar* (London: Frank Cass and Company, 1930), 1-4.

¹⁵ Albrecht Noth, *The Early Arabic Historical Tradition: A Source-Critical Study* (Princeton, N.J.: Darwin Press, 1994).

to ‘fit’ the form and content of the Covenant of ‘Umar, which actually reflected dhimmī restrictions of the 9th century.¹⁶

Milka Levy-Ruben has endorsed these findings and enhanced them in her groundbreaking research, *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence*. Levy-Ruben suggests the concept of dhimma was neither endemic to nor created *ex-nihilo* from Islam. She traces the origins of the social-religious stipulations affecting dhimmīs as belonging to the ancient world of the Romans, Byzantines, and Sassanid empires. Moreover, she argues the Arab-Muslims borrowed this model and adapted it accordingly for managing second-class citizens within their realms. Levy-Ruben mostly focuses on the development of the *ghiyār* code from the Persians, which regulated the social public dress code of conquered peoples. She shows how individual settlement surrender agreements of conquered peoples gradually diminished and Muslim officials pushed them back in order to implement universal codified contracts within the caliphate. Her work provides a working model and useful method for tracing the overall social-religious legal changes that Christians experienced under Muslim rule. This thesis will interact with and utilize this approach. In confronting this existing scholarship, Levy-Rubin focuses mostly on the external social-religious stipulations of dhimmī church construction and repair, the *ghīyar* dress codes, and economic living conditions of the conquered peoples. Levy-Rubin, however, did not investigate or trace the Christian apologetic discourse and its development alongside these contracts, nor did she mention these as potential factors in the gradual restriction of Christian social-religious liberties. My research will combine elements of her findings and methods; it will contribute to the scope of the extensive legal

¹⁶ Mark R. Cohen, *Under the Crescent and Cross: Jews in the Middle Ages* (Princeton, N.J.: Princeton University Press, 1994), 52-60. Also see Cohen, “What was the Pact of ‘Umar?: A Literary-Historical Study,” *Journal of Jerusalem Studies in Arabic and Islam* 23, (1999): 100-57.

conditions of dhimmīs in the realms of Islam, and trace those developments over time, providing evidence of a gradual limitation in social-religious liberties due to Christian production of and participation in apologetics.

John Andrew Morrow's recent discoveries has given rise to new questions and problems regarding the early period of Islamic history, Christian-Muslim relations, and the Arab-Muslim conquest period. Morrow uncovered six various but similar covenant texts entitled *The Covenant of the Prophet Muhammad with the Christians of the World*.¹⁷ Found in the Monastery of St. Catherine at Mount Sinai, these covenant texts are 15th century recensions, copied from copies supposedly dating from the 620s-630s. While some scholars disagree about the authenticity and provenance of the covenants, John Morrow and Ahmed El-Wakil attest to their authenticity.¹⁸ All six documents reveal fluid, positively protected social-religious liberties for the Christians of particular communities addressed in the texts, and to all Christians throughout the realm of Islamic rule. If authentic, then these covenants corroborate fluid social-religious liberties between Christians and Arab-Muslim conquerors in the early conquest period. They also corroborate *sulh* texts because both sets of pacts reflect lenient social-religious liberties until the consolidation of the universal edicts in the Umayyad and 'Abbasid eras.

The *Covenants of the Prophet Muhammad with the Christians of the World* and the *sulh* treaties, do not codify specific apologetic restrictions because, due to protected positive freedoms

¹⁷ See John Andrew Morrow, *Six Covenants of the Prophet Muhammad with the Christians of his Time: The Primary Documents* (Tocoma, WA: Covenants Press, Sophia Perennis, 2015). The six covenants are: *The Covenant of the Prophet Muhammad with the Monks of Mount Sinai*, *The Covenant of the Prophet Muhammad with the Christians of Persia*, *The Covenant of the Prophet Muhammad with the Christians of Najran*, *The Covenant of the Prophet Muhammad with the Christians of the World*, which consist of three different copies and translations, and *The Covenant of the Prophet Muhammad with the Assyrian Christians*.

¹⁸ Ibid. See also Ahmed El-Wakil, "The Prophet's Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants," *Journal of Islamic Studies* 27, no. 3 (July 2016): 273-354.

already detailed in the covenants, there was no need to list such protection. In other words, because Christians had many protected freedoms in both the covenants and *sulh* treaties, such a protective stipulation need not have been reiterated, especially given the social-religious tolerance in the covenants and *sulh*. Another possible reason apologetics or apostasy restrictions do not appear in the covenant or *sulh* texts is that the conquered did not know how long the conquerors would remain, and did not fully or immediately understand the religious beliefs of the invaders.

However, other scholars argue against the authenticity of the covenant texts. Scholars Addai Scher and Philip Wood both argue the *Covenant of the Prophet Muhammad with the Christians of Najrān* “was forged by Christians so that the Muslims would spare them.”¹⁹ Given the nature of the documents and the content and structure at first glance, it appears that monks who had an understanding of the Qur’an and Islamic tradition forged the covenants in order to participate in the legal debate over the status of dhimmīs during the late Umayyad and ‘Abbasid eras. Addai and Wood argue the monks did this in order to generate a historical point of origin and proof text with which they could confront Muslims in their own time to authenticate prior positive social-religious Christian liberties under earlier Islamic rule, and potentially protect current liberties from being altered. The historically anchored point for the *sulh* treaties also reflect fluid social-religious boundaries. The same can be said for contemporaneous non-Muslim Syriac and Greek texts.

If the covenants are not authentic but were forged by monks in the Umayyad and ‘Abbasid eras, then they still strongly contribute to the argument that previously protected

¹⁹ Ibid., 273. Also see Addai Scher, *Histoire Nestorienne Inédite: Chronique de Sèert, Deuxième Partie* (Pastrologia Orientalis, Tome XIII, Fascicule 4, No. 65, 1918), (Turnhout: Brepols, 1983), 602.

Christian social-religious liberties in the *sulh* agreements were being changed. The monks attempted to prove to the Umayyad and ‘Abbasid authorities of how conquered peoples were treated in the past and how they were to be treated still, according to the Prophet Muhammad. What is most striking about this analysis is that, if Scher and Wood are correct that the covenant texts were later counterfeits, then why would the monks not have forged the protection of Christian proselytization and apologetic dialogue? Would this not have contributed to the authenticity of the covenant texts, the *sulh* texts, and non-Muslim texts, which reflected the social-religious milieu from the conquest era to the Umayyad and ‘Abbasid eras? Because Christian apologetics increased in quantity and quality from actual debates and dialogues with Muslims, Christians crossed over those boundaries and challenged other faiths in addition to defending their own. The universal covenants, however, such as the *Shurūt ‘Umar*, Abu Yusuf’s *Account on Dhimmīs*, and *Shafi’i’s Version of the Pact to be Accorded to Non-Muslim Subjects*, authored during the Umayyad and ‘Abbasid governments highlight and emphasize the particular prohibition of Christians from participating in either apologetic dialogue or proselytization.

Sidney Griffith, Michael Penn, and Robert Hoyland paved the way for religious apologetic dialogue and cross-cultural interaction between non-Muslim and Muslim populations in Late Antiquity. However, these scholars have not minutely examined the internal evidence of such apologetic texts and their development over time against the *sulh* treaties, the covenants, and the universal compacts of the *Shurūt ‘Umar*.

Robert Hoyland has translated indispensable works regarding early Islamic history. His research and translations of non-Muslim primary sources within early Islamic history allow specialists and non-specialists to read Christian and Jewish views of Islam. Hoyland has

provided additional external evidence to enrich and analyze the early Islamic conquests and relations between Muslims and non-Muslims. This thesis will interact with his various translations of Greek, Syriac, and Arabic historical, epigraphic, apocalyptic, and apologetic texts. In the interfaith dialogue and disputation of confessional communities, Hoyland argued the close coexistence of these communities gave rise to substantial competing apologetic literature derived from real debate and interaction, although the literature would have been for internal utilization and consumption.²⁰ This thesis will interact with these translations of Greek and Syriac texts and contribute to the argument that dhimmī apologetics became increasingly restricted and relegated from the public to private arenas as a result of rising proselytization and apostasy, as evidenced in the *Shurūt ‘Umar and Shafi’i’s Version of the Pact to be Accorded to Non-Muslim Subjects*.²¹

Michael Penn has translated and traced the development of the earliest non-Muslim Syriac sources from the mid 7th to the late 8th century. Penn explains why the relationship between Christians and Muslims varied in how conquered Christians depicted and interacted with the conquerors. He uncovers that Syriac Christians engaged in a unique coexistence among the Arab-Muslim conquerors without restricted social-religious boundaries. Whereas Greek and Latin texts of conquered Byzantine Christians depicted Arab-Muslims in polemical viewpoints, Penn argues that Syriac Christian texts depicted them from an inquisitive to a gradual adverse viewpoint. Therefore, he suggests that the first encounters were not ones of absolute hostility.²² This thesis will utilize and interact with Penn’s Syriac translations in order to examine non-Muslim sources of the early conquest era through the Umayyad era. This will explain the social-

²⁰ Hoyland, *Seeing Islam As Others Saw It*, 18-19.

²¹ Also see the non-Muslim historical text, *The Chronicle of Theophanes Confessor*, edited and translated by Cyril Mango and Roger Scott (New York: Oxford University Press, 1997).

²² Penn, *When Christians First Met Muslims: A Sourcebook of the Earliest Syriac Writings on Islam* (Oakland: University of California Press, 2015), 1-20.

religious liberties of Christians and their method of living in a *status quo ante* against the backdrop of covenants and *sulh* treaties. This thesis contributes to Penn's analysis of Syriac views of the Arab-Muslims over time, and also sheds light on Christian and Muslim interaction of blurred religious boundaries until the Umayyad period.

Sidney Griffith has contributed to the Christian dhimmī way of living and their apologetic discourse within Islamic society. Examining first responses of Christians who later adopted and wrote in Arabic, Griffith argues that Christian communities wrote apologetics to convert Muslims outside the confessional community and prevent fellow Christians from converting to the imperial religion of Islam. Griffith asserts that as Arabic became the *lingua franca* of the Islamic Empire, Christians gradually replaced Syriac and Greek with Arabic, using Islamic Arabic texts to defend and promote Christianity to Muslims.²³ This thesis will interact with later Christian Arabic apologetic texts and show that those texts not only increased in quality of argument, but also increased in quantity of Arab-Muslims reached in Arabic. These factors are specifically addressed in the later universal compacts of the *Shurūt 'Umar* and *Shafi'i's Version of the Pact to be Accorded to Non-Muslim Subjects*, the jurisprudence texts of Islamic lawyers, and in contemporaneous non-Muslim texts.

Problems with Muslim and Non-Muslim Sources

When examining this history it is necessary to ascertain the historical authenticity of the sources involved. The earliest Muslim sources postdate the events they purport to describe by a century or later. Non-Muslims sources, however, date closer to the events they describe and bear

²³ Griffith, *The Church in the Shadow of the Mosque*, 46-74. Also see *The Chronicle of Theophanes Anni Mundi 6095-6305 (A.D. 602-813)*, edited and translated by Harry Turtledove (Philadelphia: University of Pennsylvania Press, 1982), 73. Dated on September 1, 707 to August 31, 708, Theophanes wrote that the caliph Walid, "stopped the use of Greek in the public record books of the departments, wording them to be written in Arabic instead....Because of this their scribes are Christians even to the present day."

first hand testimony to the emergence and effects of the early Arab-Muslim conquests and the construction of the early Islamic Empire. Because of the lateness and distance of Muslim sources, non-Muslim sources cannot be discarded or divorced as insignificant evidence from the canon of literature in the Late Antique to Medieval Islamic periods. Some historians might argue that early non-Muslim sources are biased in their depiction and analysis of the Arab-Muslim conquerors. However, later Muslim sources could be just as bias in their historical narratives of the past, and retrojected themselves as invincible conquerors on the populations they conquered.²⁴ Also, given the lateness of Muslim sources, they may have been embellished or exaggerated in order to establish a religious tradition to convey what later Muslims wanted future audiences to think of themselves, their history, and religious convention.²⁵ Thus, later Muslim sources could have been used as propaganda and altered based on sectarian divisions for social, cultural, and political reasons.²⁶ Nevertheless, because Muslim sources tell us how Muslims viewed themselves and wanted to be viewed, they are significant for that very reason.

Conclusively, non-Muslim sources are more contemporaneous to the events they describe than Muslim sources, and help clarify Muslim sources by providing historians with a more accurate avenue into the early Islamic period ranging from the mid 7th to the late 8th century. Such sources not only include first hand accounts from historical writings, however fragmentary, but also legal contracts, apocalyptic, apologetic, liturgical, and personal texts.

²⁴Hoyland, *Seeing Islam as Others Saw It*, 32-49. Also see Hoyland, "Early Islam as a Late Antique Religion," in *The Oxford Handbook of Late Antiquity*, edited by Scott F. Johnson, 1053-1077 (New York: Oxford University Press, 2015), 1056-57.

²⁵ Robert Hoyland, *In God's Path: The Arab Conquests and the Creation of an Islamic Empire* (New York: Oxford University Press, 2015), 60, 97.

²⁶ *Ibid.*, 58. See Hoyland. He states, "Later Muslim historians play down this pluralist dimension, seeking to portray the conquests as a wholly Arab Muslim venture. The famous religious lawyer Ahmad ibn Hanbal (d. 856), when asked about the Jews and Christians of the community of Muhammad, went so far as to say that 'this is a despicable question and one must not discuss it.'"

Methodology and Approach

The two utilized methodologies will consist of combined empiricist and a *longue durée* approaches. By employing the empiricist analysis I will examine the internal evidence of early Christian historical and apologetic texts against the backdrop of the *Covenants of the Prophet Muhammad with the Christians of the World*, the *sulh* surrender treaties, and then the universal dhimmī edicts of the *Shurūt ‘Umar* and *Shafi’ī’s Version of the Pact to be Accorded to Non-Muslim Subjects* as well as Islamic jurisprudence texts. The scholarly work of Milka Levy-Ruben has utilized this same approach in analyzing the gradual adjustment and constraint of dhimmīs against the *sulh* treaties from the early conquests to the universal laws of the Islamic Empire. This useful method and working model will be employed in this research.

Religious apologetic, polemic, and other materials that emerged in non-Muslim sources will be employed to examine actual application of restrictions and their change over time. Examining early Christian sources against the *sulh* treaties and utilizing Hoyland’s, Griffith’s, and Penn’s translations of early Christian historical and apologetic texts will reveal that Christian apologetics did not emerge and develop in quantity and quality until the Umayyad and ‘Abbasid eras where Christians gradually understood their conqueror’s faith, and engaged in increasingly articulate apologetic discourse. As the universal dhimmī laws formed, however, Islamic legalists adjusted the restrictions accordingly, in which apologetic proselytization affected the social-religious conditions of Christians.

Purpose of this Thesis

This thesis is written with the utmost respect for the religious faiths of Christianity and Islam. The purpose of this thesis is, therefore, neither to offend Muslims nor pander to Christians, but rather to serve as a critical, objective, academic study tracing the social-religious

changes of dhimmī liberties from the first interactions between Christians and Arab-Muslims from the conquests through the time of the ‘Abbasid era. Examining the development of Christian apologetic interaction over time and its effect with Muslim communities, Christian apologetic dialogue and disputation generated a concern of apostasy in the Islamic Empire in which legal scholars particularly emphasized and restricted in the universal law codes, altering Christian social-religious living.

In step with current revisionist historical perspective of Late Antique Islamic history,²⁷ this thesis suggests that Christian social-religious liberties did not immediately begin in conflict or restraint, but rather gradually developed and were restricted over time because Christians pressed in, crossed over, and challenged the religious beliefs of Islamic confessional communities. Earlier Muslim and non-Muslim texts attest to considerable social-religious liberties and blurred confessional communal borders. The covenant and *sulh* texts indicate positive, protected legal liberties for the conquered in agreements. Those protected liberties changed because of Umayyad and ‘Abbasid political changes to better consolidate social-religious power, position, and stability in their empires, a characteristic common to the world of Late Antique empire building.²⁸

I anticipate this study will enhance the discourse for both academics and religious affiliates; I similarly hope it will contribute to the interdisciplinary fields of Late Antique History, Comparative Religions, and both current and future Christian-Muslim relations and dialogues.

²⁷ See Hoyland, *Seeing Islam as Others Saw It*, 11-44. Also see Michael Cook and Patricia Crone, *Hagarism: The Making of the Islamic World* (New York: Cambridge University Press, 1980). See Stephen J. Shoemaker, *The Death of a Prophet: The End of Muhammad's Life and the Beginnings of Islam* (Philadelphia: University of Pennsylvania Press, 2012).

²⁸ See Hoyland, *Seeing Islam as Others Saw It*, 12-17.

CHAPTER I
Shifting Landscapes:
The Arab-Muslim Conquests and Blurred Social-Religious Boundaries
630s—690s A.D.

In A.D.684/A.H.62 Jacob of Edessa, the Miaphysite Christian bishop of Edessa, wrote letters to John the Stylite concerning various social-religious questions and interactions between Christians and Arab-Muslims. In the *First Letter to John the Stylite* John asked Jacob of Edessa what he should do about Christians apostatizing to the religion of the Hagarene²⁹ invaders and reconverting to Christianity. John wrote, “If a Christian should become a Hagarene or a pagan, and, after a while, he should regret [this] and return from his paganism, I want to learn whether it is right for him to be baptized or if by this he has been stripped of the grace of baptism.”³⁰ Jacob of Edessa’s answer was that a Christian need not be baptized again, but should repent and receive the laying of the head priest’s hands in prayer before sharing in the holy mysteries of the Eucharist.³¹ In a *Second Letter to John the Stylite*, John asked the Bishop of Edessa what to do with the Eucharistic mysteries “if an entire village of heretics should return to the true faith...?”³² Jacob’s reply was that they should be sent to the adherents of their faith because he experienced a similar event in the past. The Bishop of Edessa continued, “Once there were some Hagarenes who carried off the Eucharist from Byzantine territory. When they feared their conscience and brought it to me, I sent it to adherents of the Byzantine confession.”³³

²⁹ See Michael Philip Penn, *Envisioning Islam: Syriac Christians and the Early Muslim World* (Philadelphia: University of Pennsylvania Press), 1-2. See Penn, “The word ‘Hagarenes’ was the most common term Jacob used to speak of people whom we would call Muslims.” Also note here that John the Stylite conflates the idea of the religion of the Hagarene with that of paganism because his next sentence states, “should he regret this and return from his paganism....” This indicates both are one and the same, and he is asking Jacob of Edessa how to manage the situation.

³⁰ Michael Philip Penn, *When Christians First Met Muslims: A Sourcebook of the Earliest Syriac Writings on Islam* (Oakland: University of California Press, 2015), 168.

³¹ *Ibid.*, 168-69.

³² *Ibid.*

³³ *Ibid.*

What is one to make of these writings and what do these texts tell us? Why were Christians and Arab-Muslims apostatizing and reconverting? Why were Arab-Muslims stealing the Eucharist from Christian churches and bringing it back to priests? Were these ‘Hagarenes’ former Christians still inclined to Christian ritual? Were there frequent back-and-forth conversions? Such texts force historians to question and challenge the traditionalist narrative of the early Arab-Muslim conquests.

The traditionalist narrative projects the Arab-Muslim conquests as a nationalist Arab Islamic campaign in which Muslims swept across the regions of the Byzantine and Persian empires, spilling endless amounts of blood, forcing conquered peoples to convert to Islam, and leaving a swath of destruction and ruin for the inhabitants.³⁴ In this violent conquest narrative, both Muslim historians of the 9th century and modern historians of the 20th, present a picture of three choices for conquered unbelievers: either conversion, surrender and the payment of *jizya* and *kharaj* taxes as second-class subjects under Islamic law, or death.³⁵ Accordingly, the conquered inhabitants paid taxes for both their lives and their social-religious way of life, which was immediately constrained.³⁶

The social-religious conditions and restricted stipulations for the conquered in *sulh* agreements from the conquests and contemporaneous Christian sources indicate otherwise.³⁷

³⁴ See Bat Ye’or, *The Decline of Eastern Christianity Under Islam: From Jihad to Dhimmitude* (Madison: Fairleigh Dickinson University Press, 1996). Also see Craig Considine, “Religious Pluralism and Civic Rights in a ‘Muslim Nation’: An Analysis of the Prophet Muhammad’s Covenants with Christians,” *Journal of Religions* 7, no. 2 (February 2016): 1-21. Also see Michael Penn, *Envisioning Islam*, 8-13.

³⁵ Robert Hoyland, *In God’s Path: The Arab Conquests and the Creation of an Islamic Empire* (New York: Oxford University Press, 2015), 97.

³⁶ Bat Ye’or, *The Dhimmi: Jews and Christians Under Islam* (Madison: Fairleigh Dickinson University Press, 1985), 43-9.

³⁷ Michael P. Penn, *Envisioning Islam*, 1-6. Also see Hoyland, *In God’s Path*, 60. Such contemporaneous non-Muslim sources present a variegated mosaic in contrast with the traditionalist ‘clash of civilizations’ narrative exemplified in that Arab-Christians aided and assisted the Arab-Muslims in the conquests, having fought alongside together.

Both Muslim and non-Muslim historical texts present a complex and variegated mosaic, not a binary one. The obligations and freedoms of the conquered differed in each surrender treaty, inversely to the degree that the inhabitants of the territory or city had fought and resisted the Arab conquerors.³⁸ In the early surrender treaties the conquerors enacted three consistent conditions on the conquered: to surrender, to pledge not to resist Arab-Muslim military forces, and to pay poll taxes called the *jizya* and land taxes called the *kharaj*.³⁹ But, contrary to the traditional narrative, the *sulh* treaties also reveal the conquered peoples' protected freedom to continue to practice their religion, the protection of their places of worship, and the prohibition of forced conversions to the beliefs of the invaders. Therefore, as agreed between the conquerors and the conquered, the conquered Christians' *modus vivendi et status quo ante*⁴⁰ was to remain.

Conquered peoples' way of living and state before the Arab-Muslim conquests was not halted or abruptly altered, but rather *gradually* changed and *developed* throughout the early Islamic Empire's consolidation. Christian social-religious liberties became increasingly restricted from the time of the conquests through the Umayyad and into the 'Abbasid eras. Hence, why did Arab-Muslims increasingly restrict Christian social-religious liberties in general, and limit the subsequent engagement of apologetic debate, proselytization, and apostasy in particular?

Christian social-religious liberties became increasingly restricted because the social-religious culture of the conquered peoples continued and blended alongside the conquerors with little to no restrictions from the early conquests. The early surrender treaties Arab-Muslims

³⁸ Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (New York: Cambridge University Press, 2011), 36. Also see Hoyland, *In God's Path*, 97. Also see R.W. Thomson and James Howard Johnston, trans., *The Armenian History Attributed to Sebeos* Vol. 1 (Liverpool: Liverpool University Press, 1999), 135-39.

³⁹ There were other various minor and unique taxes, but these were the primary two taxes common throughout the conquests for the conquered peoples.

⁴⁰ "Way of living and the state that was before." *Modus vivendi* is an arrangement or agreement allowing conflicting parties to coexist peacefully, either indefinitely or until a final settlement is reaching; a way of living.

drafted and conquered Christians decided upon did not specify strict social-religious restrictions. Instead, the surrender agreements permitted Christians to continue to live in a *status quo ante*. By way of illustration, on the eve of the Umayyad imperial consolidation, John bar Penkāyē, a monk in the monastery of John Kāmūl, wrote from northern Mesopotamia in the 680s, “there was no distinction between pagan and Christian, the believer was not known from a Jew.”⁴¹ Conquered Christians continued to practice public forms of worship, funeral services, openly sold pork and wine, venerated Jesus, images of saints and relics, and worked as aids in governmental positions for the conquerors.⁴² Before the Umayyad and ‘Abbasid eras, there were no *specifically* codified social-religious restrictions for Christians. In fact, the early surrender treaties and covenants specifically reveal positive, protected social-religious freedoms for Christians.⁴³ Non-Muslim texts reflect interaction between Christians and Arab-Muslims crossing confessional communal boundaries, worshipping together, and closely coexisting.⁴⁴

Therefore, the social-religious milieu in the Near East during the Arab-Muslim conquests of the 630s-690s through the Umayyad and into the ‘Abbasid eras was a shifting landscape that gradually changed and developed. Unlike the traditionalist narrative, Islamic social-religious and political landscapes did not arise permanently formed *ex-nihilo* and neither did the status and stipulation of Christian dhimmīs begin in absolute conflict or immediate constraint.

⁴¹ Robert Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam* (Princeton N.J.: The Darwin Press, 1997), 11. Penn, *When Christians First Met Muslims*, 14.

⁴² Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 59.

⁴³ John A. Morrow, *The Covenants of the Prophet Muhammad with the Christians of the World* (Tocoma, WA: Angelico Press, Sophia Perennis, 2013). Also see Ahmed El-Wakil, “The Prophet’s Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants,” *Journal of Islamic Studies* 27, no. 3 (July 2016): 273-354. Also see Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 58-60.

⁴⁴ Michael P. Penn, *Envisioning Islam*, 3.

From the 620s to the 690s the new religious following of Muhammad, the early Islamic community called the *umma*, aggrandized power, wealth, and lands in Arabia first and then expanded, conquering the lands of Syria, Palestine, Mesopotamia, Egypt, and Iran. The first conquered tribes were nomadic and semi-nomadic Arab clans, which consisted of Jews, Christians, polytheists, and Zoroastrians.⁴⁵ The conquered peoples and lands included Greek Byzantine and the Sasanian Persian domains, inhabited with multiple religious cultural communities on both sides of the imperial borders. Most communities consisted of competing Christian sects.⁴⁶

The imperial borders bent and frequently changed as the Byzantine and Persian empires waged war against each other, capturing major territories and towns. Prior to the ascendancy of Muhammad and the Arab-Muslim conquests, each empire recruited Arab tribes as middlemen for reconnaissance and as mercenaries in their armies.⁴⁷ As a result, Arab tribes gained knowledge and experience not only of effective combat but also the *modus operandi* for conquering cities and territories by force of arms or by terms of surrender in contracts. The method of operation of surrender during the Arab-Muslim conquests was not a newly invented procedure unique or endemic to the conquests themselves, but rather had a long-standing tradition dating back to the ancient world of the Near East, Greece, and Rome.⁴⁸ It was this Greco-Roman traditional surrender model that Arab-Muslims adopted and implemented as they conquered Arab tribes and territories into Syria and Iraq.⁴⁹

⁴⁵ Fred Donner, *The Early Islamic Conquests* (Princeton, N.J.: Princeton University Press, 1981), 117.

⁴⁶ There were also other religions such as Judaism and Zoroastrianism, but they were far fewer in number than the overwhelming majority of Christians.

⁴⁷ Hoyland, *In God's Path*, 93-5. See also, Wadād al-Qādī, "Non-Muslims in the Muslim Conquest Army in Early Islam," in *Christians and Others in the Umayyad State*, edited by Antoine Borrut and Fred M. Donner (Chicago: University of Chicago Press, 2016), 83-123.

⁴⁸ Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 8-38.

⁴⁹ *Ibid.*

The *modus operandi* of an invading army approaching a town or city consisted of conquering a city by force or by surrender agreement. The inhabitants could fight the opposing conquerors or capitulate. Those who fought, if defeated, were usually killed as the conquerors stormed the city, and its inhabitants were sold into slavery. Depending on the conqueror, however, the invader could draw up specific lenient restrictions. Those who capitulated without resistance had greater involvement in the conditional terms of the surrender as conquered peoples. Typically, a military or religious leader of the city emerged as the ambassador for the inhabitants, and requested a truce to meet the conqueror leaders. This initial peace was an *amān* (أمان) *pīstis* (πίστις), or *fides*, safe conduct for the inhabitants while the conquerors and conquered diplomatically negotiated conditions of surrender.⁵⁰ The conquerors and conquered agreed to a list of stipulations and obligations between each party. They wrote the stipulations in a document called *sulh*, a written surrender agreement.⁵¹ There was more than one copy of the agreement; there were usually four copies of the same agreement, two copies each for the conquerors and conquered. Generally written in two or more languages, one copy was opened and the other sealed and kept secure “in the temple or published and placed in the archives.”⁵² This was to ensure authenticity of the agreement and, in case of a new ruler’s alterations, later conquered peoples could vouchsafe that document as protection and proof of a precedented legally binding document.

⁵⁰ Ibid., 36-8.

⁵¹ Ibid., 235-37. The word ‘*sulh*’ translates as ‘peace,’ thus a peace agreement: صلح

⁵² Ibid., 11, 39.

Archaeological evidence attests to little to no destruction of towns and cities, and invalidates the ‘violent conquest’ model.⁵³ In addition to Muslim *sulh* texts, and contemporary Christian texts of the conquest era, such evidence indicates Arab-Muslims did more to assimilate than assault by force. Most peoples surrendered instead of resisting because the Byzantine and Persian imperial military forces were bankrupt and exhausted due to decades of fighting each other. The Byzantine and Persian empires could not effectively finance and supply large armies and soldiers to conquered towns and garrisons to defend their citizens and drive back Arab-Muslim tribal coalitions. From the conquered peoples perspective, there was greater incentive to surrender and agree to terms rather than waiting for an imperial army to arrive and repel the Arab-Muslim forces. This possibly resulted in limited surrender rights, if conquered. The covenants and surrender agreements to be examined are *The Constitution of Medina*, the six *Covenants of the Prophet Muhammad with the Christians* of his time,⁵⁴ and lastly the *sulh* agreements in Al-Balahduri’s *Kitāb Fūṭuh al-Buldan*. Against this backdrop, contemporary non-Muslim sources will be examined, demonstrating protected liberties and permeable social-religious boundaries.

⁵³ See Robert Schick, *The Christian Communities of Palestine from Byzantine to Islamic Rule* (Princeton, NJ: The Darwin Press, 1995), 222-24. Also see Gideon Avni, *The Byzantine-Islamic Transition in Palestine: An Archaeological Approach* (New York: Oxford University Press, 2014). Avni argues that the transition from Byzantine Christian rule to Islamic rule was a gradual, slow process of spread out multi-cultural settlements, where even up to the First Crusade in A.D. 1099, he suggests Christians still dominated the population and the narrative of Islamic of violent conquest needs to be seriously reconsidered.

⁵⁴ See John Andrew Morrow, *Six Covenants of the Prophet Muhammad with the Christians of his Time: The Primary Documents* (Tocoma, WA: Covenants Press, Sophia Perennis, 2015). See Morrow. The six covenants are: *The Covenant of the Prophet Muhammad with the Monks of Mount Sinai*, *The Covenant of the Prophet Muhammad with the Christians of Persia*, *The Covenant of the Prophet Muhammad with the Christians of Najran*, *The Covenant of the Prophet Muhammad with the Christians of the World*, which consist of three different copies and translations, and *The Covenant of the Prophet Muhammad with the Assyrian Christians*.

The First Legal Document

During Muhammad's Arabian conquests c. A.D.622-632/A.H.1-10 the conquerors established social compacts with various tribes and peoples. The first legal document was *The Constitution of Medina*. The various surrender treaties between Arab-Muslim conquerors and the conquered are located in Muslim historical texts, but they postdate the events they document by one hundred years or more. The *Constitution of Medina*, a legal pact between the Arab-Muslims and the Jews of Medina, and the *sulh* treaties between Arab-Muslims and the conquered are in texts of 8th and 9th century Umayyad and 'Abbasid scholars such as Ibn Ishaq's *Sirat Risul Allah*, Abū 'Ubayad's *Kitāb al-Amwāl*, Al-Tabbari's *Ta'rihk*, and Al-Balahduri's *Kitāb Fūtuḥ al-Buldan*. Despite the late dates, there is strong evidence to suggest they are authentic because of their internal evidence and composition.⁵⁵ In the face of late dates and recensions of the *Constitution of Medina* in Ibn Ishāq and Abū 'Ubayad, Michael Lecker and Patricia Crone argued the covenant existed in the early period of A.H. 2 between the Arab-Muslim believers of Muhammad's following and the Jews of Medina.⁵⁶

In the *Constitution of Medina*, Muhammad ordered a compact between the Muhajirūn, the first converts to the new Arab monotheistic faith, and the Jewish tribes of Medina to establish social-religious and political stability. While at war with the polytheistic Quraysh tribe of Mecca,

⁵⁵ Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 40-41, 50, 57. See Levy-Rubin. She writes, "Al-Qadi notes that the uniformity of the structure supports the authenticity of the documents. Indeed this formal legal structure of the amān agreements as well as their elaboration and sophistication, which made them so suspect in the eyes of many [scholars], was in fact not a late anachronistic invention of Muslim jurists, but rather an adaptation of the common Near Eastern tradition, specifically the Graeco-Roman tradition in the East."

⁵⁶ Michael Lecker, *The 'Constitution of Medina': Muhammad's First Legal Document* (Princeton, N.J.: The Darwin Press, 2004), 182, 191. See Lecker, "He [Abū 'Ubayad] went on to say that this had been [written] before Islam became victorious and strong and before God [Allah] ordered the Prophet to levy poll-tax [i.e. jizya] from the People of the Book....[He] apologetically attempted to justify the position of the Jewish participants in the Kitāb [i.e. covenant]. An early date for the Kitāb served his apologetic purposes, but should be upheld nonetheless." Also Lecker states, "Crone believe[d] that Abū 'Ubayad's recension is later than Ibn Ishāq's." See Crone's *Slaves on Horses: The Evolution of the Islamic Polity* (New York: Cambridge University Press, 2003), 7.

Muhammad and his followers established their first religious-political community at Medina called the *umma*. The constitution text begins:

This is a compact from Muhammad the Prophet between the Mu'minūn [i.e. believers] and the Muslimūn [i.e. Muslims or 'those who submit'] of the Quraysh and Yathrib [i.e. Medina] and those who join them as clients, attach themselves to them and fight the holy war with them. They form one people to the exclusion of others. The Muhājirūn from Quaraysh keep to their tribal organization and leadership, co-operating with each otherThe Banū 'Awf keep to their tribal organization and leadership, continuing to co-operate with each other in accordance with their former mutual aid agreements....⁵⁷

The text reveals the treaty between Muhammad and his followers between other believers and 'those who submit' to the Arab-Muslim monotheistic faith from the at-war Quraysh tribe living in Medina. New converts pledged their allegiance to Muhammad as supporters against the Quraysh tribe, agreeing to fight against the Quraysh while forming a single people and community. This agreement was so significant that the text stated, "No protection will be granted to the Quraysh nor to whoever supports them."⁵⁸ Each tribal party listed retained their own organization and leadership, but any serious concerns of conflict among tribal communities or against the *umma* were adjudicated before Allah and Muhammad.⁵⁹ The text then listed all the Jewish-Arab tribes maintaining their organization, leadership, and semi-autonomy under the umbrella of the *umma* and Muhammad's authority.

The constitution required the Arab-Jewish tribes of Medina to finance the *umma* during military conflict, reflected as, "The Jews share expenditure with the Mu'minūn as long as they are at war."⁶⁰ The next line was significant because it identified the social-religious relationship between the monotheistic believers of Muhammad and the Jewish tribes. It stated, "The Jews of

⁵⁷ Lecker, *The 'Constitution of Medina'*, 32. This is Lecker's translation of the same text found in Ibn Ishāq's *Sirāt Risūl Allah*.

⁵⁸ Ibid., 38.

⁵⁹ Ibid., 35. See Lecker. He translates, "Whatever you differ about should be brought before Allāh and Muhammad."

⁶⁰ Ibid. 34-5. The text also states, "The Jews who join us as clients will receive aid and equal rights; they will not be wronged, nor will their enemies be aided against them."

Banū ‘Awf are secure from the Mu’minūn. The Jews have their religion and the Muslimūn have theirs. [This applies to] their allies and their persons. But whoever acts unjustly and sins will only destroy himself and his agnates.”⁶¹ The text listed all the Jewish tribes, each one having the same rights as the one before it, linking them together in law to the Banū ‘Awf.

This was a significant constitutional text because various Arab-Jewish tribes allied as semi-autonomous clients under Muhammad’s coalition in a new community comprised of different monotheistic faiths. The Jews “have their religion,” meaning they could freely participate in their religious services and beliefs, not needing to convert to the beliefs of the Arab-Muslims, and the Arab-Muslims “[muslimūn] have theirs.” According to the text, there was social-religious tolerance, but it was stipulated. Insofar as each religious community in the Arab-Muslim *umma* acted “justly and did not sin,” then the person and their tribal community were protected. The text did not specify what “justly and sinfully” clearly meant. The same language appeared at the end of the compact: “He [of the Jews] who goes out [opting not to participate in the compact] is safe, and he who stays is safe, except he who acts unjustly and sins.”⁶² Thus, Arab-Muslims, Jews, and inhabitants of Medina agreed to the social-religious terms in the compact.⁶³

From this evidence, it appears that the early Arab-Muslim community welcomed and tolerated other religious faiths to the extent that new members believed in one god, aided and assisted the Arab-Muslims financially from tribute or military support, and members did not fight against the *umma*.⁶⁴ Fred Donner argued early Arab-Muslims constructed an ecumenical

⁶¹ Ibid.

⁶² Ibid., 39.

⁶³ Hoyland, *Seeing Islam As Others Saw It*, 554.

⁶⁴ Ibid.

monotheistic “believer’s movement,” which Muhammad led in order to establish Allāh’s religion and rule throughout the world and committed to living righteously, avoiding sin.⁶⁵ Furthermore, Donner and John Wansbrough posited that the early “believer’s movement” was a flexible ecumenical community where the religion of Islam was constructed out of competing disputation and dialogues between the monotheistic sects of Judaism and Christianity included in the *umma*.⁶⁶ Therefore, the early Arab-Muslim community exhibited an ecumenical confessional community including Arab Jews and Christians as ‘Believer’ members in that community. However, Arab-Muslims differentiated themselves from ‘Believers’ within their confessional community, having already established similar but different beliefs and practices among the other monotheistic sects therein. Non-Muslim sources attest to the ecumenical elements of Muhammad’s movement because those sources reveal Jewish and Christian Arabs having fought alongside Arab-Muslims during the conquest period.

⁶⁵ Fred Donner, *Muhammad and the Believers: At the Origins of Islam* (Cambridge, Mass: Harvard University Press, 2012), 109-12.

⁶⁶ Ibid. Also see the forward and preface of John Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (New York: Prometheus Books, 2006), i-x. Much of their arguments are based on the recurrent Arabic terms of Muslims (مسلمون), Believers (مؤمنين), and Muhajiriūn (مهاجرون), which appeared in contemporaneous Muslim texts such as the Qur’an and hadīth, in addition to latter Muslim texts of the 8th and 9th centuries. Donner and Wansbrough suggested these terms differentiated the subgroups within the cultic group of the emergent Islamic *umma*. Muhajiriūn were the earliest believers of Muhammad’s revelation and constituted those who joined in the Hājj to Medina; Muslims consisted of those ‘who submitted’ and converted to the new cultic rituals and beliefs of the new community. There is still much debate among scholars regarding what exactly the term Mū‘amīn meant. While some scholars argue it could have meant other monotheistic adherents such as Jews, Christians, or Zoroastrians, others maintain it was another substitution for Muslim believer. The Mū‘amīn or ‘Believers’ consisted of other monotheists such as Jews and Christians in the community. However, Hoyland argues while the early Islamic community consisted of a heterogeneous group of monotheistic faiths, non-Muslim sources adduced an already established and differentiated set of cultic practices and beliefs among the Arab-Muslims. See Hoyland, *Seeing Islam as Others Saw It*, 549-50. Where Fred Donner argues that the Islamic community shifted and shaped its identity as an undetermined confessional community, Robert Hoyland suggests there was an ecumenical element to the Islamic confessional community, which tolerated other monotheistic faiths, but the *umma* already had a set of cultic practices and religious beliefs different from the other faiths. This is why the early Arab-Muslim movement has been an enigma for scholars. Patricia Crone posited the Arab-Muslim community was universalist in social-politics, permitting ecumenical elements among non-Arab conquered peoples of other monotheistic faiths. In terms of religious particularism, Arab-Muslims were “offended by the existence of Arab adherents of other faiths, notably Arab-Christians whom they subjected to [later] attempts at forced conversion from time to time while leaving non-Arab Christians in peace....” See Crone, *God’s Rule Government and Islam*, 365-68. Conquered peoples became booty, second class citizens, or freely joined the community of the invaders. Ibid., 366-67.

John bar Penkāyē corroborates this ecumenical concept. Also acknowledged as John of Fenek, Penkāyē was a monk under the authority of Abbot Sabrišo' in northern Mesopotamia.⁶⁷ Penkāyē authored the Syriac text, *The Book of Main Points*, which documented a history from the beginning of the world to the 690s. Much more closer to the times and places described, Penkāyē wrote that Arab-Muslim armies consisted of Christian soldiers during the reign of Mu'āwiya from 639 to 680. He recorded:

Every year their [i.e. Arab-Muslim] raiders went to far-off countries and islands and brought [back] captives from every people under heaven. But from everyone they only demanded tribute. They allowed [each] to remain in whatever faith he wished, there being not a few Christians among them—some [aligned] with the heretics and some with us.⁶⁸

Penkāyē revealed Arab-Muslims conquered more territories and cities, widened their political orbit, and captured conquered peoples as slaves. The text illustrates that the Arab-Muslims 'only demanded tribute,' from those they conquered. This tribute consisted of the *jizya* poll-tax, the *kharaj* land-tax, a combination of both, or tribute in whatever terms the contracted parties agreed to, sometimes food, weapon making, cloth making, or military service.⁶⁹ This option was confirmed in the *Armenian History attributed to Seboes*. Written in A.D.660/A.H.38, the Armenian Bishop Sebeos recorded the Armenian history up to the Arab-Muslim conquests.

Now the prince of Ismael spoke with them and said: 'Let this be the pact of my treaty between me and you for as many years as you may wish. I shall not take tribute from you for a three-year period. Then you will pay [tribute] with an oath, as much as you may wish. You will keep in your country 15,000 cavalry, and provide sustenance [i.e. *kharaj*] from your country; and I shall reckon it in the royal tax. I shall not request the cavalry for Syria; but wherever else I command

⁶⁷ Penn, *When Christians First Met Muslims*, 85-88.

⁶⁸ Penn, *When Christians First Met Muslims*, 92. Also see Hoyland, *Seeing Islam as Others Saw It*, 194-200, and Hoyland, *In God's Path*, 60, 259. See Hoyland, "The question of who converted and when is complicated by the ambiguity of the verb *aslama*, [أَسْلَمَ] which can mean to surrender to a human agent or to surrender to God and His messenger (i.e. become a Muslim). Medieval historians, along with quite a few modern ones, tend to assume that the religious sense was the only one, but probably the secular sense applied in many cases, especially in the early period."

⁶⁹ This was common given the conditions of the conquered inhabitants and their location. For examples see Al-Balāduri, *Kitāb Fūṭuh al-Buldan*, edited and translated by Philip K. Hitti (New York: Columbia University Press, 1916), 98-101.

they shall be ready for duty. I shall not send amirs to [your] fortresses, nor an Arab army-neither many, nor even down to a single cavalryman. An enemy shall not enter Armenia; and if the Romans attack you I shall send you troops in support, as many as you may wish. I swear by the great god that I shall not be false.⁷⁰

In *The Book of Main Points*, that the Arab-Muslim conquerors permitted each ‘to remain in whatever faith he wished,’ reveals conquered peoples’ freedom to retain their religious beliefs and practices. This freedom applied not only to captive slaves, but also to conquered inhabitants left in cities. This evidence is located in the *Constitution of Medina*, *The Covenants of the Prophet Muhammad with the Christians of the World* texts, and in the *sulh* treaties.⁷¹ The same sentence in the text expresses ‘...there being not a few Christians among them.’ In other words, there were many Christians among those conquered and captured as slaves. But, the text reads, ‘some [of those conquered and captive Christians] [aligned] with the heretics and some with us.’⁷² Thus, some conquered Christians joined the ‘heretics,’ that is with the Arab-Muslim conquerors, and others ‘joined with us’ as non-participants in warfare. Conquered Christians, therefore, were allowed to retain their faith, while some joined Arab-Muslim ranks, and others did not. Hoyland concurs here, “One Muslim source speaks explicitly of the troops of the Daylam who had fought alongside the Muslims ‘without having embraced Islam.’”⁷³

Arab-Muslims acknowledged monotheist Jews, Christians, and Zoroastrians as akin to their theological history, and regarded them as ‘ahl al-kītab أهل الكتاب, the ‘People of the Book.’ A common characteristic throughout the treaties and covenants between conquerors and conquered

⁷⁰ “The Armenian History Attributed to Sebeos Vol. 1,” translated by R. W. Thomson and edited by James Howard-Johnston (Liverpool: Liverpool University Press, 1999), 136.

⁷¹ See later in this same chapter.

⁷² Penn, *When Christians First Met Muslims*, 85-96.

⁷³ Hoyland, *In God's Path*, 60, 259.

was the former only required the latter to pay taxes and assure loyalty to the community in return for protection, their possessions, and freedom to worship and continue to live as before.⁷⁴

The Second Legal Documents?
The Covenants of the Prophet Muhammad with the Christians of the World

John A. Morrow recently discovered and researched six covenants between the Prophet Muhammad and the Christians of his time after receiving permission from monks to investigate the archives at the Monastery of St. Catherine at Mount Sinai. The six covenants are entitled: *The Covenants of the Prophet Muhammad with the Monks of Mount Sinai*, *The Covenant of the Prophet Muhammad with the Christians of Persia*, *The Covenant of the Prophet Muhammad with the Christians of Najrān*, the *Covenant of the Prophet Muhammad with the Christians of the World*, two manuscripts, one from Mount Carmel and the other from Cairo, and lastly *The Covenant of the Prophet Muhammad with the Assyrian Christians*.

These covenants, apparently authored c. A.D. 624/2-4 A.H., reveal social-religious interaction and coexistence between Christian and the Arab-Muslim communities from the early period of Islam. The pacts protected social-religious liberties of Christians in general, and Christian clergy in particular. They not only protected the inhabitants of the specific region or city, but throughout the realms of Arab-Muslim control. The covenants codified positive social-religious liberties with little to no restrictions; and, bounded obligations on Arab-Muslims to protect Christians within their control.

Like other Muslim texts, all the *Covenants of the Prophet Muhammad with the Christians* of his time postdate the events they purport to describe. These texts date around the 15th century

⁷⁴ Hoyland, *Seeing Islam as Others Saw It*, 18. The taxes consisted of the *jizya* poll-tax and the *kharaj* land-tax. It must be noted that the Arab-Muslim movement during the conquest era prided itself on Arab identity and culture. Having absorbed many conquered non-Arab, non-Muslim peoples of various faiths over vast lands led to a more concrete differentiation between newly converted Muslims. Arab Muslim believers held precedence and position above non-Arab newly converted Muslims, usually comprised of converted dhimmīs.

A.D. and are copies of copies of copies, which monks duplicated and safeguarded in their monasteries.⁷⁵ Given the *modus operandi* for capitulation in the Late Antique Near East, and guaranteed legal conditions for conquered peoples, such replications make sense and fit the historical context for securing the conquered peoples' liberties. But, because of the content and structure of these texts, they have caused much discussion and debate, leaving scholars to question their authenticity. When compared to the *sulh* treaties and later universal compacts of the Umayyad and 'Abbasid periods, the covenants ostensibly appear as forgeries. This is because the *Covenants of the Prophet Muhammad with the Christians of the World* enshrined positive protected privileges for conquered Christians that were neither specifically codified in later *sulh* treaties nor in the universal compacts of *Shurūt 'Umar*, and *Shafi'i's Version of the Pact to be Accorded to Non-Muslim Subjects*. These latter universal compacts present more specific restrictive stipulations on Christians.

Both Addai Scher and Philip Wood, argue the *Covenant of the Prophet Muhammad with the Christians of Najrān* “was forged by Christians so that the Muslims would spare them.”⁷⁶ In the ecclesiastical history of the Assyrian Church of the East written c. 900s, the *Chronicle of Seert* contains a reproduction of the *Covenant of Najrān*. Wood argues monastic authors must have had a keen understanding of the Qur'an and Islamic traditional texts where they forged sections containing the *Covenant of the Prophet Muhammad with the Christians of Najrān* in the

⁷⁵ See Morrow, *The Covenants of the Prophet Muhammad with the Christians of the World*, 216-17, 218-19. In the covenant with the monks of Mt. Sinai the text reads, “This copy, which is copied from the original, is sealed with the signature of the noble Sultan. This reproduction was copied from the copy that was copied from the copy written in the handwriting of the Leader of the Believers, ‘Ali ibn Abi Talib, may Allah bless his countenance.”

وفي الأصل المنقول منه هذه النسخة المتوجة المتجة بالنيشان الشريف السلطاني ما صورته. نقلت هذه النسخة من النسخة التي نقلت من النسخة الكأنة بخط أمير المؤمنين علي بن أبي كرة الله و جهه

⁷⁶ Ahmed El-Wakil, “The Prophet’s Treaty with the Christians of Najran: An Analytical Study to Determine the Authenticity of the Covenants,” *Journal of Islamic Studies* 27, no. 3 (July 2016): 273-354, 273. Also see Addai Scher, *Histoire Nestorieene Inédite: Chronique de Sèert, Deuxième Partie* (Pastrologia Orientalis, Tome XIII, Fascicule 4, No. 65, 1918), (Turnhout: Brepols, 1983), 602. El-Wakil’s translation from the French.

Chronicle of Seert to generate a historical anchored proof text to Muslims of the chronicler's time period. Their motives were to authenticate earlier positive social-religious Christian liberties under Islamic rule, and potentially protect current liberties from being altered.⁷⁷ Gabriel Said Reynolds also suggests the covenants were "forged by Christians intent on proving to their Muslim overlords that the Prophet himself had guaranteed their well-being and the preservation of their property," but, as a result, the texts lost authenticity because "they are all quite late."⁷⁸

Andrew Morrow, Ahmed El-Wakil, Amidu Olalekan Sanni, and Craig Considine argue otherwise. Similar to Fred Donner, Craig Considine suggests Muhammad formed a pluralistic religious community, united under the belief in a single god, and acknowledged as the 'People of the Book' where the Muslim community was to fight Christian infidels who obstinately fought against the *umma*.⁷⁹ These Christians to be fought were soldiers in Byzantine imperial armies,

⁷⁷ Philip Wood, *The Chronicle of Seert: Christian Historical Imagination in Late Antique Iraq* (Oxford: Oxford University Press, 2013), 249. See Wood, "In these sections on the conquest, the compiler of the Chronicle [of Seert] has brought together a series of different conquest narratives, some written from the perspective of the catholicosate or individual monasteries and others inspired by pro-Christian (anti-Jewish) sections of the Qur'an and the Life of Muhammad, and used them to generate the illusion of a consistently tolerant paradigm of good Muslim rule, which, as Calder argued, opposed the rival production of legal paradigms in the 'juristic contrivance' of men such as Abū Yusuf." Also see page 251. Wood argues, "Najran, then, provided an important vehicle through which Christians could emphasize their own presence in pre-Islamic history, with its prestigious genealogies that connected the town to other Arabs of real or imagined Yemeni origin throughout the caliphate, as well as giving Christians a place as members of the *umma*, a situation that is invoked to justify the terms of the treaty embedded in the *Chronicle of Seert*."

⁷⁸ Gabriel Said Reynolds, review of *The Covenants of the Prophet Muhammad with the Christians of the World* by John Andrew Morrow, *First Things*, February 2014, 240, Research Library, 63.

⁷⁹ Craig Considine, "Religious Pluralism and Civic Rights in a 'Muslim Nation': An Analysis of the Prophet Muhammad's Covenants with Christians," *Religions* 7, no. 16 (February 2016): 1-21, 6-12. See Considine. He suggests, "These two statuses [dhimmi and ahl al-mu'minin] indicate that the Prophet considered both Christians and Jews to be monotheistic 'believers' alongside Muslims. Far from denying the validity of Christianity and Judaism, Muhammad regarded them as standing in de jure with Islam as religions from the same God." In reference to violence against Christians, Considine refers to Sura 9:5, and 9:29. See Considine, "On the other side of the spectrum...there are verses of the Qur'an that can be viewed as contradicting the messages of the Covenants...In the Qur'an, however, the term 'infidel' is not just a noun or an adjective; 'infidel' is the word that the Qur'an uses to describe exclusively Meccan aristocracy with which the Muslim community was at war with...Therefore, the command to fight in verse 9:29 was not directed toward *all* Christians, only those who were aggressive and threatening violence against the *umma*." [original emphasis]. See Edward William Lane, *An Arabic-English Lexicon* Vol. 7, edited by Stanley Lane-Poole (William and Norgate, 1885), 2622. See Lane's Arabic-English Lexicon for the word 'infidel' كافر. It states an 'kafir' as "One who acknowledges or disacknowledges [sic] the favors or benefits of God; one who denies...the unity of God, and the prophetic office [of Muhammad and others], and the law of God; a disbeliever, unbeliever, infidel, miscreant."

according to Considine. Arab-Muslims, however, tolerated Christians and Jews who joined the *umma* peacefully.

While Morrow claims all the covenant texts are authentic from internal and external cross-examination and textual linguistic evidence, Sanni suggests Morrow may have discovered a master copy text, which all of the other five covenants replicated. Examining the internal style and content of the *Covenant(s) of the Prophet Muhammad with the Christians of Assyrian and Persia*, Sanni suggests Christians “may have appropriated the former [i.e. master text] as their own, since it addressed ‘all Christians.’”⁸⁰ *The Covenant of the Prophet Muhammad with the Christians of Mount Sinai* is the oldest text of the six covenants according to Reynolds. And, according to Sanni, it is also the master copy text.⁸¹ Thus, it is highly likely the covenant with the monks from Mount Sinai is the oldest and master copy text, which the other covenants resembled and imitated. Ahmed El-Wakil also attests to a master copy text, which monks probably copied and circulated.⁸² He examines the specific covenant between Muhammad and the Christians of Najrān and argues the covenant of Najrān has two recensions, one as a Christian covenant and the other as a Muslim compact, asserting the Christian covenant as valid. The Christian covenant of Najrān had an exordium, which El-Wakil argues as unauthentic.⁸³ El-Wakil asserts the Najrān

⁸⁰ Amidu Olalekan Sanni, review of *The Covenants of the Prophet Muhammad with the Christians of the World* by John Andrew Morrow, *Journal of Muslim Minority Affairs*, 2015, Vol. 35, No. 1: 589-92, 589-90.

⁸¹ Ibid. See Reynolds. Also see Sanni. He suggests, “...we are most likely dealing with a ‘master document’ a ‘prototype’ from the Prophetic ‘Chancery’ from which replicas were generated. Our author himself [i.e. Morrow] appreciates this dilemma as to speculate that the similarities in contents and style raise the possibility of our being confronted with ‘variants of a single Q source covenant which has been lost.’”

⁸² El-Wakil, “The Prophet’s Treaty with the Christians of Najran,” 291. See Wakil, “The Source Covenant of Monday 19 Rabī‘ al-Thānī 4 A.H. is authentic and can be traced back to the Prophet. However, it was also widely copied and circulated across different Christian communities in the Muslim world....If they knew of an authentic covenant granted to all Christians by the Prophet himself, wouldn’t they have wanted a copy? Wouldn’t that have been better for them than to forge their own defective copy for which they could face potential humiliation before their Muslim rulers and charges of blasphemy?” This makes sense given the *modus operandi* of surrender agreements and the *modus vivendi status quo ante* for various Christian communities. It is also cogent that Christian communities would want to copy and preserve such an authentic document anchored to the Prophet Muhammad.

⁸³ Ibid., 274-75.

text as the most authentic covenant, however, he strongly argues for the authenticity of all the covenants based on the following: internal textual evidence of dates present and confirmed in various documents corresponding to other Muslim texts, similar tax stipulations in between texts, uniform Arabic textual phrasing cross examined with other covenants, and the existence of precise dating and listing of witnesses. He argues this is “highly unlikely in forged documents” far apart in location and time.⁸⁴ As Christian forgeries, El-Wakil suggests, “...the charge that the Christian covenants are forgeries appears unconvincing. Though one cannot deny that forgeries did occur, it seems that what was involved was not the fabrication of documents, but rather the reproduction of authentic ones.”⁸⁵ Therefore, there is good evidence to suggest at least one or two of the *Covenants of the Prophet Muhammad with the Christians* are authentic, let alone one of them placed as an original master copy text.⁸⁶

Assuming the *Covenant of the Prophet Muhammad with the Monks of Mount Sinai* and the *Covenant of the Prophet Muhammad with the Christians of Najrān*, are one of the first tenable texts, both reveal positively protected social-religious liberties and a *modus vivendi status quo ante* for conquered Christians throughout the early conquest period. The covenants outlined and assured the freedoms of various Christian communities in conquered lands throughout Arab-Muslim political orbit.

In the *Covenant of the Prophet Muhammad with the Monks of Mount Sinai*, the author, considered to be ‘Ali ibn Abi Talib, wrote the agreed freedoms and future living conditions

⁸⁴ Ibid., 331-34. See El-Wakil, “It seems highly unlikely in all these cases that non-Muslim communities would include a precise date of the month along with a fictitious list of witnesses when producing forged documents....This gives us a total of seven authentic covenants that can be traced back to the Prophet and two that can be traced back to ‘Umar, and one that can be traced back to ‘Ali.”

⁸⁵ Ibid., 291.

⁸⁶ The two covenants are, according to John A. Morrow and El-Wakil, the *Covenant of the Prophet Muhammad with the Christians at Mount Sinai* or the *Covenant of the Prophet Muhammad with the Christians of Najran*. See Chapter 4 of this thesis in regard to the hypothetical authenticity and/or forgery of the covenant texts.

between the Christian clergy, Muhammad, and his early companions. The beginning of the text states, “In the name of Allah, the Compassionate, the Merciful: A copy of the manuscript of the ‘*ahd* [i.e. covenant] written by Muhammad, the son of ‘Abd Allah, may peace and blessings of Allah be on him, to all the Christians.”⁸⁷

In the *Covenant of the Prophet Muhammad with the Christians of Najrān* the texts opened very similarly, but had more emphasis on Muhammad’s family lineage and prophetic position.

In the name of Allah the Compassionate, the Merciful. This document has been provided by Muhammad ibn ‘Abd Allah ibn ‘Abd al-Muttalib, the Messenger of Allah to all of humanity, who was sent to preach and to warn, who has been entrusted the trust of Allah among his creatures so that human beings would have no pretext before Allah, after his messengers and manifestation, before this powerful and wise being.⁸⁸

The opening, ‘In the name of Allah, the Compassionate, the Merciful’ was a common characteristic in early Arab-Muslim texts dating from the Qur’an headings in each chapter,⁸⁹ and continued in the *sulh* agreements.⁹⁰ The text indicated that Muhammad ordered ‘Ali to write the *Covenant of the Monks of Mount Sinai*, and Mu‘āwiyah to write the *Covenant with the Christians of Najrān*.⁹¹ Regardless of who drafted the document in the early Islamic period, what is striking in the text is that it stated, “to all Christians,” إِلَى كَافَّةِ النَّصَارَى. This applied not only to Christian monks living at Mount Sinai, but to all Christians throughout the lands Arab-Muslims controlled. Moreover, the text elaborates on who the contracted peoples of this ‘*ahd* would be; “He [i.e.

⁸⁷ See Morrow, *The Covenant of the Prophet Muhammad*, 218. بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ نُسَجَّهُ سِغْلُ الْعَهْدِ كَتَبَهُ مُحَمَّدٌ عَيْبِدُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَ سَلَّمَ إِلَى كَافَّةِ النَّصَارَى

⁸⁸ Ibid., 297, 306. This document is argued to have been written by Mu‘āwiyah. See footnote 64 below.

⁸⁹ Note that this is true for all Sura’s in the Qur’an with the exception of Sura 9.

⁹⁰ Al-Balādhuri, *Kitāb Fūṭuh al-Buldan*, 100, 187, 198. See Al-Balādhuri, “In the name of Allah, the compassionate, the merciful. This is what Khalīd would grant to the inhabitants of Damascus, if he enters therein....”

⁹¹ See El-Wakil, “The Prophet’s Treaty with the Christians of Najran,” 284-89. Although it is not clear if this was Mu‘āwiyah, El-Wakil argues for the Covenant with Najran, “Mu‘āwiyah is clearly stated as the scribe for two of the four recensions of the Source Covenant.” The author of the covenant with the Monks of Mount Sinai is still unknown.

Muhammad] has written it for the members of his religion and to all those who profess the Christian religion from the East and West, near and far lands, Arabs or non-Arabs, known or unknown, as a ‘*ahd* [i.e. covenant] of protection.’⁹²

Christians of various sects, Melkites, (i.e. Byzantine Greek Orthodox) Monophysites, and Nestorians, were those who ‘profess the Christian religion’. An interesting note in the text is that it stated, ‘from the East and West, near and far, Arabs and non-Arabs, known or unknown,’ granting protection for all Christians in all lands, those nearby and even those not yet conquered.

The next section of the text specifically codifies protected social-religious liberties secured in the covenant, which Arab-Muslims were to safeguard. The covenant affirms, “If a monk or pilgrim seeks protection, in mountain or valley, in cave or in tilled fields, in the plain, in the desert, or in a church, I am behind them, defending them from every enemy, and I, my helpers, all the members of my religion, and all my followers, for they are my proteges and my subjects.”⁹³

Almost identical, the *Covenant of the Prophet Muhammad with the Christians of Najrān* accords similar prescribed protections for Christians throughout lands under Arab-Muslim authority. The text reads, “I commit myself to support them, to place their persons under my protection, as well as their churches, chapels, oratories, the monasteries of their monks, the

⁹²See Morrow, *The Covenant of the Prophet Muhammad*, 215-21. بِسْمِ اللَّهِ الرَّمَنِ الرَّحِيمِ هَذَا كِتَابٌ كَتَبَهُ مُحَمَّدُ بْنُ عَيْبِدِ اللَّهِ بَنُ عَبْدِ الْمُطَّلِبِ رَسُولُ اللَّهِ إِلَى النَّاسِ كَافَّةً بَشِيرًا وَنَذِيرًا وَمَوْثِقًا عَلَى وَدِيعةِ اللَّهِ فِي جَلْفِهِ وَ لِيَأْخُذَ النَّاسُ عَلَى اللَّهِ حُجَّةً بَعْدَ الرُّسُلِ وَ النَّبِيَّانِ وَ كَانَ عِزِيزًا حَكِيمًا. كَتَبَهُ لِأَهْلِ مَلْتَه وَ لَجَمِيعِ مَنْ يَتَّحِلُّ دِينَ النَّصْرَانِيَّةِ مِنْ مَشَارِقِ الْأَرْضِ وَ مَغَارِبِهَا، قَرِيبِهَا وَ بَعِيدِهَا، فَصَبِغِهَا وَ عَجَمِيَّهَا، مَعْرُوفِهَا وَ مَحْهُولِهَا، كِتَابًا جَعَلَ لَهُمْ عَهْدًا.

⁹³ Ibid. The text at the end literally says that they are ‘my protected peoples.’ وَإِذَا احْتَمَى رَاهِبٌ أَوْ سَلَّحٌ فِي جَبَلٍ أَوْ وَادٍ أَوْ عَمْرَانٍ أَوْ سَهْلٍ أَوْ وِمْلٍ أَوْ وَدْنَهٍ أَوْ بَيْعَةٍ وَ أَنَا أَكُونُ مِنْ وَرَائِهِمْ ذَابًا عَنْهُمْ مِنْ كُلِّ عَدُوٍّ لَهُمْ يَنْفَسِي وَأَعْوَانِي وَأَهْلِي مِلَّتِي وَ اتِّبَاعِي، لِيُنْهَمَ رِعِيَّتِي وَ أَهْلِي نِيَمَّتِي.

residences of their anchorites, wherever they are found, be they in the mountains or the valleys, caves or inhabited regions, in the plains or in the desert.”⁹⁴

Muhammad and the Arab-Muslims assured security with any Christian monk or pilgrim who sought protection.⁹⁵ This prescribed protection was clearly expressed for Christians in any and every place as indicated in the text, ‘in a mountain or valley, in a cave or tilled fields, in the plain, in the desert, or in a church.’ This language pointed to all the lands under Arab-Muslim jurisdiction, and there were no exceptions. Then, the covenants confirm that Arab-Muslims will not interfere with Christians’ supplies and there will be no compulsion or constraint against Christians in previous matters. Next, the covenant specifically outlines Christians’ protected social-religious liberties, specifically Christian clergy. The early Arab-Muslim community agreed and assured that:

A bishop shall not be removed from his bishopric, nor a monk from his monastery, nor a hermit from his tower, nor shall a pilgrim be hindered from his pilgrimage. Moreover, no building from among their churches shall be destroyed, nor shall the money from their churches be used for the building of mosques or houses for the Muslims. Whoever does such a thing violates Allah’s covenant and dissents from the Messenger of Allah.⁹⁶

Correspondingly, the *Covenant of the Prophet Muhammad with the Christians of Najrān* outlines guaranteed social-religious liberties and obligations on Arab-Muslims in more detail than in the covenant with the monks at Mount Sinai. Thus, an Arab-Muslim agreed that:

I will protect their religion and their church wherever they are found, be it on earth or at sea, in the West or in the East, with utmost vigilance on my part, the People of my House, and the Muslims as a whole....It is not permitted to remove a bishop from his bishopric, a monk from his

⁹⁴ Ibid., 297, 307. وَأَنَّ أَحْمِيَّ جَانِبَهُمْ وَأَدَبَ عَنْهُمْ وَعَنْ كَنَائِسِهِمْ وَيَبْعِهِمْ وَبَيْوتِ صَلَوَاتِهِمْ وَمَوَاضِعِ الرُّهْبَانِ وَمَوَاطِنِ السُّيَاحِ حَيْثُ لَانُوا. مِنْ جَبَلٍ أَوْ وَادٍ أَوْ عُمرَانٍ أَوْ سَهْلٍ أَوْ وَوَمَلِّ

⁹⁵ Many Christian pilgrims made journeys en route to holy sites and monasteries throughout the Near East, especially to Mount Sinai where Moses, held to be sacred and venerated in all three Abrahamic faiths, obtained the Laws of God.

⁹⁶ Morrow, *The Covenant of the Prophet Muhammad*, 215-21. وَلَا جَلِيسٌ مِنْ صَوْمَعَتِهِ وَلَا سَائِحٌ مِنْ سِيَّاحَتِهِ. وَلَا يُهْدَمُ بَيْتٌ مِنْ بَيْوتِ مَنْ كَنَائِسِهِمْ وَلَا يَدْجَلُ شَيْءٌ مِنْ مَالِ كَنَائِسِهِمْ فِي بِنَاءِ مَسْجِدٍ وَلَا فِي مَنَازِلِ الْمُسْلِمِينَ. وَمَنْ فَعَلَ ذَلِكَ فَقَدْ نَكَثَ عَهْدَ اللَّهِ وَجَالَفَ رَسُولَ اللَّهِ.

monastic life, or anchorite from his vocation as a hermit. Nor is it permitted to destroy any part of their churches, to take parts of their buildings to construct mosques or homes of Muslims. Whoever does such a thing will have violated the pact of Allah, disobeyed his Messenger, and become estranged from the Divine Alliance. It is not permitted to impose a capitation or any kind of tax on monks or bishops nor on any of those who, by devotion, wear wollen [sic] clothing or live alone in the mountains or in other regions devoid of human habitation.....No Christian will be made Muslim by force. They must be covered by the wing of mercy.⁹⁷

While less specific, the *Covenant of the Prophet Muhammad with the Monks of Mount Sinai*

similarly states that Christian monks and clergy would not be taxed and there was to be social-

religious cooperation between People of the Book [i.e. Christians and Jews] and Arab-Muslims :

Those who also isolate themselves in the mountains or in sacred sites shall be free from the poll-tax [jizya], land tribute [kharaj]....On no one shall an unjust tax be imposed, and with the People of the Book there is to be no strife, unless it be over what is for the good. We wish to take them under the wing of our mercy, and the penalty of vexation shall be kept at a distance from them, wherever they are and wherever they may settle....These people shall be assisted in the maintenance of their religious buildings and their dwellings; thus they will be aided in their faith and kept true to their allegiance.⁹⁸

The observation expressed in these texts is one of clear obligations on Arab-Muslims to provide protection and security to Christians and especially Christian clergy. Most salient are the tolerant and flexible social-religious boundaries. Arab-Muslims agreed in oath and written contract to not destroy Christian religious buildings including churches, monasteries, monk cells, or ‘any parts of their buildings’ in order to use those materials to construct Arab-Muslim religious structures. As Arab-Muslims conquered new lands and cities, they established garrisons both inside and outside the urban areas. The military fortresses were called *amsar*, and Arab-Muslims built mosques in these fortresses and in conquered towns.⁹⁹ Thus, as Arab-Muslims conquered new

⁹⁷ Ibid., 298-99, 308-09. *أُدْخِلَهُمْ فِي زِمَّتِي وَمِيثَاقِي وَأَمَانِي مِنْ كُلِّ أَدَى وَمَكْرُوهِ أَوْ مُؤَوَّبَةٍ وَأَنْ أَكُونَ مِنْ وَرَائِهِمْ ذَابًّا عَنْهُمْ كُلَّ عَدُوٍّ يَرِيدُنِي وَإِيَّاهُمْ. بِسُوءِ بِنْفِيسِي وَأَعْوَابِي وَأَتْنَاعِي وَ أَهْلِ مِلَّتِي وَأَنْ لَا يُحْمَلَ الرَّهْبَانُ وَالْأَسَاقِفَةُ وَلَا مَنْ تَعَبَدَ مِنْهُمْ أَوْ لَيْسَ الصُّوفَى أَوْ تَوَحَّدَ فِي الْجِبَالِ وَالْمَوَاضِعِ الْمُعْتَرَلَةِ عَنِ الْأَمْصَارِ شَيْئًا مِنَ الْجَزِيَّةِ أَوْ الْخَرَاجِ وَأَنْ يُقْتَصَرَ عَلَى غَيْرِهِمْ مِنَ النَّصَارَى مِمَّنْ لَيْسَ بِمُتَعَبِّدٍ وَلَا زَاهِبٍ وَلَا سَائِحٍ عَلَى أَرْبَعَةِ دَرَاهِمٍ فِي كُلِّ سَنَةٍ أَوْ نُوبٍ جَبْرَةٍ أَوْ عَصَبٍ الْيَمَنِ إِعَانَةً لِلْمُسْلِمِينَ وَ قُوَّةً لِبَيْتِ الْمَالِ*

⁹⁸ Ibid., 216, 219. *اهْمُهُمْ وَيُعَانُوا عِنْدَ إِدْوَاكِ الْغَلَّةِ بِإِبْلَاقِ قَدْحٍ وَاجِدٍ مِنْ كُلِّ إِزْدَبٍّ بِرِسْمِ أَقْوَاهِهِمْ وَلَا يُكَلَّفُ أَحَدٌ مِنْهُمْ شَطَطًا وَلَا يُجَادَلُ أَهْلُ الْكِتَابِ إِلَّا. عَلَى دِينِهِمْ وَفَعَالِهِمْ بِالْعَهْدِ*

⁹⁹ Marshall G.S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization Vol. 1 The Classical Age of Islam* (Chicago: University of Chicago Press, 1974), 208-09. *Misir* is the singular form of the noun while the plural is *amsar*.

cities, constructed new religious buildings, and both the conquered and conquerors contracted the protected liberties of each party, social-religious landscapes were not only shifting, but blending as various confessional communities coexisted.

Furthermore, Arab-Muslims could not forcibly remove Christian clergy or monastic orders from their religious positions. Monks and those who wore ‘woolen clothing,’ consisted of clergy living as hermits, and were free from paying the *jizya* poll-tax and *kharaj* land tax. But, notice the texts specifically mentioned this applied to clergy who were “devoid of human habitation, living alone in the mountains or in sacred sites.” The covenants made no exception for clergy living in urban areas or villages. Arab-Muslim conquerors still required payment of the *jizya* poll tax and the *kharaj* land tax from Christian inhabitants within their realms in exchange for military protection, continued social-religious liberties, their possessions, and religious places. The covenant with Najrān particularly emphasized four *dirhams* per year be required for all other Christians who were not clergy.¹⁰⁰ Christians who could not afford to pay with money could pay by other means such as clothing or military service, but Christians were not required to serve. This stipulation of the passage, located and confirmed in the non-Muslim text of the Armenian Bishop Sebeos, has already been examined.

Thus, Arab-Muslims were obligated to protect the Christian religion and were forbidden to convert Christians by force. Given these liberties and agreed conditions between Arab-

¹⁰⁰ See Morrow, *The Covenants of the Prophet Muhammad*, 298. The text reveals, “Let there be a limit set of four dirhams per year that all other Christians who are not clerics, monks, or hermits need to pay. Otherwise let them provide one outfit of stripped material or one embroidered turban from Yemen.” Also see Al-Balāhduri, *Kitāb Fūṭuh al-Buldan*, 191. Al-Balāhduri wrote that ‘Umar I circulated an order after the conquest of Damascus that the poll-tax for all dhimmīs to be 4 dirhams. Throughout the conquest period the terms of quid pro quo in surrender varied. Some conquered peoples paid the poll-taxes and land-taxes by means of money, foodstuffs, clothing, and military service.

Muslims and Christians, the connection and context was a mixed community of monotheists who coexisted in close social settings.

Non-Muslim sources corroborate evidence of a tolerant *modus vivendi status quo ante* corresponding to the covenants. Most non-Muslim sources adduced consist of Syriac Christian texts. While other Latin and Greek non-Muslim sources documented Arab-Muslims in an overt polemical light, Syriac texts supply unique glimpses. This was because Syriac authors were not writing from the perspective of an imperial mindset and active armed conflict; they provide an impartial perspective of Christian and Arab-Muslim interactions.¹⁰¹ Syriac Christians were “in-between empires,” having transitioned from the rule of the Byzantines to the Persians back to the Byzantines and to the Arab-Muslims; they were accustomed to the shifting landscapes of political-religious powers.¹⁰² With this in mind, they not only provide a unique perspective, but also a dynamic not present in Western Christian texts. Since Christians from the Byzantine Empire, authored the majority of Western Greek and Latin sources, such texts projected Arab-Muslims in a highly polemical light because they viewed any competition of a universal rival empire as a threat, and framed events in religious apocalyptic veneer.

In the letter of Isho‘yahb III, a monk at the East Syrian monastery of Bēt ‘Abē, the catholicos of the East Syrian Church, wrote to the bishops of Bēt Qatrayē in A.D.650/A.H.28 about the Arab-Muslim conquerors. He explained the social-religious milieu and interaction between Arab-Muslims and Christians. In *Letter 14 C*, Isho‘yahb wrote to Bishop Simeon of Rev Ardashir:

¹⁰¹ Penn, *When Christians First Met Muslims*, 6-7. It must be noted that Penn suggests that such direct interactions did not automatically result in positive relations with Islam. He argues, “These texts remind us that Christians’ and Muslims’ first interactions were not characterized by unmitigated conflict.”

¹⁰² *Ibid.*, 11.

For also these Arabs to whom at this time God has given control over the world, as you know, they are [also here] with us. Not only are they no enemy to Christianity, but they are even praisers of our faith, honorers of our Lord's priests and holy ones, and supports of churches and monasteries. Indeed, how did your people of *Mrwny*' abandon their faith on the pretext of [the Arabs']? And this when...the Arabs did not force them to abandon their faith but only told them to abandon half of their possessions and to hold on to their faith. But they abandoned their faith, which is eternal, and held on to half of their possessions, which are ephemeral.¹⁰³

Isho'yahb reflected the perspective of many conquered Christians under the emerging Arab-Muslim authority in that he thought the Arabs would rule only briefly. But, the author also attested that Arab-Muslims were not hostile to the Christian faith, honored Christian clergy, protected churches and monasteries, and permitted Christians to retain their religious buildings. Then, Isho'yahb revealed some conquered peoples converted to the Arabs' religion, but had done so willingly; the Arab-Muslims did not forcibly convert them. That Arab-Muslims offered the option of 'abandoning half their property' to avoid conversion to conquered peoples instead of the *jizya* or *kharaj* taxes is evident in the text. As seen in the *Armenian History Attributed to Sebeos*, there were certain circumstances for each local surrender agreement.¹⁰⁴ Nevertheless, in the letter Isho'yahb recommended that bishops encourage Christians to pay taxes or possessions rather than convert.¹⁰⁵ This evidence attests to the covenant texts and the *Constitution of Medina* in that these earlier legal texts parallel internal evidence reflected in Isho'yahb's letter. Conquered Christians continued their religious practices at churches and in public in an untroubled coexistence among their conquerors.

In the *Maronite Chronicle* an anonymous Syriac Christian author composed a text dating from the 650s-680s during the reign of Mu'awiya, which reflected close coexistence among

¹⁰³ Ibid., 36.

¹⁰⁴ This is adduced and attested in later Muslims *sulh* sources as well. See Daniel R. Hill, *The Termination of Hostilities in the Early Arab Conquests A.D. 634-656* (London: Luzac & Co Ltd., 1971).

¹⁰⁵ Ibid. See *Letter 15 C* on the same page. Isho'yahb encouraged his bishops to adhere to the world authority of the Arab-Muslims and pay the poll-taxes with humble submission, in addition to giving tribute, reverence, and honor to where it is owed.

conquered and conquerors, the continuity of confessional communal debate and dialogue, and fluid social-religious boundaries between Christians and Arab-Muslims. The author wrote:

In the same month, the Jacobite bishops Theodore and Sabuk came to Damascus, and before Mu'āwiya they debated the faith with those of Mār Maron [i.e. the Maronites]. When the Jacobites were defeated, Mu'āwiya commanded them to give up twenty thousand denarii and be silent. And it became customary for the Jacobite bishops to give Mu'āwiya that [much] gold annually lest [his] protection of them slacken and they be punished by the [Maronite] clergy....many Arabs assembled in Jerusalem and made Mu'āwiya king. He ascended and sat at Golgotha. He prayed there, went to Gethsemane, descended to the tomb of the Blessed Mary, and prayed there....He struck both gold and silver [coinage], but it was not accepted because it did not have a cross on it.¹⁰⁶

While the text was clearly partisan in favor of the Maronite Christian sect against the Jacobites, it provides a unique insight into the interaction between Christians and Arab-Muslims in the conquest era. That significant perspective revealed confessional communities participating in public debate and dialogue among each other, with Arab-Muslims present, and their commander of the believers¹⁰⁷ acting as arbiter. That conquered Christians were permitted to retain their faith and continued in a *modus vivendi et status quo ante* exemplified in this text is evident. This was evident not only because Christians retained their religious beliefs and practices, but also because they retained their custom of apologetic public debate and dialogue. Whether or not the Maronites actually apologetically 'defeated' the Jacobites in Mu'āwiya's presence or not, or if he required an additional twenty thousand denarii from Jacobites Christians to practice their faith is of less concern than the theological dialogue itself. The text reveals the continuity of cross confessional disputation. Even if conquered Christians had not apologetically engaged directly with Arab-Muslims, the public presence of debates between Christian sects in the company of

¹⁰⁶ Ibid., 58.

¹⁰⁷ The early Arab-Muslim community prescribed the title of "commander of the believers" 'amr al-mū'minīn أمير المؤمنين rather than caliph, which appeared much later in the Muslim historical texts of the 8th and 9th centuries of the Umayyad and Abbasid eras. Moreover, this was a common feature ensconced throughout non-Muslim texts in general. That common feature was attributing a high ranking Arab-Muslim official in a dispute or as arbiter or a witness in a text in order to anchor authenticity.

Arab-Muslims was a clear example of not only social-religious continuity, but also porous social-religious boundaries.¹⁰⁸

Another passage exhibited social-religious interaction of Arab-Muslims with Christians because Arab-Muslim leaders visited and venerated Jewish and Christian holy sites and temples. Most notably ‘Umar, in his conquest of Jerusalem, ascended the Temple Mount and prayed there and at the Holy Sepulcher.¹⁰⁹ This was significant because such public practice of prayer anchored meaningful religious associations among Arab-Muslims to also worship and pray at the same places.

If ‘Umar went to the Temple Mount, and Mu‘āwīya also went to Gethsemane and the tomb of Mary to pray at these sacred places, then such actions demonstrate a crossing of social-religious boundaries. This also *connects* the ecumenical elements of the early Arab-Muslim community among Arab-Jewish and Arab-Christian believers as well as other conquered Christians. If such accounts were contemporary or later positively framed fabrications of Christian authors, it is puzzling that similar occurrences in other texts are negatively framed.¹¹⁰ If this was a fabrication to anchor an ‘authentic’ text back in the past, then it would have been more indicative of an unauthentic text for the authors to have written that Mu‘āwīya coined all money with crosses. Thus, while not directly revealed in non-Muslim sources, this text exhibits compelling circumstantial evidence showing a blended social-religious context between conquerors and conquered.

¹⁰⁸ Were Arab-Muslim leaders actually present at such events and later symposiums? It is hard to adduce for sure, but it was not uncommon for there to have been interpreters and translators present to aid the emirs to adjudicate or understand.

¹⁰⁹ Hoyland, *Seeing Islam As Others Saw It*, 221-23. Itinerant pilgrims attested to the construction of the Saracen prayer house constructed on the Temple Mount in Jerusalem prior to ‘Abd al-Malik’s finalization of the Dome of the Rock. The Venerable Bede recorded accounts of itinerant monks who recounted it was a ‘rectangular house’ where the Temple once stood and could ‘accommodate at least 3000 people.’

¹¹⁰ See Hoyland, *Seeing Islam As Others Saw It*, 63-7. John Moschus wrote of Sophronius, Patriarch of Jerusalem’s, recounting of how the Saracens erected mosques at Jerusalem in his work, *Pratum Spirituale*. He wrote, “the godless Saracens....proceeded in hast to the place which is called the Capital. They took with them men, some by force, others by their own will, in order to clean that place and build that cursed thing, intended for their prayer and which they call a mosque.” Hoyland notes that this ‘capitol’ was most likely the Temple Mount.

In A.D.687/A.H.65 John Bar Penkāyē wrote and further explained the social-religious liberties between Christians and Arab-Muslims under the reign of Mu‘āwiya in his *Book of Main Points*. John Bar Penkāyē wrote:

Justice flourished in his [Mu‘āwiya’s] days, and there was great peace in the regions he controlled. He allowed everyone to conduct himself as he wanted. For, as I said above, they [i.e. the Arab-Muslims] upheld a *certain commandment* from him who was their guide [i.e. Muhammad] concerning the Christian people and the monastic order. By this one’s guidance they also upheld the worship of one God, in accord with the customs of ancient law. And, at their beginning, they upheld the tradition of their instructor Muhammad such that they would bring the death penalty upon whoever seemed to have dared [transgress] his laws.¹¹¹

Most striking are a few key sentences. The second sentence stated that Mu‘āwiya permitted everyone, including Arab-Muslims as well as conquered peoples ‘to conduct himself as he wanted.’ What this means is based on the context of the next lines in the text. Arab-Muslims ‘upheld a *certain commandment* from him who was their guide concerning Christian people and the monastic order.’ Thus, ‘everyone’ included Arab-Muslims and especially Christians, and they were allowed to ‘conduct himself as he wanted,’ meant that they could freely practice their social-religious conventions. Most significant in this excerpt is that Penkāyē noted Arab-Muslims upheld a certain commandment from Muhammad. Based on the evidence, it appears this commandment could be either the *Constitution of Medina* or the *Covenants of the Prophet Muhammad with the Christians of the World* texts. Given the context of the passage, there is strong evidence to indicate this referred to the covenant texts rather than the *Constitution of Medina* because Penkāyē described it as a commandment of Muhammad ‘concerning Christian

¹¹¹ Penn, *When Christians First Met Muslims*, 92 [emphasis added mine]. There is another West Syriac text allegedly written by Gabriel of Qartmin d. 648, which directly pointed to the parallel of internal evidence in the *Covenants of the Prophet Muhammad with the Christians of the World* texts. However, Holyand argues that because the text mentioned protection of ostentatious worship and use of the ‘wooden gong’, this text was most likely an 8th century production or later that used ‘Umar’s name to connote legal authenticity to the passage. See Hoyland, *Seeing Islam As Others Saw It*, 123-24. Gabriel wrote, “He [‘Umar] received him with great joy, and after a few days the blessed man petitioned this ruler and received his signature to the statues and laws, orders and prohibitions, judgements and precepts pertaining to the Christians, to churches and monasteries, and to priests and deacons that they do not give poll tax, and to monks that they be freed from any tax.”

people and the monastic order.’ Furthermore, the covenant texts state, “whoever contravenes the covenant of Allah and acts to the contrary is a rebel against his covenant and Messenger,” which paralleled Penkāyē’s verse of, “...they would bring the death penalty upon whoever seemed to have transgressed his [i.e. Muhammad or Allah?] laws.” Thus, there is cogent internal and external evidence to suggest the authenticity of these texts in that there was a commandment or compact to ensure positively protected social-religious liberties for conquered Christians during the conquest era through the rule of Mu‘āwiya at least.

In a letter from A.D.684/A.H.62, the Miaphysite patriarch, Athanasius of Balad, wrote about the direct interactions between Christians and Arab-Muslims. From this dispatch, he recorded Christians mingled in Hagarene religious services and participated in their meals, crossing over religious boundaries of the Miaphysites and Arab-Muslims. Athanasius advised his clergy to direct Christians away from eating with Hagarens and closely interacting with them. The record revealed: For an evil report has come to the hearing of our lowliness that some accursed Christians, that is, greedy men who are slaves to the belly--ate meals heedlessly and senselessly mingle together with pagans. Sometimes all of them [i.e. Christian women married to Arab-Muslims], eat without distinction from their [i.e. the Arab-Muslims’] sacrifices....With all your power, you will stop, abolish, and cause to be entirely forgotten this evil and destructive laxity among all your fellow Christians summoned by the Lord’s name. Those whom you carefully learn are negligently being besmeared by sin such as this, from now on instruct them in the precepts and ecclesiastical canons.¹¹²

¹¹² Ibid., 83.

What Christians were ‘eating heedlessly’ here were the sacrificial meals in honor to the Hagarene god, some even ‘without distinction from the Arab-Muslim sacrifices.’ Christians mingled among Arab-Muslims in social and religious settings, blending sacrificial and religious services together. Athanasius highlighted these people chiefly consisted of Christian women married to Arab-Muslim men. Thus, it appeared Christians and Arab-Muslims attended syncretized religious services together, sometimes at a church or cathedral, and combined elements of the Christian sacrificial meal of the Eucharist with that of the Hagarenes. Jacob of Edessa’s letters addressed to both Addai and John the Stylite underlined this concern in more detail.

Addai asked Jacob of Edessa what he should do about the tables which the Arabs had eaten meat on and soiled with fat. The kind of table Addai mentioned, Jacob of Edessa reveals, was a sacred table. Jacob wrote back, “A table on which pagans [i.e. Arab-Muslims] have eaten is no longer an altar. Rather, it should be well washed and scoured and become a useful, ordinary item for the sanctuary or the vestry. But, if it is small and of little use, let it be broken and buried in the ground.”¹¹³ Thus, Arab-Muslims ate meats from altars and soiled them with sacrificial meat offerings to the Arab-Muslim deity in a Christian church on a Christian altar. Jacob advised Addai to make sure the altar be scrubbed clean from sacrificial soiling because, according to Christians, it profaned the sacred space where the Eucharist was made into the sacrificial meal honoring Jesus’ death. Nevertheless, because of the syncretized ritual performed on the altar, Jacob suggested it be either removed and replaced or destroyed.

¹¹³ Ibid., 162.

This was such a concern to Jacob of Edessa that he issued a Christian canon establishing a rule of proper social-religious instruction for clergy and laity. In *Canon 30*, excerpted in Bar Habraeus' *Nomocanon*, the text revealed details of blending social-religious boundaries between Christians and Arab-Muslims closely worshipping together. He wrote, "Costly goods that depict pagan tales of gods and goddesses will not be used as a covering for a holy table." Again, this holy table was a Christian altar. Jacob further decreed, "If they are used, they will be torn apart. So too [they will not be used] either for clerical vestments or hangings, nor [will] those that have a Hagarene confession of faith written on them."¹¹⁴ This text presents a more detailed aspect of early Christian and Arab-Muslim interaction during the conquest era. There were costly goods showing pagan deities on a Christian altar because there was shared sacred spaces. That there were clerical vestments and images of pagan symbolism and inscriptions hanging inside Christian churches clearly indicates fluid social-religious boundaries. Most significant was the last line of the text, which forbade clerical vestments or hanging ornament tapestries with the written Hagarene [Arab-Muslim] confession of faith.¹¹⁵ The proposed reason why there were pagan and Arab-Muslim idols, goods, symbols, ornaments hanging on Christian altars and in Christian churches could have been because of the mixed milieu and ecumenical elements

¹¹⁴ Ibid., 173-74. Also see Hoyland, *Seeing Islam As Others Saw It*, 99. In Anastasius of Sinai's texts he recounted events between the monks of St. Catherine's monastery at Mount Sinai and the Arabs, noting their relatively peaceful relations prior to the conquests. However, with the emergence of Islam and in the post-conquest era, Anastasius noted a religious disregard toward monks and Christians. Hoyland elucidates the reason and writes, "Anastasius clearly does not regard the Muslims favorably; he calls them a nation that has sullied and profaned the holy summit...he writes angrily of some Saracens, also present, who had expressed their disbelief and blasphemed the holy place, its icons and crosses." Thus, Anastasius held the Muslims later in contempt because they sullied and profaned the sacred areas of the monastery of St. Catherine's on Mount Sinai. Even though Hoyland and the text do not indicate *exactly* what these 'sullied and profaned' actions were, nevertheless, it strongly suggests, based on aforementioned non-Muslim texts, that these actions could have consisted of Arab-Muslims 'blaspheming the holy place[s]' of Christian church altars or monasteries and the public defilement of crucifixes. This circumstantial evidence suggests the blurring of social-religious boundaries between the conquered Christians and the conqueror Arab-Muslims and their interactions, as well as an increased understanding of their religious beliefs and developed apologetic responses to those beliefs.

¹¹⁵ See Donner, *Muhammad and the Believers*, 112. Before A.D.685/A.H.66, the Arab-Muslim confession of faith was 'there is no god but God,' and Muhammad was not mentioned on coins, inscriptions, or papyri until later.

established in the *Constitution of Medina*, the *Covenants of the Prophet Muhammad with the Christians of the World* texts, and in the *sulh* agreements, all of which protected a *modus vivendi et status quo ante* for conquered peoples.

John Bar Penkāyē recounted similar concerns from this milieu in his *Book of Main Points*. Penkāyē documented Christian communities and peoples were mingling together with pagans; Christians performed mixed divination rituals and married pagans. In this passage Penkāyē revealed great social-religious interaction and upheaval.

In Egypt, the mother of magicians, magic did not thrive as much as in our time. In Babel, auguries and divinations did not thrive as much as now among Christian people. Pagans did not leave the dead unburied, as do the so-called faithful of our days....For who would designate these ones faithful? Who would call them knowers of Christ? Who would dare to designate them God's people?....I also report other, worse abominations: persecution of priests, slandering of holy ones, mingling with unbelievers, marriage with the wicked, consorting with heretics, friendship with the crucifiers [i.e. Jews].¹¹⁶

Thus, we see Christians crossed confessional boundaries, having mixed with the social-religious practices of the conquerors. Again, like other non-Muslim and Muslim texts in the conquest era, Penkāyē recorded Christians mingled with non-Christians and even married Arab-Muslims, which led to theological confusion and social difficulty in differentiating between Christians and Arab-Muslims.

Interestingly, the last passages in the covenants describe permeable social-religious boundaries between Arab-Muslims and Christians during the conquest period are passages regarding marriage. In both covenants, marriage between Arab-Muslim conquerors and conquered Christians was specifically written down to maintain social-religious stability and cohabitation between confessional communities. This concept also correlates the early ecumenical elements of the Arab-Muslim community in both Muslim and non-Muslim sources.

¹¹⁶ Penn, *When Christians First Met Muslims*, 96.

In *The Covenant of the Prophet Muhammad with the Monks at Mount Sinai* Christian women were to permitted to attend their religious services without preclusion or disagreement from her husband.

If a Christian woman enters a Muslim household, she shall be received with kindness, and she shall be given opportunity to pray in her church; there shall be no dispute between her and a man who loves her religion. Whoever contravenes the covenant of Allah and acts to the contrary is a rebel against his covenant and his Messenger.¹¹⁷

This passage describes the proper social-religious relationship and interaction that Arab-Muslims, particularly men, were to have with Christian women. This excerpt plainly instructed Arab-Muslims to permit Christian women to continue their methods of living by attending their churches and practicing their beliefs. However, as indicated in the text, the passage “If a Christian woman enters a Muslim household,” connotes the concept of marriage more than the idea of any Christian woman (or man) going into the home of a Muslim generally. The following lines inform the reader that a Christian woman married to an Arab-Muslim man shall allow her to not only continue in her religious beliefs and practices, but the husband was not to argue with her about it.

When compared with the letters and canons of Athanasius of Balad and Jacob of Edessa, a clearer picture emerges as to what might have been occurring in this mixed milieu between Christians and Arab-Muslims. Because Christian women were permitted to marry Arab-Muslims and Muhammad ostensibly decreed they were permitted and protected to practice their religious services, receive the Eucharist without interference from Arab-Muslim husbands, and retain their faith, it can be deduced that this led to cross-religious interaction between conquered and

¹¹⁷ Ibid., 216. وَإِنْ صَرَّتِ النَّصْرَانِيَّةُ عِنْدَ الْمُسْلِمِينَ فَعَلَيْهِ رِضَاهَا وَتَمْكِينُهَا مِنَ الصَّلَاةِ فِي بَيْعَتِهَا وَلَا يُحِيلُ بَيْنَهَا وَبَيْنَ مَنْ هُوَ دِينُهَا وَمَنْ خَالَفَ عَهْدَ اللَّهِ وَاعْتَمَدَ بِالنَّصْرِ مِنْ ذَلِكَ فَقَدْ عَصَى مِيثَاقَهُ وَرَسُولَهُ

conquerors. Moreover, this blended milieu made it difficult for Christians to ascertain exactly what the Arab-Muslims' religious tenets were.

The Covenant of the Prophet Muhammad with the Christians of Najrān, more clearly expressed the issues of marriage between the conquerors and conquered. Marriages only further clouded the concept of religious creeds, contributed to mixed milieus, and 'fuzzied' social-religious borders of confessional communities.

Christians must not be subjected to suffer, by abuse, on the subject of marriages which they do not desire. Muslims should not take Christian girls in marriage against the will of their parents nor should they oppress their families in the event that they refused their offers of engagement and marriage. Such marriages should not take place without their desire and agreement and without their approval and consent. If a Muslim take a Christian woman as a wife, he must respect her Christian beliefs. He will give her freedom to listen to her [clerical] superiors as she desires and to follow the path of her own religion. Whoever...forces his wife to act contrary to her religion in any aspect whatsoever...will have broken...the pact....¹¹⁸

More distinctly outlined, this covenant accorded that Arab-Muslims could not coerce Christian women into marriage, but parents could consent to that marriage. If those parents decided not to permit such a marriage, then the Muslim pursuer was prohibited from disobeying that family.

Similar to the covenant with the Monks at Mount Sinai, the Najrān covenant protected religious liberties and rites of a Christian women married to a Muslim man; the text clearly expressed he could neither constrain her nor forcibly convert her from her faith. The choice to marry or not to marry an Arab-Muslim and still retain the Christian faith, again, presents a mixed milieu of both social and religious interaction between confessional communities of the conquered and conquerors. In that mixed milieu not only did cultures and religions merge, but so did religious practices and beliefs. If the *Covenants of the Prophet Muhammad with the Christians of the World* texts are to be taken as authentic, then these documents and the protected liberties of

¹¹⁸ Ibid., 299, 309. وَإِذَا صَارَتِ النَّصْرَانِيَّةُ عَبْدَ الْمُسْلِمِ فَعَلَيْهِ أَنْ يَرْضَى بِنَصْرِ أَيْمَانِهَا وَيَتَّبِعَ هَوَاهَا فِي الْإِقْتِدَاءِ بِرُؤُسَائِهَا وَالْأَخْذِ بِمَا لِمِ دِينِهَا. وَلَا يَمْنَعُهَا ذَلِكَ فَمَنْ خَلَفَ ذَلِكَ وَكْرَهَهَا عَلَى شَيْءٍ مِنْ أَمْرِ دِينِهَا فَقَدْ خَالَفَ عَهْدَ اللَّهِ وَعَصَى مِيثَاقَ رَسُولِهِ وَهُوَ عِنْدَ اللَّهِ مِنَ الْكَافِرِينَ

Christians in them raise questions. Assuming social-religious interaction existed from c. A.D. 622-690/ A.H.1-68, and Arab-Muslim men married Christian women, the issue of who raised the children they birthed and what religious tenets parents instructed their children came to the forefront.

In the *Letter of Athanasius of Balad* written in A.D.684/A.H.62, fluid social-religious boundaries became major concerns of stability within the Christian community. Athanasius admonished Christians against partaking in rituals with Arab-Muslims and participating in their sacrificial meals. Moreover, he advised against the marriage of Christian women and Hagarene men. Athanasius wrote to his bishops and priests:

Also, wretched women in some manner or another unlawfully and inappropriately marry pagan men....Exhort, admonish, and war the rest--particularly those women who in this fashion marry those [pagans]--to keep themselves from the food of sacrifices, from what is strangled, and from all unlawful mingling. With all their might let them all take care to baptize their children who come from their union with them. If you find them to behave in every way worthy of a Christian, [then] do not cut them off from participation in the divine mysteries solely because they openly and freely marry pagans [i.e. Arab- Muslims].¹¹⁹

Christian women married Arab-Muslims and participated in sacrificial meals and inappropriate unlawful social-religious mingling, according to Athanasius. Christian women continued to receive the Eucharist and sacraments of the Christian faith from clergy regardless of marriage to an Arab-Muslim, but only if they acted in the orthodox tenets of the Christian faith, namely not participating in syncretized Christo-pagan sacrificial meals or attending Christo-Arab-Muslim services. Interestingly, he concerned himself and the clergy readers of his letter to make sure children of Christian and Arab-Muslim marriages were brought up in the 'correct religion' and baptized into the Christian faith. Whether these children were to be taught in Christian culture

¹¹⁹ Penn, *When Christians First Met Muslims*, 83-4. Penn notes that the historical author conflates the Arab-Muslim conquerors with pagan men throughout the text.

and raised in Christian doctrine or another was a major concern for both confessional communities, especially the Christian community.

In one of the letters to Jacob of Edessa, Addai addressed this concern. In *Letter #58* Addai wrote to Jacob, “Is it appropriate for a priest to teach the children of Hagarenes who have the authority to punish him if he does not teach?” Addai first asked, was it permissible for a Christian priest to teach Hagarene children? Secondly he asked, was it permissible even if that Arab-Muslim had the power to punish him if the priest decided not to teach Hagarene children? In other words, he asked Jacob if he should teach Arab-Muslim children, even if he refused and those Arab-Muslims in positions of power forced him to teach them? What Addai was to teach these Hagarene children was Christian doctrine. Jacob answered, “It is necessity that also permits this. As for me, I say that this in no way harms either he [i.e. the priest] who teaches or the faith. [This would be permitted] even if it were not [for] having the authority to punish. For often from such things arises much benefit.”¹²⁰ The text is not clear here about what priests exactly taught, but given the context of the letter and the fluid social-religious boundaries, the passage gives the impression of teaching religious doctrine. The text even stated, “...this in no way harms either [the priest] who teaches or the faith,” meaning Jacob encouraged clergy to teach Christian doctrine. Therefore, the ‘harm’, then, would have been either not teaching at all or teaching ‘incorrect’ beliefs to Hagarene children, according to Jacob of Edessa.

**The Third Legal Documents:
*The Early Surrender Agreements and Sulh Compacts With the Conquered***

The *sulh* surrender agreements were between conquered inhabitants of cities and towns and Arab-Muslim conquerors. While they are not nearly as detailed as the covenants between the

¹²⁰ Ibid., 164.

Prophet Muhammad and the Christians, they do, however, share many similarities. The *sulh* treaties present glimpses into the surrender rights and social-religious liberties granted to the Christians as a result of agreement through conquest.

Early surrender agreements' legal structures internally verify their authenticity as documents written approximately at the time of the Arab-Muslim conquests from the 620s through the 690s. Milka Levy-Rubin and Al-Qadi both substantiate later surrender agreements as authentic in the texts of Abū 'Ubāyad, Al-Tabbarī, Al-Balahdurī, and Abū Yūsuf. Levy-Rubin argues, "Rather than making them suspect, the structure of the Muslim agreements, as well as their uniformity, confirms their connection to the ancient treaties and supports their authenticity."¹²¹ To list every *sulh* treaty and engage in minute internal text-critical analysis would be beyond the scope of this thesis. Therefore, I will limit my analysis to a couple *sulh* texts.

To be sure, when the Arab-Muslims ventured out of Arabia they encountered Byzantine and Persian military opposition in regions, garrison towns, and cities. Byzantine and Persian imperial armies had been waging war against each other, which led to the exhaustion of soldiers and supplies. This made it difficult to repel the desert invaders. Moreover, non-Muslim accounts of the initial conquests present problems with the *Covenants of the Prophet Muhammad with the Christians of the World* texts. The problem is situated in the apparent contradiction in the covenants because they obligated Arab-Muslims to grant Christians social-religious liberties and "whoever contravene[d] the covenant of Allah and act[ed] to the contrary is a rebel against his

¹²¹ Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 40-41, 50, 57. She writes, "Al-Qadi notes that the uniformity of the structure supports the authenticity of the documents. Indeed this formal legal structure of the amān agreements as well as their elaboration and sophistication, which made them so suspect in the eyes of many [scholars], was in fact not a late anachronistic invention of Muslim jurists, but rather an adaptation of the common Near Eastern tradition, specifically the Graeco-Roman tradition in the East."

covenant and his Messenger.”¹²² Given that non-Muslim sources show evidence where the Arab-Muslim conquered and killed many Christian inhabitants and destroyed churches, there appears to be an inconsistency. If the covenant texts existed and Arab-Muslims enacted them during the conquest period, then Arab-Muslims appear to have ignored these edicts.

This very well may have been because of the mixed Arab-Muslim coalition of peoples within the Arab-Muslim community and conquests.¹²³ But, that does not logically align because the same Arab-Muslims, Arab-Jews, and Arab-Christians would not disregard the *Covenants of the Prophet Muhammad with the Christians of the World* texts or the *Constitution of Medina* as foundations to the social-political-religious fabric of their movement. Assuming the covenants are authentic, they would have specifically obligated Arab-Muslims, not necessarily any other monotheistic tribe within the *umma*. Another possibility could have been that other pagan Arab tribesmen might have heard of the Arab-Muslims’ successful conquests and, therefore, capitalized on the venture. Thus, this may have produced mixed accounts of aggressive, non-tolerant, and apparently contradictory actions against conquered.

For example, in the earliest extant text referencing the Arab-Muslim conquests, the *Account of A.D. 637*, an anonymous author recounted:

Muhammad...priest, Mār Elijah...and they came...and...from...strong...month...and the Romans {fled}...And in January {the people} of Emesa received assurances for their lives. Many villages were destroyed through the killing by {the Arabs of} Muhammad and many people were killed. And captives {were taken} from the Galilee to Bēt...The Romans pursued them...the Romans fled from Damascus...many, about ten thousand. On the twentieth of August in the year nine hundred and forty-seven [A.D. 636] there assembled in Gabitha...the Romans and many people were killed, from the Romans about fifty thousand....¹²⁴

¹²² See Morrow, *Covenants*, 205-320.

¹²³ See n. 49.

¹²⁴ Penn, *When Christians First Met Muslims*, 23-4. The city of Emesa is the Greek rendition of the city of Homs in Syria. In the cross examination of Al-Balāhduri’s *Kitāb Fūṭuh al-Buldan*, he recorded that the peoples of Hims [Emesa] resisted with force but then after the Greek Emperor Heraclius retreated, the people of Hims capitulated. See Al-Balāhduri, *Kitāb Fūṭuh al-Buldan*, 200-201.

The author affirmed that Byzantine military forces engaged Arab-Muslim forces and Arab-Muslims vanquished a substantial number of soldiers. To have engaged and killed Greek or Persian soldiers did not contradict the covenant texts. However, the scribe also recounted the destruction of various villages and deaths of numerous people. This was common to the nature of conquest in general, and may have been the author's established method of communicating widespread events of military defeats and invasion.

Another anonymous author wrote an account close to the same time and noted deaths of thousands. In the *Chronicle of A.D. 640*, the author documented the Arabs of Muhammad fighting the Greeks and revealed:

About four thousand poor villagers from Palestine-Christians, Jews, and Samaritans-were killed, and the Arabs destroyed the whole region. In the year 947 [A.D.635/36]...the Arabs invaded all Syria and went down to Persia and conquered it. They ascended the mountain of Mardin, and the Arabs killed many monks in Qedar and Bnātā. The blessed Simon, the door-keeper of Qedar, the brother of Thomas the priest, died there.¹²⁵

Because of the momentum propelled by the Arab-Muslims' success of surrendering cities and regions, and the lack of Byzantine or Persian military power to counter the incursions, other non-Muslim Arab tribes and invaders may have joined Muhammad's Arab-Muslim movement into the realms of the Byzantine and Persian empires. This approach could help explain varied contradictory evidence reported among non-Muslim texts describing the initial conquests. As already examined, the early Arab-Muslim *umma* and conquerors consisted of mixed inter-religious confessional communities.¹²⁶ Moreover, this also could help explain the internal evidence of non-Muslim sources noting mixed religious communions with Christians, Arab-

¹²⁵ Penn, *When Christians First Met Muslims*, 28.

¹²⁶ See Hoyland, *In God's Path*, 60, 259. Also see Penn, *When Christians First Met Muslims*, 92. See Chapter 2 n. 35.

Muslim Hagarenes, and pagans; or other Arab non-Muslims may have capitalized on the emergent successes of the Arab-Muslims in the surrounding regions, having taken their own approaches to conquest.

The last previous statement in the *Account of A.D. 637* was a general reference, not specific to the peoples of Emesa. What is significant is the text revealed that as Arab-Muslims invaded Syria they assured surrender rights via agreements with the conquered peoples of Emesa [i.e. Hims or Homs]. Al-Balāhduri documented the *sulh* pact between the inhabitants in the *Kitāb Fūṭuh al-Buldan*.

When they met in Hims [Emesa], the people of the city resisted them, but finally sought refuge in the city and asked for safety and capitulation....The Moslems guaranteed their safety and refrained from killing them....The people of Hims capitulated, and he [Abu-'Ubaidah] guaranteed the safety of their lives, possessions, city-wall, churches, and well excluding one-fourth of St. Johns Church which was to be turned into a mosque. He made it a condition on those of them who would not embrace Islam to pay *kharaj*.¹²⁷

The internal evidence of the two texts revealed that inhabitants of Emesa received 'dhimmī' (i.e. protection) in terms of their lives, possessions, churches, and method of living as a result of surrender and paying taxes. That Arab-Muslims stipulated one-fourth of St. John's Church be converted into a mosque, however, is intriguing. Given the church's precedent and position in the city of Damascus, the conquerors may have turned one quarter of that particular church into a mosque in order to reprimand the inhabitants for resisting, as indicated in the first line of the text. The Arab-Muslims also may have converted one quarter of the church into a mosque in order to establish a place of worship in the urban area instead of in an *amsar* garrison town because of the size of Damascus. This internal evidence in a Muslim *sulh* may attest to the crossing and blurring boundaries of social-religious ritual and worship as perviously indicated in the non-Muslim texts

¹²⁷Al-Balāhduri's *Kitāb Fūṭuh al-Buldan*, 200-201.

of Jacob of Edessa, Anastasius of Balad, John Bar Penkāyē, Isho‘ahb III, and the anonymous author of the *Maronite Chronicle*.

Regarding the *Constitution of Media* and the covenant texts, textual comparison in the *sulh* also adduced particular circumstances of capitulation based on the nature and context of surrender in the Near East. The example adduced mirrors in style and content of most *sulh* agreements between the conquerors and the conquered.¹²⁸ Inhabitants made an agreement for a method of living and protection of their lives, property, and religious buildings insofar as they paid taxes.

In the *sulh* at Hims, Arab-Muslims conquerors specifically codified protections for the conquered Christians. In the conquest of Damascus, Khālīd ibn al-Walīd, having met with the city’s bishop, both discussed terms of surrender. The conquerors wrote a surrender treaty in which both parties agreed. The *sulh* stated:

In the name of Allah, the compassionate, the merciful. This is what Khālīd would grant to the inhabitants of Damascus, if he enters therein: he promises to give them security for their lives, property and churches. Their city-wall shall not be demolished; neither shall any Moslem be quartered in their houses. Thereunto we give to them the *pact of Allah and the protection of his Prophet*, the caliphs and the ‘Believers’. So long as they pay the poll-tax nothing but good shall befall them.¹²⁹

Thus, the Christians of Damascus surrendered to the Arab-Muslim conquerors, and paid poll taxes in exchange for protection of their lives, property, churches, and ways of living. If they did,

¹²⁸ It was common to see in the *sulh* agreements throughout Abū ‘Ubayad’s *Kitāb al-Amwāl*, Al-Tabbari’s *Ta’rihk*, Al-Shafī’ī’s *Kitāb al-Umm*, Abu Yusuf’s *Kitāb al-Kharaj*, and Al-Balāhduri’s *Kitāb Fūṭuh al-Buldan*, where the text stated that an Arab-Muslim general conquered a various peoples or city and then moved on to the next. Afterwards, the text invariably revealed the *sulh* agreement and then declared that the inhabitants of the conquered town agreed to similar terms or the same terms as the prior capitulated city. See Al-Balāhduri’s *Kitāb Fūṭuh al-Buldan*, 202. He wrote, “Thence he came to Fāmīyah whose people met him [‘Abu-‘Ubaidah] in the same was and consented to pay poll-tax and *kharaj* [thus surrendering].” Also see Hill, *The Termination of the Hostilities in the Early Arab Conquests A.D. 634-656* (London: Luzac & Co. Ltd., 1971).

¹²⁹ See Al-Balāhduri’s *Kitāb Fūṭuh al-Buldan*, 186-87, emphasis added mine. One must note here that in the prior section of the text the author noted the Arab-Muslim capture of the city, “Al-Ghūtah and its churches the Moslems took by force.” This was because of their resistance.

‘nothing but good shall befall them.’ However, the significant line in this *sulh* is in the fourth sentence of the text. Khālīd, the Arab-Muslim commander, gave the conquered peoples ‘the pact of Allah and the protection of his Prophet, the caliphs and the ‘Believers.’” Although this *sulh* postdates the events it purports to describe, there are nuggets of textual validity in the agreement. The identification of the ‘caliphs’ instead of ‘the commander of the believers’ was an anachronism Al-Balāduri projected onto the conquest era. Closer contemporary Muslim texts distinguished Arab-Muslim leaders not as caliphs, as would an 8th or 9th century author, but rather as ‘commander of the believers.’¹³⁰ Nevertheless, ‘the pact of Allah and protection of his Prophet’ within the passage conveys inferred evidence of the pact possibly being one of the *Covenants of the Prophet Muhammad with the Christians of the World* texts. Moreover, that the passage also mentioned the ‘Believers’ infers internal evidence of possible inclusive elements seen in early Muslim and non-Muslim texts.¹³¹

The *sulh* texts demonstrate several important characteristics of the conquest period. First, they illustrate local military commanders handled surrender agreements and stipulations between the conquered peoples and Arab-Muslim conquerors. Second, they demonstrate each surrender compact and the terms agreed to differed in each treaty due to local concerns or consequences resulting from either obstinate military resistance or complete capitulation. Third, they reveal the conquered peoples, primarily Christians, were able to retain their lives, possessions, and churches as well as their *modus vivendi et status quo ante* predicated on annual payment of the *jizya* and *kharaj* taxes or the equivalent therein. This is confirmed in the *Covenants of Muhammad with the Christians of the World* texts and the *Constitution of Medina* in addition to

¹³⁰ Donner, *Muhammad and the Believers*, 99.

¹³¹ See n. 37 in this chapter.

contemporary non-Muslim sources. Fourth, the texts' composition attest to authenticity, but their content differs drastically from the covenant texts between Muhammad and the Christians; the *sulh* texts are not as specifically detailed, however, they share many similarities. Fifth, and most importantly, the similarity in the *sulh* treaties, just like the *Constitution of Medina* and the *Covenants of the Prophet Muhammad with the Christians of the World* texts, is they do not mention anywhere anything specifically protecting or prohibiting Christian apologetic discourse, disputation, or proselytization. What is often seen in texts are important, but also what is not seen is equally important. The absence of evidence concerning Christian apologetic and proselytization was due to the pre-established and ongoing social-religious freedoms of conquered Christians in coexistence with and guaranteed protection from the Arab-Muslim conquerors.¹³²

The authenticity of the covenants needs to be reexamined. If the covenants are not authentic, but rather forgeries of monks in the later Umayyad and 'Abbasid eras, then it still strongly contributes to the fact that prior protected Christian social-religious liberties composed in the *sulh* treaties and evident in non-Muslim sources were being altered. If so, Christian communities attempted to prove to the Islamic governing authorities of how such confessional communities were treated in the past and the present, according to the Prophet Muhammad. What is most striking about this analysis is the fact that if Scher and Wood are correct that the covenant texts were later counterfeits, then why would monks, authoring them at the time of the Umayyad and 'Abbasid eras, not write in the protection of Christian proselytization and apologetics? Because Christian apologetics increased in quantity and quality from real-life

¹³² Other reasons included the lack of certainty that the conquerors would remain as their overlords, and the idea circulated throughout the Near East of the end of the world during this time period. If people believed the end of the world was imminent, then why would they convert their religious convictions to another faith rather than remaining entrenched into their own religion? See n. 113.

debate and dialogue within the Muslim confessional communities, where Christians crossed over those boundaries and challenged others faiths in addition to defending their own, it attests to the authenticity of the covenant texts, the *sulh* texts, and non-Muslim texts in social-religious milieu of the conquest era to the Abbasid's. Moreover, the universal covenants *Shurūt 'Umar*, Abu Yusuf's *Account on Dhimmīs*, and *Shafi'i's Version of the Pact to be Accorded to Non-Muslim Subjects*, specifically address and emphasize prohibition of Christians from participating in either. Given the flexible social-religious boundaries and *modus vivendi et status quo ante* for Christians coexisting with Arab-Muslims indicates that Christians would not immediately author apologetics concerning Arab-Muslims. Moreover, given the inclusive elements of the early Arab-Muslim *umma* and conquered communities, Muslims initially tolerated social-religious liberties of protected surrendered peoples in their realms. This, then, presents a problem with the *sulh* treaties and the covenants of the *conquest* period because those texts, in addition to non-Muslim sources, corroborate internal and external evidences of each other. Therefore, if this is indeed accurate, then it might also contribute to the historical analysis of Tritton, Fattal, Miller, and Levy-Rubin because we can add these covenant texts to the grouping of *sulh* treaties, which were later redacted and reconsidered for the single social-religious complex of the *Shurūt 'Umar*. In other words, due to this analysis and discovery, this could be not only another major Muslim point of origin source in the covenant texts, but the covenants, in addition to the *sulh*, could have been the texts later Muslim jurists redacted and relegated in order to implement and enforce a new umbrella system of law in the *Shurūt 'Umar* instead of diverse, competing local legal systems.

The earliest Christian apologetic texts from the conquest era are significant because they adduce evidence which attests to Christians' gradual understanding of the Arab-Muslim faith and

shows their intermingling over time. Following this line of reasoning to its logical conclusion it would make sense that the earliest Christian apologetic texts and engagements would be focused on other Christian sects rather than Arab-Muslims straightaway; this is evident in the internal evidence of the earliest Christian apologetic records.

Apologetic discourse and disputation did not take place because of the immediate nature of conquest and surrender. Rather, internal confessional communal literature such as Christian apocalyptic texts, letters, encyclicals of synods, and scribbled folios emerged. Another possible reason why apocalyptic rather than apologetic authorship emerged first was because many people thought the end of the world was near during this time. Moreover, there is little evidence to suggest rapid conversion from the 640s to 680s because of this eschatological belief in the Qur'an.¹³³

The earliest Christian apologetic text emerged c. A.D.634/A.H.12, and gave the impression of an apocalyptic rather than an apologetic proselytization work.¹³⁴ That apologetic tract was from a translated Greek to Latin text entitled *Doctrina Jacobi*, 'The Teachings of Jacob.' Unlike later Christian apologetic texts, the *Doctrina Jacobi* imparted apologetic meaning via narrative rather than strategic logical articulation in argument. It described the journey of a Jew, Jacob, whom Byzantine Christians forcibly converted to Christianity, but who later 'embraced this conversion' after carefully studying the scriptures.¹³⁵ He traveled and attempted to convert other skeptical Jews to Christianity. While in Palestine, he encountered a man named

¹³³ Chase F. Robinson, *Abd al-Malik: Makers of the Muslim World* (Oxford: Oneworld Publishing, 2012), 65. Hoyland, "Early Islam as a Late Antique Religion," 1066-67. Also see Stephen J. Shoemaker, *The Death of a Prophet: The End of Muhammad's Life and the Beginnings of Islam* (Philadelphia: University of Pennsylvania Press, 2012), 119.

¹³⁴ Hoyland, *Seeing Islam As Others Saw It*, 55, 58-60. See the footnote #14 on page 58-9 in Hoyland. He argues that according to Nau's, '*La didascalie de Jacobo*,' the text dates to 640, but also notes that if the author was dating from the time of the crucifixion of Christ, then based off the internal evidence, it would yield a date of c. 680.

¹³⁵ Ibid. See Hoyland.

Justus who informed Jacob of the rise of a false prophet. In a letter from Justus' brother, Abraham in Caesarea, informed Jacob:

And they were saying that the prophet had appeared, coming with the Saracens, and that he was proclaiming the advent of the anointed one, the Christ who was to come. I having arrived at Sykamina, stopped by a certain old man well-versed in the scriptures, and I said to him: 'What can you tell me about the prophet who has appeared with the Saracens?' He replied... 'He is false, for the prophets do not come armed with a sword. Truly they are works of anarchy being committed today and I fear that the first Christ to come, whom the Christians worship, was the one sent by God and we instead are preparing to receive the Antichrist....I inquired and heard from those who had met him that there was no truth to be found in the so-called prophet, only the shedding of men's blood. He says also that he has the keys of paradise, which is incredible.¹³⁶

This text tells us how early conquered Greek Christians, likely located in Syria-Palestine or Egyptian regions, viewed the invaders as Saracens, not Muslim attackers. According to the Christian author writing to Jewish and Christian audiences, the Saracen prophetic leader was false because he violently besieged cities and killed people, telling his followers he had the 'keys to paradise,' which the author opined as unbelievable. Therefore, the Christ who came before was the correct Christ because, in contrast to the Saracen prophet, he had not advocated violent conquest.¹³⁷ This text focused on Jews and other Christians in order to forewarn contemporary religious believers from joining the Saracens, especially because Jews were awaiting their messiah and prophet of God.¹³⁸ Interestingly, this first ostensible apologetic text¹³⁹ expressed some religious beliefs of the Arab-Muslims and identified the invaders as Saracens, not as Muslims with specific beliefs. The passage attests to unclear, indeterminate religious beliefs of

¹³⁶ Ibid., 57.

¹³⁷ Contrast this with what the Christian author, Agapius wrote in his records on the rule of Mu'āwiya and 'Abd al-Malik. See Robert Hoyland, "Agapius on the Reigns of Mu'āwiya and 'Abd al-Malik", 8, accessed https://www.academia.edu/24689593/Agapius_on_the_reigns_of_Muawiyah_and_Abd_al-Malik. After establishing a *sulh* in the region of al-Anbār, Agapius wrote, "They came to an agreement with a written text, conditions and witnesses....The people gave allegiance to him [Mu'āwiya]...Al-Hasan ibn 'Alī returned to Medina. He was asked what he had done and he said: 'I hated (to spill) blood and I saw that the men of Kufa were a people not even one of whom could be trusted...'"

¹³⁸ Hoyland, *Seeing Islam As Others Saw It*, 56-9.

¹³⁹ Ibid., 58-60. See Hoyland's analysis of the potential dating for this text. See my footnote n. 134.

the conquerors. The next apologetic text of the conquest era adduced a gradual understanding of the Arab-Muslim religious beliefs, and presents more articulate responses to those insights.

In Jacob of Edessa's third letter to John the Stylite c. A.D.680/A.H.58, John asked him about the arrival of Christ and as to whether or not Jesus actually appeared on earth. Moreover, John asked how to trace Christ's historical emergence via the Davidic kingship in the Old Testament. The reason John the Stylite solicited Jacob was because Hagaranes questioned the divinity and physicality of Jesus as God. This is what Jacob meant when he wrote, "But because they [the Hagaranes] are not able to distinguish word from spirit, in their ignorance they add that he [Jesus] is the spirit of God, just as they do not consent to call Christ God or the son of God."¹⁴⁰ This is significant because it indicates Christian understandings of early Arab-Muslim religious beliefs in contrast. What is more significant is what Jacob later wrote in the same letter. He encouraged John the Stylite to teach others and to engage in direct apologetic debate with the Arab-Muslims and other Christians in order to "witness the truth." Jacob wrote:

...I want the truth to be witnessed by this compelling and true syllogism established by us and not by words from superfluous stories. If there should be some man—whether he should be a Hagarane or a Christian—who converses with you, asks you, and inquires about this, if he is rational...he will understand the syllogism. When he hears it, without dispute and of his own accord he will witness the truth. These things that have been said suffice to clearly show a Christian or a Hagarane who disputes this that the holy Virgin Mary was from the line of David.¹⁴¹

This again testified that early Christians engaged in apologetic discourse with competing Christian sects, instructed ignorant members of their own confessional communities, and debated Arab-Muslims coexisting within or nearby those communities. Jacob of Edessa gives the notion that Hagaranes denied the incarnation of God in the person of Christ. More detailed than the account in the *Doctrina Jacobii*, we see an increased awareness of Christian understandings of

¹⁴⁰ Penn, *When Christians First Met Muslims*, 170-71.

¹⁴¹ *Ibid.*, 172-73. The syllogism is never presented in the text. The historical author never wrote it.

Arab-Muslim beliefs and their disagreement about the nature and divinity of Christ. Moreover, we also see Christian clergy promoting the use of logical syllogisms and scriptural exegesis to argue with Arab-Muslims.

Another significant apologetic text that emerged c. A.D.680-700/A.H.58-78 was Anastasius of Sinai's *Hodēgos*, or 'The Guide.' Anastasius of Sinai lived during the conquest era and went to the island of Cyprus under the reign of Mu'āwiya.¹⁴² He moved to the monastery of St. Catherine's at Mount Sinai and served as a Melkite Christian monk. Anastasius travelled throughout the conquered lands and conversed with Arab-Muslims; he later composed these interactions in the book, *Hodēgos*, when he returned to the monastery in A.D. 680.¹⁴³ What is most remarkable is that Anastasius of Sinai composed the first written apologetic text reflecting the social-religious cultural context of the conquest era from the 630s-680s, before the Umayyad caliphate's social-religious stipulations, laws, and boundaries. Scholars argue the *Hodēgos* was composed much earlier than A.D. 680, while others argue a *terminus ante quem* date at c. 690-700. This does not necessarily matter because it does not logically remove the earlier interactions Anastasius of Sinai documented from his travels before he completed his final draft in 690 or 700.

In the *Hodēgos* Anastasius was primarily concerned with competing Christian sects such as the Monophysites more than the Arab-Muslim beliefs.¹⁴⁴ Yet, he focused on and documented Arab-Muslims' beliefs. According to Sidney Griffith, Anastasius thought the combined theological beliefs of Monophysitism and its Severan approach were responsible for the heresy of

¹⁴² Hoyland, *Seeing Islam As Others Saw It*, 94.

¹⁴³ Sidney H. Griffith, "Anastasios of Sinai, the *Hodēgos*, and the Muslims," *The Greek Orthodox Theological Review* 32 no. 4 (1987): 341-58, 342.

¹⁴⁴ *Ibid.*

the Arabs written in the Qur'an.¹⁴⁵ Therefore, Anastasius wrote how Christians ought to engage Arab-Muslims in theological discourse. The *Hodēgos* was a Melkite Christian handbook of questions about various heresies and offered apologetic tactics on how to dispute other sects' beliefs.

When debating Arab-Muslims, Anastasius of Sinai advised Christians control and correct the frame of the conversation immediately. He wrote, "Before any discussion we must first anathematize all the false notions which our adversaries might entertain about us. Thus, when we wish to debate with the Arabs, we first anathematize whoever says two gods...."¹⁴⁶ A Christian was to first and foremost clarify to the Arabs that Christians were not polytheists and worshipped only a single deity. Anastasius continued, "...or whoever says that God has carnally begotten a son, or whoever worships as god any created thing at all, in heaven or on earth."¹⁴⁷ This second excerpt in the text indicated an awareness of the Arab-Muslim theological position and protest. According to Anastasius, Arab-Muslims literally thought Christians believed God carnally copulated and married a women who birthed Christ, and he was wholly man and wholly divine.¹⁴⁸

Also significant was Anastasius of Sinai's identification of the desert invaders and their religion as being 'of the Arabs,' not Muslims or a religion of Islam. The text stated, "ὄτε πρὸς

¹⁴⁵ Ibid.

¹⁴⁶ Hoyland, *Seeing Islam As Others Saw It*, 94. Also see Karl-Heinz Uthemann, *Anastasii Sinaitae Viae Dux* (Turnhout: Corpus Christianorum Series Graeca 8, 1981), xxxii-lxiv.

ὄτι δεῖ ἡμᾶς πρὸ παντοῦ λόγῳ ἀναθεματίζειν ὅσας ἑπολήψεις ψευθεῖς ὑπολαμβάνει περὶ ἡμῶν ὁ δι' ἐναντίας, οἷον, ὅτε πρὸς Ἄραβας μέλλομεν διαλέγεσθαι, προαναθεματίζωμεν τὸν λέγοντα δύο θεούς, ἢ τὸν λέγοντα, ὅτι ἐγέννησεν ὁ θεὸς σαρκικῶς θίόν, ἢ τὸν προσκυνῶντα ὡς θεὸν οἰονδήποτε κτίσμα ἐν οὐρανῷ ἢ ἐπὶ γῆς. ὁμοίως καὶ πρὸς τὰς λοιπὰς αἱρέσεις χρὴ προαναθεματίζειν ὅσας περὶ ἡμῶν ψευθεῖς ὑπονοίας περὶ πίστεως ἔχουσιν ταῦτα γὰρ ἀκούοντες προθυμότερος καὶ τὰ λοιπὰ δέχοντα.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid., 94. There were other various competing Christian sects that argued opposing viewpoints on the nature and deity of Christ, which only led to further confusion among the Arab-Muslim conquerors understanding what their Christian dhimmī subjects believed.

Ἄραβας μέλλομεν,” when we wish to debate toward the Arabs, Ἄραβας. Commonly found throughout early non-Muslim texts in the conquest era up to the Umayyad caliphate, Christian writers acknowledged the invaders as Arabs, Saracens, Hagarenes or Tayāyye, not as Muslims, and Christians did not recognize a universal Islamic religion.¹⁴⁹ Therefore, Anastasius lumped the religious-cult of the Arabs in with other Christian heresies. Even though the text mentioned Arabs and little knowledge of Islamic doctrine, the primary purpose for the book was to rebuke and correct other Christian sectarian beliefs. Nevertheless, Anastasius of Sinai addressed Arab-Muslim beliefs adduced in the Qur’an, having demonstrated an increased knowledge of the invaders’ beliefs, and methods of defining, defending, and proselytizing Christian beliefs across porous social-religious boundaries. Anastasius not only identified theological differences between Arab-Muslims and Christians, but revealed Christians also possibly participated in ‘real-life’ debates with Arab-Muslims in a fluid social-religious setting.

In conclusion, because of the protected social-religious liberties of the conquered peoples and the inclusive elements evidenced in the *Constitution of Medina*, the *Covenants of the Prophet Muhammad with the Christians of the World*, and the *sulh* treaties, there was no initial incentive for Christians to have produced apologetic texts because the conquered Christians did not know how long the conquerors would remain; they did not fully understand the religious beliefs of the invaders, especially given the mixed social-religious milieu and ritual practices; and, there was no pressing need to author apologetics because the conquered peoples’ methods of religious living were protected in the agreements. Moreover, due to the commonly held belief in

¹⁴⁹ See Penn, *When Christians First Met Muslims*, 18-20. Also see Penn, *Envisioning Islam*, 20-1, 27, 36-7.

the near end of the world, not many peoples converted to new faiths, thinking theirs could have been correct one.

In the next chapter I will argue Christian apologetic discourse emerged because of this syncretized milieu in addition to the gradual understanding of the Arab-Muslim religion. Christian apologetics and proselytization grew in quality and quantity, and Christians pressed in on the social-religious boundaries the Umayyad's endeavored to establish and enforce.

CHAPTER II

Shifting Landscapes:

“Islamization” of ‘Abd al-Malik and Christian Apologetic within the Development of Social-Religious Boundaries: 690s-750s

From A.D.622/A.H.1 to roughly A.D.690/A.H.68, Arab-Muslim conquerors moved from city to city, absorbing new lands formerly belonging to the Byzantine and Persian Empires. Arab-Muslims established covenants and surrender treaties with local non-Muslim populations of these new areas, permitting them to continue their means of living and religious practices as long as they paid tribute. As a result, conquered peoples became subjects after the conquest movement. The conquered populations were a majority while the conquerors were a minority.¹⁵⁰ The conquerors guaranteed conquered populations, primarily Christians, the freedom to continue their methods of living and worship uninterrupted. This led to contacts between religions and fluid social-religious boundaries between Christians and Arab-Muslims.

Given the nature and rapid expansion of conquest, the conquerors did not have the necessary time to establish a systematized imperial code of conduct. Consequently, the conquerors left many of the social and religious freedoms and administrative positions in place in order to maintain structure and stability.¹⁵¹ Arab-Muslim rulers were not interested in managing local peoples’ social-religious affairs because they delegated those concerns to local peoples themselves from the agreements in the *sulh* treaties and covenants. This, however, began to change when Abd al-Malik ruled c. A.D.685-705/A.H.63-83. With the pause of military conquest began the acceleration of political and cultural ‘conquest’ because the Arab-Muslims had

¹⁵⁰ Gerald R. Hawting, *The First Dynasty of Islam: The Umayyad Caliphate A.D. 661-750* (Carbondale: Southern Illinois University Press, 1987), 34.

¹⁵¹ Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (New York: Cambridge University Press, 2011), 58-60.

resources and time to consolidate their empire after both the conquests and two Arab-Muslim civil wars. ‘Abd al-Malik initiated Arabization and Islamization of the Umayyad Empire; that is, he and his successors publicized Arabic culture, language, and endorsed the official imperial religion of Islam.¹⁵²

As ‘Abd al-Malik systematized the Arab-Muslim conquests into an empire, he imposed direct control over the army, tax code, coinage, and social-religious matters throughout the lands under his control. In order to stabilize and consolidate the developing empire, he installed a bureaucracy. ‘Abd al-Malik reorganized prior Sufyanid Umayyad political, economic, and social practices, which had been organized as decentralized tribal governmental systems that *ashraf* Arab clan leaders guided. The *ashraf* acted as links between the official government and the Arab-Muslim tribes. ‘Abd al-Malik replaced the Sufyanid Umayyad imperial blueprints with a centralized government, removed the *ashrafs*’ power and position, and replaced them with *amīrs*,¹⁵³ who acted as direct, loyal representatives to regional governors and caliphs.¹⁵⁴ Thus, the governmental landscape shifted from a tribal rule of independent clan leaders governing from ‘bottom to top’ to an imperial rule of administrators governing from ‘top to bottom.’ This was to ensure more direct control over areas within the empire and prevent internal tribal rebellions or civil war.

¹⁵² Hawting, *The First Dynasty of Islam*, 1-2; 9-11. Also see *Theophilus of Edessa’s Chronicle: And the Circulation of Historical Knowledge in Late Antiquity and Early Islam*, translated and edited by Robert G. Hoyland (Liverpool: Liverpool University Press, 2011), 199-200. Theophanes the Confessor wrote, “He [i.e. Walid I, the successor of ‘Abd al-Malik] also forbade that the registers of the public offices should be written in Greek; instead they were to be expressed in Arabic, except for the numerals, because it is impossible in their language to write a unit or pair or a group of three or a half or a third. Fro this reason they have Christian notaries until this day.”

¹⁵³ *Ibid.*, 34-6. See Hawting. Amīrs acted as representatives of the caliph politically and religiously in a section of the Islamic Empire whereby he collected taxes, distributed soldiers’ pay, defended the borders and furthered conquests, and both organized and led public prayer.

¹⁵⁴ *Ibid.*, 61.

The gradual removal of the Sufyanid decentralized government into a centralized one spread throughout the conquered lands and affected the conquered peoples.¹⁵⁵ Changes effected by ‘Abd al-Malik and his successors’ interfered with the social and religious affairs of Christians by disregarding regional *sulh* treaties, which had protected and permitted conquered peoples’ methods of living and state before the conquests. Localized treaties and covenants written during the conquest and Sufyanid Umayyad periods did not ‘fit’ the new centralized mold. Furthermore, ‘Abd al-Malik and his successors delineated social-religious boundaries within the borders of the developing Islamic Empire. As a further result, Christian social-religious liberties gradually waned, and Christians reacted to these changes by shifting from apocalyptic to apologetic literary production.¹⁵⁶ ‘Abd al-Malik and his successors changed the government from an Arab-Muslim conquest movement into a concrete, recognizable Islamic Empire with both military and culturally-religious borders.¹⁵⁷

‘Abd al-Malik’s reforms included new tax codes, new coinage, new social-religious privileges for his subjects, and the public promotion of distinctly Islamic religious beliefs etched on buildings and coins, all of which affected Christians. First, increased tax burdens on non-Muslims who had been exempt before caused many to convert to Islam. Second, new coins and buildings more clearly conveyed and promoted Islamic religious beliefs. Third, these developments established more visible social-religious boundaries particularly between Muslims and Christians.

¹⁵⁵ Ibid., 35.

¹⁵⁶ Michael Philip Penn, *When Christians First Met Muslims: A Sourcebook of the Earliest Syriac Writings on Islam* (Oakland: University of California Press, 2015), 13-16.

¹⁵⁷ Robert Hoyland, “Early Islam as a Late Antique Religion,” in *The Oxford Handbook of Late Antiquity*, edited by Scott F. Johnson, 1053-77 (New York: Oxford University Press, 2015), 1056-57.

Although ‘Abd al-Malik’s tax codes for non-Muslims throughout the empire varied from region to region, taxes increased. In some instances, due to the form of surrender agreed to in *sulh* treaties, the conquered were not always required to pay *jizya* or *kharaj* taxes. Instead, the conquered provided payment by other means, such as service in the Arab-Muslim cavalry, weapon-smithing, or other transfers of goods.¹⁵⁸ ‘Abd al-Malik’s tax reforms, however, overlooked some of those precedents. According to the anonymous Syriac writer of the *Chronicle of Zuqnān*, all non-Muslim males were taxed:

‘Abd al-Malik made a census among the Syrians. He issued a swift decree stating that every person must go to his country, village, and paternal house to register his name and that of his father, as well as his vineyards, olive trees, cattle, children, and all that he owned. From this time on, the poll-tax began to be levied *on the male heads*, and all the calamities began to emerge against the Christian people....This was the first census the Arabs had made.¹⁵⁹

In some places where the poll-tax was introduced even monks and clergy were liable to pay it.¹⁶⁰ Accordingly, monks, priests, and bishops “who had been exempted...were now made increasingly liable, collection was made more regular, and rates were raised.”¹⁶¹

This was at variance with the *Covenants of the Prophet Muhammad with the Christians of the World*, and *sulh* treaties that specified the dispensation of clergy from taxation. As discovered in the previous chapter, the covenant texts exempted Christian monks, priests, and clergy from paying taxes because of their vocation. Some conquered peoples avoided taxation by moving to frontier districts or into remote monasteries.¹⁶² Many non-Muslims converted to the imperial religion of Islam in order to avoid paying required taxes. By apostatizing, new converts

¹⁵⁸ See n. 47 in chapter 2.

¹⁵⁹ *The Chronicle of Zuqnān Parts III and IV A.D. 488-775*, translated and edited by Amir Harrak (Toronto: Pontifical Institute of Medieval Studies, 1999), 147-48, emphasis added mine. Also see *Theophilus of Edessa’s Chronicle* translated and edited by Robert G. Hoyland (Liverpool: Liverpool University Press, 2011), 189. The chronicle records ‘Abd al-Malik’s slaughter of pigs in the land of Syria in the accounts of Theophanes and Agapius, but Michael the Syrian added what might have been some of the ‘calamities’ in that ‘Abd al-Malik “ordered that crosses should be taken down and pigs should be killed.”

¹⁶⁰ Chase F. Robinson, *‘Abd al-Malik: Makers of the Muslim World* (Oxford: Oneworld Publishing, 2012), 72. Also see Hawting, *The First Dynasty of Islam*, 70. Also see *The Chronicle of Zuqnān Parts III and IV*, 147-48.

¹⁶¹ Robinson, *Abd al-Malik*, 75-6.

¹⁶² *Ibid.*, 70.

gained not only taxation benefits, but also new economic opportunities and legal liberties. New converts left their farmlands and professions, moved away from outskirts villages into densely packed urban areas and Muslim garrison towns to join either the market economy or the Islamic imperial army.¹⁶³

Numerous conversions presented problems for the Umayyad Empire because most of the tax revenue that financed the government came from non-Muslims by means of *jizya* poll-taxes and *kharaj* land taxes, both of which would be substantially reduced if many converted, according to Gerald Hawting, “To prevent this decline in revenue the government or local notables...either tried to prevent conversion to Islam or took no account of it when collecting taxes.”¹⁶⁴ In other words, the Umayyad government required new converts to continue paying non-Muslim taxes.¹⁶⁵ Thus, ‘Abd al-Malik and his successors disregarded earlier legal precedents concerning Christian clergy, and the previous elements of inclusivity shifted to more definite denominational markings.

From c. A.D.691-92/A.H.69-70, ‘Abd al-Malik minted coins throughout the empire. The coins reveal some of the earliest textual evidence of Muslim religious beliefs apart from the Qur’an.¹⁶⁶ As both Muslims and non-Muslims throughout the empire handled business transactions, the coins were a ubiquitous and quotidian reminder of official Islamic beliefs. Such texts and symbols were not only a public promotion of Islamic religious tenets; they were also

¹⁶³ Hawting, *The First Dynasty of Islam*, 79.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*, 77. See Hawting. He elucidates that the religious identity of ‘Muslims’ or ‘Islam’ was still being developed, and that the exemption from taxation was predicated on Arab ethnicity of a ruling class rather than an Islamic religion.

¹⁶⁶ Hoyland, *Seeing Islam As Others Saw It*, 32-40; 687-95.

prompts to the conquered that they were within a new realm of solid social-religious perimeters, and that the new empire was to endure.¹⁶⁷

‘Abd al-Malik ordered the removal of Christian icons and symbols from Byzantine coins. Instead, he replaced the crosses on coins with a pole holding an orb.¹⁶⁸ In Mu‘āwīya’s effort to standardize coinage Christians spurned the coins and ‘unrecognized’ them because they did not have Christian crosses or symbols.¹⁶⁹ In ‘Abd al-Malik’s effort to standardize coinage Christians had little choice but to accept them as the official medium of exchange and ‘recognized’ them. This reflected major policy and cultural change under ‘Abd al-Malik. Mu‘āwīya seems to have halted minting coins in an attempt to placate conquered Christians because they lacked crosses.¹⁷⁰ ‘Abd al-Malik’s mints promulgated official Islamic religious beliefs in dismissive fashion. Islamic religious statements etched in the coins differentiated Christian beliefs directly and polemically in public. Mu‘āwīya’s administration stamped coins with the text, “Mu‘āwīya, commander of the faithful” in Persian and Arabic, and “In the name of God,” yet there was no pronounced difference between Arab-Muslim and conquered peoples’ religious tenets.¹⁷¹ Instead, ‘Abd al-Malik’s administration expounded upon the legends of earlier coins. For example, on an Arab-Sassanian coin of the Umayyad governor of Basra, Khālīd ibn ‘Abd Allāh, dated to A.D. 690-91/A.H.68-9 and contemporaneous with ‘Abd al-Malik, the impressed text read, “In the

¹⁶⁷ Penn, *When Christians First Met Muslims*, 13.

¹⁶⁸ Robinson, ‘*Abd al-Malik*, 78-9.

¹⁶⁹ Michael Philip Penn, *When Christians First Met Muslims*, 58. The text stated, “He [i.e. Mu‘āwīya] struck both gold and silver [coinage], but it was not accepted because it did not have a cross on it.” Also 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), 690.

¹⁷⁰ Robinson, ‘*Abd al-Malik*, 79.

¹⁷¹ Hoyland, *Seeing Islam As Others Saw It*, 692. Note here that The early Arab-Muslim community prescribed the title of “commander of the believers” ‘amr al-mū’minīn’ rather than caliph, which appeared much later in the Muslim historical texts of the 8th and 9th centuries of the Umayyad and Abbasid eras. Moreover, the title ‘commander of the believers’ rather than ‘caliph’ was commonly noted in early non-Muslim texts. That common feature was attributed to a high-ranking Arab-Muslim official in a dispute or as arbiter or as a witness interpolated in later texts in order to anchor authenticity of Umayyad and Abbasid hegemony.

name of God, Muhammad is the messenger of God.”¹⁷² Another example of gold and silver coins ‘Abd al-Malik minted in A.D.696/A.H.77 displayed the following: “There is no god but God alone, He has no associate. Muhammad is the messenger of God whom He sent with guidance and the religion of truth that He might make it prevail over all religion. God the one, God the eternal, He did not beget and was not begotten. In the name of God.”¹⁷³ This also not only reveals the decentralized Sufyanid system of rule during Mu‘āwīya’s reign, but also reflects fluid social-religious boundaries between the conquerors and conquered during the pre-‘Abd al-Malik era.

These Islamic creedal statements circulated throughout the early Islamic Empire, and were also engraved on the outer walls and inner ambulatory of the Dome of the Rock in Jerusalem. ‘Abd al-Malik ordered the construction of the Dome of the Rock in A.D.691-92/A.H. 72-73 on the Temple Mount in Jerusalem in order to publicly promote Islamic religious tenets at an important place central to other monotheists within his realm.¹⁷⁴ More specifically, the texts on the Dome of the Rock expressed Islamic religious beliefs in statements antithetical to Christian beliefs. Similar to the anionic coins, but more detailed, the texts on the outer walls read:

Muhammad is the servant of God and His messenger. O People of the Book, do not exaggerate in your religion and only say the truth about God. The Messiah Jesus son of Mary was only a messenger of God, and His word which He committed to Mary, and a spirit from Him. So believe in God and His messengers and do not say ‘three;’ refrain, it is better for you. God is only one god; he is too exalted to have a son. His is all that is in the heavens and on earth....O God, incline unto your messenger and your servant Jesus son of Mary....Such was Jesus son of Mary;

¹⁷² Ibid., 695.

¹⁷³ Ibid., 699-700. Also see Penn, *When Christians First Met Muslims*, 13.

¹⁷⁴ Robert Hoyland, “New Documentary Texts and the Early Islamic State,” *Bulletin of the School of Oriental and African Studies* no. 69 vol. 3, (2006): 409. Arrieta Papaconstantinou, “Between *Umma* and *Dhimma*: The Christians of the Middle East under the Umayyads,” *Annales Islamologiques* vol. 42 (2008): 140. Scholars continue to debate ‘Abd al-Malik’s reasons for building the Dome of the Rock. See for example: Oleg Grabar, *The Dome of the Rock* (Cambridge: Belknap Press, 2006). Also see Hawting, 46-52, and Robinson, 95-100.

a statement of the truth concerning which they are in doubt. It is not for God to take a son, glory be to him.¹⁷⁵

Thus, on coins, buildings, and milestones¹⁷⁶ were similar Islamic creedal statements and reminders of the ‘correct, official beliefs’ addressed to Muslim and Christian subjects. The texts on these coins and public buildings clearly identified Muslim religious tenets: there is a single God and Muhammad is the prophet of God; Jesus was not the son of God but a prophet of God; the anathematized belief in the Trinity; and God did not nor could beget a son.

The Coptic Christian Bishop, Severus Ibn al-Muqaffa‘, recorded similar events in Egypt c. A.D.686-690/A.H. 64-68. In his work, *The History of the Patriarchs of the Coptic Church of Alexandria*, Severus noted that the Muslim amīr of Egypt, ‘Abd al-Azīz, ordered the removal of Christian symbols and issued plaques inscribed with Islamic beliefs on church doors. The bishop wrote:

Then he [i.e. ‘Abd al-Azīz] commanded to destroy all the crosses which were in the land of Egypt, even crosses of gold and silver. So the Christians in the land of Egypt were troubled. Moreover he wrote certain inscriptions, and placed them on the doors of the churches at Misr and in the Delta, saying in them: Muhammad is the great Apostle of God, and Jesus also is the Apostle of God. But verily God is not begotten and does not beget.¹⁷⁷

Moreover, Michael the Syrian, writing from a common source in the twelfth century, noted ‘Abd al-Malik’s decrees in Syria c. A.D.693/A.H.71. In his *Chronicle* he wrote, “‘Abd al-Malik, king of the Arabs, ordered that crosses should be taken down and pigs should be killed.”¹⁷⁸ ‘Abd al-Malik’s actions imply stronger social and religious boundary enforcement throughout the empire.

¹⁷⁵ Ibid., 698-99. Also see Robinson, *‘Abd al-Malik*, 77-8. Notice ‘exaggerate’ in the text. This indicates that Christians had been representing their religious doctrine as greater than the Muslim cult, and perhaps defending it.

¹⁷⁶ Ibid., 700. See Hoyland. He notes seven milestones with similar creedal statements on the Damascus to Jerusalem road during the reign of ‘Abd al-Malik.

¹⁷⁷ Basil T.A. Evetts, *History of the Patriarchs of the Coptic Church of Alexandria Vol. 3: Agathon to Michael I (766)* (Turnhout: Brepols Press, 2003), 25. امر بكسر جميع الصابان التي في كورة مصر حتى صلبان الذهب والفضة فاضطربوا نصارى ارض مصر ثم كتب عدة رقاغ وجعلها على ابواب البيع بمصر والريف ويقول فيها محمد الرسول الكبير الذي الله وعيسى ايضاً وسول الله وان الله لم يلد ولم يولد

¹⁷⁸ *Theophilus of Edessa’s Chronicle: And the Circulation of Historical Knowledge in Late Antiquity and Early Islam*, translated and edited by Robert G. Hoyland (Liverpool: Liverpool University Press, 2011), 198.

‘Abd al-Malik’s successors continued centralizing governmental policy and enhanced social-religious boundaries between Muslims and non-Muslims throughout the empire.¹⁷⁹ Although a brief rule from A.D.717-720/A.H.95-98, ‘Umar II ibn ‘Abd al-‘Azīz initiated visible social-religious boundaries and restrictions. ‘Umar II was the first caliph to establish an edict regulating and reorganizing the social-religious restrictions of non-Muslims, according to Islamic tradition.¹⁸⁰ The edict, found as a petition letter in Abū Yūsuf’s *Kitāb al-Kharāj*, addressed non-Muslim dress codes, the prohibition of selling wine or pork in certain locations, the dismissal of non-Muslims from public offices, the use of riding horses, and public display of Christian crosses.¹⁸¹ The *Kitāb al-Kharāj* was most likely written during the reign of caliph Hārān al-Rashīd because Abū Yūsuf addressed him in the preamble, outlining monarchical duties.¹⁸² Because Abū Yūsuf addressed caliph Hārān al-Rashīd, this puts the date of production between A.D.786-798/A.H.164-176.¹⁸³ Abū Yūsuf elaborated how to treat and tax the conquered during the conquest era. Toward the end of the section addressing the current and future caliphs, ‘Abū Yūsuf concentrated on the outward appearance of dhimmīs. He stated:

The rules concerning the general external appearance of Dhimmīs [sic] should be strictly observed. They should not be allowed to resemble Muslims in clothes and anything they wear, and should don a special conspicuous waist belt [i.e. the zunnār] and other degrading garments to

¹⁷⁹ Papaconstantinou, “Between *Umma* and *Dhimma*, 141. She notes, “Only after 705 do we see Arabs as local governors and have evidence of Arab scribes for documents. The introduction of the poll tax for Egyptian monks is also a measure taken under al-Walīd [, ‘Abd al-Malik’s successor].”

¹⁸⁰ Milka Levy-Rubin, “Shurūt ‘Umar: From Early Harbingers to Systematic Enforcement,” in *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World*, ed. David M. Freidenreich and Miriam Goldstein (Philadelphia: University of Pennsylvania Press, 2012), 31-33.

¹⁸¹ *Ibid.*, 33-4.

¹⁸² Abū Yūsuf, *Kitāb al-Kharāj: Taxation in Islām Vol.3*, translated and edited by A. Ben Shemesh (Leiden: Brill Press, 1969), 19; 35. I will return to a significantly interesting passage on page 85 regarding the *Covenants of the Prophet Muhammad* texts in the next chapter.

¹⁸³ *Ibid.*, 92. Also see Christian C. Sahner, “Swimming Against the Current: Muslim Conversion to Christianity in the Early Islamic Period,” *Journal of American Oriental Society* 136, no. 2 (2016): 265-84, 270-75. Muslim conversions to Christianity occurred in the conquest era such as life of Anthony-Rawh al-Qurashī, which Sahner and other scholars have authenticated. The use of hagiography and martyrology sources will be addressed later in this chapter.

make them appear different from Muslims. Order your administrators to observe these rules strictly, as ‘Umar ibn al-Kattāb has ordered his administrators.¹⁸⁴

Moreover, in order to anchor the authenticity of this code, Abū Yūsuf fastened its point of origin to ‘Umar I, and further anchored its implementation during the rule of ‘Umar II, roughly 70 years earlier than the *kitāb*’s authoring.¹⁸⁵ Immediately following this section in the text Abū Yūsuf inserted a connected hadīth tradition in the form of a ‘Petition to ‘Umar’:

‘Abd al-Rahmān ibn Thābit ibn Thūbān-His father: ‘Umar ibn ‘Abd al’Azīz wrote to one of his administrators: Do not allow crosses to be exhibited openly, without breaking and destroying them. Jews and Christians and their women should not be allowed to use a riding saddle, but only a pack-saddle. I have been informed that some administrators before you have neglected to enforce the rules concerning the clothing and general appearance of the Dhimmīs. I warn you against being negligent in complying strictly with these rules.¹⁸⁶

This corpus of regulations was the *ghiyār* code, which demarcated Muslims from non-Muslims through different colored clothing, the use of certain transportation, and limited economic or governmental professions.¹⁸⁷ The ideology behind the edict reflected the primary concern of differentiating Muslims from non-Muslims in the fluid, inclusive social fabric of the conquest era, and regulating public displays of religion. According to Levy-Rubin, “...the *ghiyār* edict is a direct consequence of the exaltation of Islam and the state of humility and degradation that was to be imposed upon the non-Muslims.”¹⁸⁸ Non-Muslim sources also report ‘Umar II’s policies toward non-Muslim liberties and his strengthening of social-religious boundaries.¹⁸⁹ For example, in *Theophilus of Edessa’s Chronicle*, Theophanes the Confessor wrote:

¹⁸⁴ Ibid., 93. See Abū Yūsuf.

¹⁸⁵ Levy-Rubin, “Shurūt ‘Umar,” 33-4.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid. Also see Levy-Rubin, *Non Muslims in the Early Islamic Empire*, 88-98. Chapter 3: The Date and Ideology of the *Ghiyār* Code offers a detailed examination of the origins of the social differentiation in dress code, which emerged in the Persian Empire. This would be a honorary effort to investigate and include, but is out of scope with this thesis since it focuses on Christian apologetic discourse and disputation rather than social-economic differentiation.

¹⁸⁸ Levy-Rubin, *Non Muslims in the Early Islamic Empire*, 95.

¹⁸⁹ Levy-Rubin, “Shurūt ‘Umar,” 33.

‘Umar banned the use of wine in cities and set about forcing the Christians to become converted. Those that converted he made exempt from tax, while those that refused to do so he killed and so produced many martyrs. He also decreed that a Christian’s testimony against a Saracen should not be accepted.¹⁹⁰

In Michael the Syrian’s *Chronicle*, the Patriarch of the Syriac Orthodox Church expounded upon

‘Umar II’s rule and regulations:

‘Umar...began to mistreat the Christians...because he wanted to honor and to affirm the laws of the Muslims.....He was declared a zealot for their laws and was considered to be God-fearing and he was averse to evil. He ordered oppression of the Christians in every way to make them become Muslims. He legislated that every Christian who became a Muslim would not pay poll-tax and many converted. He also decreed that Christians should not testify against Muslims, act as governors, raise their voices for prayer, strike the sounding-board, wear the overcoat or ride on a saddle and if an Arab killed a Christian he could not be executed for it, but just paid compensation of 5000 silver coins....He also forbade Arabs to drink wine or must.¹⁹¹

Muslim and non-Muslim texts are consistent in affirming that ‘Umar II established and expanded social-religious boundaries and proscriptions particularly for Christians.¹⁹² Yet, the two examples above may be anachronistic because the texts post-date the events they purport to describe. Even so, the *Chronicle of Zuqnān*, written near A.D.775/A.H.153, corroborates internal evidence of similar restrictions and their continuity into the reigns of Umar II’s successors. The chronicler wrote in A.D.723-25/A.H.101-103 that ‘Umar II’s successor, Yazīd II, “ordered that all images be destroyed wherever they were found, whether in a shrine, church or house. Thus people among his agents went out and destroyed all images wherever they were found.”¹⁹³ Moreover, the Syrian author recorded that Yazīd II, “ordered that the testimony of a Syrian [i.e. a Christian] against an Arab not be accepted, and he set the (blood) value of an Arab at twelve thousand (dirhams) and that of a Syrian at six thousand (dirhams).”¹⁹⁴ Therefore, while some non-Muslim

¹⁹⁰ *Theophilus of Edessa’s Chronicle*, ed. Hoyland, 215-17.

¹⁹¹ *Ibid.* Must in this context refers to grape juice before or during fermentation.

¹⁹² Milka Levy-Rubin, “‘Umar II’s *Ghiyār* Edict: Between Ideology and Practice,” in *Christians and Others in the Umayyad State*, edited by Antoine Borrut and Fred M. Donner (Chicago: University of Chicago Press, 2016): 157-73, 158.

¹⁹³ *The Chronicle of Zuqnān Parts III and IV A.D. 488-775*, ed. Harrak, 155.

¹⁹⁴ *Ibid.*

texts emphasized ‘Umar II restricted additional liberties such as ‘raising voices in prayer,’ ‘the striking of *naqūs*’ (e.g., sounding-boards or church bells), and lowered legal testimony, both Muslim and non-Muslim texts correlate his codes of dhimmī dress, riding of horses, sale of wine or pork, positions of office, and the public display of Christian symbols.

During ‘Abd al-Malik and his successors’ reigns a significant shift occurred in the political and social-religious landscapes from the early conquest era into the Umayyad Empire. That change altered the protected methods of living and worship of the conquered peoples in the *sulh* agreements and the *Covenants of the Prophet Muhammad with the Christians of the World*. This occurred because the surrender agreements in the conquest era permitted conditions for cross cultural coexistence and inclusive religious interaction between Christians and Muslims. Consequently, the social-religious boundaries were flexible and blurred together, which made it difficult to differentiate Muslims from non-Muslims. Thus, Umayyad rulers took interest in limiting conquered subjects’ social and religious privileges in order to secure stability in the empire. To be sure, it must be noted that close and far-reaching reforms were not implemented everywhere immediately.¹⁹⁵ It took time for Umayyad officials to reform the political and social and religious laws; they were ‘still shifting’. As the decentralized government and inclusive social-religious landscape shifted to more a centralized and exclusive one, non-Muslim subjects reacted to these changes; they congregated in confessional communities and authored apologetic communal literature.

¹⁹⁵ Papaconstantinou, “Between *Umma* and *Dhimma*,” 141, 151.

From non-Muslim to Dhimmī?

Arietta Papaconstantinou has examined the scholarly literature regarding dhimmīs and offers fresh perspective. First, she suggests scholars have combined dhimmīs into a homogeneous group, identifying various Christian communities as the same presumed social group without internal differentiation. She argues that such assumed homogeneity should be reexamined with a purpose of distinguishing separate groups.¹⁹⁶ This first approach, while accurate and appropriate, would be an honorable endeavor for the length of a dissertation, but will not be employed due to the brevity of this thesis. It must be noted that the non-Muslim apologetic texts examined will consist of a broad array of evidence from various Christian confessional communities, including Melkites, Jacobites, and Nestorians within the Umayyad and ‘Abbasid caliphates. Thus, this thesis will examine multiple ‘dhimmī communities’ as they developed in order to observe macroscopic changes that encompassed non-Muslims in the Umayyad and ‘Abbasid eras.¹⁹⁷

Secondly, she argues against the standard historical image that “dhimmī communities” were fully formed, semi-autonomous communities with their own laws, institutions, and designated religious leaders from the conquest era forward. Instead, she suggests scholars reexamine this long-held approach to studying “dhimmī communities” and “dhimmī status” because such an approach reflects the view of ninth-century Islamic legal sources retrojected

¹⁹⁶ Ibid., 130. These included Jewish communities as dhimmīs lumped together in the same group.

¹⁹⁷ Thus, contrary to Papaconstantinou’s suggestion, I will be examining various dhimmī communities as a homogeneous entity due to the development of Islamic legal opinions and universal codes which emerged in the 8th to 9th onwards.

onto the past.¹⁹⁸ By tracing the equivocal etymology of *dhimmī*, she suggests that the concept of *dhimmī* developed from ‘the protection of God’ to ‘protection of conquered peoples’ to the legal concept of *ahl al-dhimma* as a people group from the early conquest era through the Umayyad era, finding its final form in the Abbasid era.¹⁹⁹ Because of this, she proposes that *dhimmī* confessional communities emerged not during the conquest era’s fluid social-religious context, but rather as a result of solid social-religious restrictions of the Umayyad era. This second approach greatly adds to and confirms my approach and analysis.

In accordance with the emergence of confessional communities and social-religious restrictions in the Umayyad era, scholars have acknowledged ‘Umar II as the first caliph to establish a code of conduct for *dhimmīs* focused mainly on *ghiyār* regulations, which were “a product of his policy and ideology.”²⁰⁰ However, while ‘Umar II reorganized social-religious policy for *dhimmīs*, his code, the ‘Petition to ‘Umar,’ should not be confused with the renowned *Shurūt ‘Umar*. ‘Umar II’s policy was the point of origin and foundation of the universal legal

¹⁹⁸ Papaconstantinou, “Between *Umma* and *Dhimma*,” 129. Also see Penn, *When Christians First Met Muslims*, 69-75. In the *Canons of George I*, George I served as catholicos of the East Syrian Church in A.D.660/A.H. 38 and summoned a convention among the bishops in order to parcel out the concerns Christians faced between the Arab-Muslims in their dioceses. *Canon Nineteen* addressed the issue of tribute from bishops and clergy. “Concerning the bishop and his due honor and that those believers placed in authority are not allowed to demand tribute from him. The honor of the bishop who...fulfills his ministry and is upright in his service-let him be distinguished from his flock by all suitable things that he might be honored and please by them. For those believers holding authority are not permitted to demand the poll tax and tribute from him as from laity....Therefore, on account of this, [believers] are obliged to honor [the bishop] and not demand the poll tax from him as [they do] from other men.” Christian laity worked as tax collectors on behalf of the Arab-Muslims. Bishops forbade Christian *dhimmīs* from exacting tribute from clergy. Were these bishops distressed because lower status Christian *dhimmīs* exacted tribute from clergy, thus shaming bishops? Or were the bishops upset because of their precedented exoneration from taxation established in the covenants? Non-Muslims had their own legal system underneath that of the conquerors, similar to the praxis the ancient Romans administered in their provinces. The clergy that convened at this synod on the island of Diren at the Persian Gulf coast in A.D.676/A.H.54 addressed this issue among several others, including the exhortation of Christians to adhere to ‘Christian courts rather than secular ones [i.e. Islamic ones].’ But, what is most important from this excerpt are two points. First, it indicates Christian *dhimmīs* worked in league with Arab-Muslims imposing and collecting taxes from other *dhimmīs*. Second, the text evidenced that Christians not tax clergy because of pastoral law, not due to the statutes in the covenants or *sulh*. Regardless, Christian bishops and monks were not to be taxed, and they developed their own legal systems, which were not yet fully formed.

¹⁹⁹ *Ibid.*, 127-29. See Papaconstantinou, “Between *Umma* and *Dhimma*.”

²⁰⁰ Levy-Rubin, “*Shurūt ‘Umar*,” 33.

norms that developed throughout the 8th and 9th centuries into what would become the *Shurūt ‘Umar*, but was not yet *the* fixed legal canon.²⁰¹

Building on the research of Arthur Tritton, Antoine Fattal, Mark Cohen, and Albrecht Noth, the meticulous work of Daniel E. Miller and Milka Levy-Rubin reveals that the *Shurūt ‘Umar* developed as a gradual process of debate among Muslim legal scholars until it became the accepted universal standard law code for all dhimmīs in the empire around the mid-9th century.²⁰² Levy-Rubin traces the surrender agreements and argues that Muslim scholars and jurists pushed them to the background while they debated and implemented new ones.²⁰³ Miller traces various dhimmī legal codes in ahadith literature from early Islamic law schools, and elucidates how each schools’ catalogue of legal themes competed with others in a multilinear fashion, which developed into the final form of the *Shurūt ‘Umar*.²⁰⁴ This will be further examined and addressed in the following chapter.

What is most striking in Muslim texts is that they do not specifically mention social-religious restrictions on apologetic discourse and disputation until the 750s onward. Social-religious restrictions of apologetic proselytization does not appear in the early edict known as the ‘Petition of ‘Umar’ found in Abū Yūsuf’s *Kitāb al-Kharāj*. Apologetic proselytization and dialogue, however, appeared in the competing universal law codes for dhimmīs known as the *Shurūt ‘Umar* and *Al-Shāfi‘ī’s Version of the Pact to Be Accorded to Non-Muslim Subjects*.

Christian apologetic texts emerged and addressed the very issues presented above concerning Muhammad’s prophethood, Jesus as the Son of God, and the concept of the Trinity.

²⁰¹ Daniel E. Miller, “From Catalogue to Codes to Canon: The Rise of the Petition to ‘Umar Among Legal Traditions Governing non-Muslims in Medieval Islamicate Societies” (PhD diss., University of Missouri, 2000), 161-62.

²⁰² Levy-Rubin, *Non Muslims in the Early Islamic Empire*, 58-9.

²⁰³ Levy-Rubin, *Non Muslims in the Early Islamic Empire*, 60-87. Also see Levy-Rubin, “Shurūt ‘Umar,” 30-43.

²⁰⁴ Miller, “From Catalogue to Codes to Canon,” 161-62.

Christian apologetics increased in quantity and quality from this period onward, and primarily addressed the theological differences between Christians and Muslims. Christians produced apologetics and proselytized in order to promote their faith to members of their own confessional communities, and defend it from others. In other words, Christians authored apologetics and engaged in dialogue to prevent Christians from converting to Islam while simultaneously fostering Arab-Muslims to convert to Christianity. The fluid mingling within different social-religious boundaries was porous from the conquest era through the Umayyad period. Christians became Muslims, and Muslims became Christians²⁰⁵ and apologetic proselytization challenged the solidifying social-religious boundaries developing in the Umayyad Empire into fluid ones again.

Real Dialogue and Disputation?

Christians engaged in actual theological dialogue and debate with Christians, Jews, and Muslims at all levels of society. However, most Christians did not initially have a concern with the invaders' religion because they did not fully understand it nor did they think the conquerors' rule would last.²⁰⁶ The earliest Christian apologetic texts regarded Arab-Muslim beliefs as another type of Christian heresy not a disparate religion.²⁰⁷ Nevertheless, Christians coexisted in close proximity with Arab-Muslims and became *more aware* of their theological differences, particularly as 'Abd al-Malik publicly promoted those differences.

Theological dialogues and debates within Christian communities were extensions of earlier cultural practices before the Arab-Muslim conquests. In many earlier public debates,

²⁰⁵ Sahner, "Swimming Against the Current," 265.

²⁰⁶ Averil Cameron and Robert Hoyland, *Doctrine and Debate in the East Christian World, 300-1500: The Worlds of Eastern Christianity, 300-1500* (Burlington, VT Ashgate Publishing, 2011), xxx-xxxi. Penn, *When Christians First Met Muslims*, 13-16.

²⁰⁷ See chapter 2 of this thesis. Penn, *When Christians First Met Muslims*, 15-16. Karl-Heinz Uthemann, *Anastasii Sinaitae Viae Dux* (Turnhout: Corpus Christianorum Series Graeca 8), xxxii-xiv. Also see Chase, *The Fathers of the Church: St. John of Damascus' Writings* (Washington D.C.: Catholic University of America Press, 1958), 153-60.

winning had little to do with the logical structures and dialectic of the arguments; religious debate served a need for entertainment as well as a goal of edification.²⁰⁸ Itinerant preachers, teachers, and monks, such as St. Augustine, wrote apologetic books and treatises concerning heresies, and publicly challenged prominent learned men of opposing faiths.²⁰⁹ When Arab-Muslims conquered Christian lands, it was into this cultural universe they settled in and coexisted with the conquered. Christians continued that traditional praxis in the shifting landscapes of the Umayyad Empire.

When a debate emerged, crowds and passers-by gathered to listen or participate. Most significant, public dialogue and disputation was not only to ‘win’ the argument, but to present it to either the person or people present to impact and influence others inside and outside the confessional communities to proselytize. The winners could have serious impact upon the winner’s confessional community, while those of the opposite confessional community could undergo doubts or unbelief, potentially leading to conversion or apostasy.

There were two forms of apologetic proselytization. Active apologetics served as practice guides for actual debates and dialogue with Muslims, which were included in dialogical tracts primarily written in Syriac, Greek, and Arabic. Passive apologetics served both Christian and non-Christian audiences for either edification or evangelical purposes; they were texts including hagiographies, martyrologies, and theological treatises written in Arabic and also sold in public. Furthermore, because Arabic became *lingua franca* in the Umayyad and ‘Abbasid eras, passive apologetics, written in Arabic, allowed Christian religious ideas to cross over social-religious

²⁰⁸ Cameron and Hoyland, *Doctrine and Debate in the East Christian World, 300-1500*, 25.

²⁰⁹ *Ibid.*

boundaries where Muslims could possibly pick up, read, and understand a Christian apologetic text in the marketplace²¹⁰ and, thus, potentially convert.

While apologetic debates occurred between Christians and Arab-Muslims before ‘Abd al-Malik’s reforms, Christians resumed later debates and produced apologetic texts both *specifically* addressing publicly promoted Islamic beliefs.²¹¹ Of the Christian apologetic works there are debate texts, question-and-answer texts, and letter correspondences.²¹² Although Christian apologetic texts were formatted as a response to debate, the texts were not authentic *specific* debates between renowned emirs or caliphs and Christian clergy. Nevertheless, because these texts have the written form of a dialogue, there is strong evidence to suggest that ‘real-life’ theological debates between Christians and Muslims probably took place both in public and in private.²¹³ Furthermore, the content of apologetic texts indicates that various Christian communities challenged Muslim beliefs concerning Jesus as the Son of God, the virgin birth and Mary’s role, and the concept of the Christian triune nature of God, all of which polemically appeared in public display on imperial Islamic coins, milestones, and buildings.²¹⁴

The two earliest disputation style apologetic texts that emerged in the early 8th century were the tracts entitled, *The Disputation of John and the Emir* and *The Disputation of Bēt Halē*. In both texts Christians ostensibly defended their theological beliefs against a barrage of questions from a Muslim of high social-political rank.²¹⁵ Rather than actual recorded debates

²¹⁰ 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), 156.

²¹¹ See Chapter 2 n.125 and n.128.

²¹² Cameron and Hoyland, *Doctrine and Debate in the East Christian World, 300-1500*, xxxvi.

²¹³ See Hoyland, *Seeing Islam As Others Saw It*, 18-19. Also see Cameron and Hoyland, *Doctrine and Debate in the East Christian World*, xxxi.

²¹⁴ *Ibid.*, xxxx. Also see Sidney H. Griffith, “Disputes with Muslims in Syriac Christian Texts: From Patriarch John to Bar Hebraeus,” in *Doctrine and Debate in the East Christian World, 300-1500: The Worlds of Eastern Christianity, 300-1500*, edited by Cameron and Hoyland (Burlington, VT Ashgate Publishing, 2011): 251-73, 254.

²¹⁵ Hoyland, *Seeing Islam As Others Saw It*, 459. Griffith, *The Church in the Shadow of the Mosque*, 35-9.

between ‘real-life’ individuals, the texts demonstrate *types* of approaches for real doctrinal debates.²¹⁶ Thus, the texts reflect instructional tracts for regional clergy and laity to more successfully defend their religious beliefs and defeat opposing arguments from other confessional communities, especially the imperial Islamic community. In the process, this could prevent members of Christian confessional communities from apostatizing while simultaneously proselytizing Muslims.

In the *The Disputation of John and the Emir*, the anonymous author informed his readers of his conversation with an Arab amīr. In this Syriac text the author presents an Arab’s questions with terse answers. For example:

He [i.e. the Arab amīr] also inquired, ‘What do you say Christ is? Is he God or not?’ Our father answered, ‘He is God and the Word that was born from God the Father, eternally and without beginning. At the end of times, for men’s salvation, he took flesh and became incarnate from the Holy Spirit and from Mary—the holy one and the Virgin, the mother of God—and he became man.’²¹⁷

The text clearly exhibits overt, challenging questions from the Arab-Muslim interlocutor regarding the Christian belief about Christ as God and the Trinity. The Christian contender rebutted just as overtly proselytizing Jesus was God, born from the Father via the Holy Spirit, and was also a man; he adduced arguments from the Old Testament. Later in the text the Christian spokesman argued:

Because of this, they [i.e. the prophets] spoke and wrote secretly concerning God, that he is one and the same in divinity and is three hypostases and persons. But he is not, nor is he confessed [to be], three gods or three divinities, or by any means, gods and divinities. If you want, I am willing and ready to confirm all these things from the holy scriptures.²¹⁸

²¹⁶ Cameron and Hoyland, *Doctrine and Debate in the East Christian World*, xxx-xxxiii. Also see Griffith, *The Church in the Shadow of the Mosque*, 35-9, 100-103.

²¹⁷ Penn, *When Christians First Met Muslims*, 204. Also see Hoyland, *Seeing Islam As Others Saw It*, 464-65.

Hoyland suggests the *terminus post quem* for this text in the first decades of the 8th century.

²¹⁸ Penn, *When Christians First Met Muslims*, 205.

The anonymous author then testified using the Old Testament scriptures, proposing the prophets also attested to the incarnation of God in Jesus' birth through Mary. However, the emīr rejected the Christian interlocutor's efforts, despite having brought forward scriptural texts during the debate.²¹⁹ Having answered the emīr's objections, the author recorded:

The glorious emir also asked him, 'When Christ, who you say is God, was in Mary's womb, who bore and governed the heavens and the earth?' Our blessed father immediately replied, 'When God descended to Mount Sinai and was there speaking with Moses for forty days and forty nights, who bore and governed the heavens and the earth? For you say that you accept Moses and his books.' The emir said, 'It was God, and he governed the heavens and the earth.' Immediately he heard from our father, 'Thus Christ [is] God; when he was in the womb of the Virgin, as almighty God he bore and governed the heavens, the earth, and everything in them.'²²⁰

The text reveals the author addressed the emīr's question of Christ as God governing the universe while in a mortal womb by means of questioning the emīr's logical presupposition. The author knew Muslims accepted the books of Moses, and thus, by questioning a similar religious scenario from within those books through logical presupposition, the Christian interlocutor pressed the Muslim disputer into a logical (theological) contradiction. This was an evident attempt to proselytize. Later in the text the Muslim emīr questioned the authenticity of Christ in the Old Testament and returned to the question of the Trinity. What is noteworthy in the text is how the Christian replies. The author chose to phrase the responses as, "our blessed father *immediately* replied," and "*immediately* he heard from our father." Not only does this reflect inter-textual, biased emphasis on the positive, quick-handed, and cogent ability of the Christian interlocutor to defend the Muslim's objections, but it also indicates to Christian audiences that either read or heard this text how to quickly respond to such objections.

²¹⁹ Ibid., 205-206.

²²⁰ Ibid., 204.

In a later Syriac apologetic text, the *Disputation of Bēt Halē*, another anonymous author recounted similar inquiry from an unknown Arab-Muslim official.²²¹ In the disputation the scribe recounted that the Arab emīr of Maslama,²²² “spoke freely with us and debated much about our scriptures and their Qur’an...he would speak with us via an interpreter.”²²³ Next, the author tells us how the monk framed the debate directly with the emīr to “speak with me without an interpreter...it is proper that we speak one to one, even though you are very important.”²²⁴ According to Sidney Griffith, “One supposes the conversation was in Arabic, although the account of it is in Syriac.”²²⁵ There was a possibility that Syriac Christians spoke to Muslims in Arabic, but authored this particular text in Syriac to their confessional community for educational purposes. The text conveys two important aspects: first, it indicates actual theological debates probably took place between political-religious officials, and secondly, it serves as a *type* of scenario guidebook for clergy and laity on how to speak directly in debates with Muslims.²²⁶

Next, the debate ensued. The emīr’s third question was: “Since God is lofty and exalted...why do you degrade him and announce ‘to him is a son,’ and why, when he is one, do you say ‘Father, Son, and Holy Spirit?’”²²⁷ The monk responded with scriptural evidence and logical reasoning. The emīr questioned why Christians prostrate toward the East in prayer, worship images, crosses, and bones of saints, and not profess Abrahamic laws.²²⁸ In addition to

²²¹ Hoyland, *Seeing Islam As Others Saw It*, 465-72. In the opening of the text the anonymous author wrote that an unnamed monk from Bēt Halē and addressed a Christian audience. He wrote, “...and because I know that it is useful to you, so I am setting it down, in question-and-answer form, as is fitting.”

²²² Griffith, *The Church in the Shadow of the Mosque*, 37. Griffith elucidates, “This detail allows us to suppose that the emir was Maslama ibn ‘Abd al-Malik, who was in fact governor for a brief time in Iraq in the early 720s.”

²²³ Hoyland, *Seeing Islam As Others Saw It*, 466.

²²⁴ *Ibid.*, 467.

²²⁵ Griffith, “Disputes with Muslims in Syriac Christian Texts,” 260.

²²⁶ Griffith, *The Church in the Shadow of the Mosque*, 37-8.

²²⁷ Hoyland, *Seeing Islam As Others Saw It*, 467.

²²⁸ *Ibid.* Also see Griffith, *The Church in the Shadow of the Mosque*, 37.

these objections the emīr raised, the monk provided pithy replies. Interestingly, the fourth question raised was as follows: “How is Muhammad our prophet considered in your eyes?” The monk replied, “A wise and God-fearing man who freed you from idolatry and brought you to know the one true God.”²²⁹ The Christian interlocutor acknowledged Muhammad in a respectful, positive manner and as a catalyst in propelling Arabs away from polytheism toward monotheism. But, the Christian speaker unassertively suggested that was all Muhammad did, subtly indicating the Muslim beliefs were incorrect.²³⁰ At the end of the debate, the Muslim failed to furnish ready answers to the Christian’s answers and admits the Christian faith and logical reasoning “is superior to ours.”²³¹ Because of this, the Arab-Muslim accepted the truth of Christianity and attested, “were it not for the fear of the [Muslim] authorities and of disgrace before me, many would become Christians. But you are blessed of God to have given me satisfaction by your conversation with me.”²³²

According to Robert Hoyland, “It is immediately obvious that this disputation is a literary fabrication. The Arab only asks questions, advances almost no arguments of his own, and . . . bears witness to the superiority of Christianity.”²³³ What this does provide is a glance of the social-religious fabric of this period, and the theological content Christians and Muslims disputed with one another. Both texts have similar theological content and apologetic techniques used to address and defend Muslim objections to Christianity. Although evidence from the historical period is scant, we can logically deduce that these early texts exemplify real

²²⁹ Ibid., 468.

²³⁰ Griffith, “Disputes with Muslims in Syriac Christian Texts,” 257. Griffith states, “Other passages attempt to offer a positive assessment of Muhammad or the Qur’an, without admitting that the former is a prophet or God’s messenger or that the latter is divine revelation.”

²³¹ Ibid. Also see Griffith, *The Church in the Shadow of the Mosque*, 37-8.

²³² Ibid., 469. Griffith, *The Church in the Shadow of the Mosque*, 38.

²³³ Ibid. See Hoyland, *Seeing Islam As Others Saw It*, 469.

theological arguments between Christians and Muslims; and, such literature was intended for Christian audiences to actively defend and verbally proselytize their Christian faith to Muslims. The anonymous author of the *Disputation of Bēt Halē* tells us that material wealth, social-economic status, and public chastisement were possible reasons why Christians converted to Islam, and why Muslims did not convert to Christianity.²³⁴ Most importantly, these apologetic texts reveal that Christians addressed the very theological issues the imperial Islamic community publicly promoted and endorsed. Christians authored texts for internal communal consumption to safeguard against future Christian apostasy to Islam. Most likely, Christians challenged Islamic beliefs in public debates with Muslims in order to prevent other Christians from apostatizing and, in the process, ‘reached over’ into the Islamic confessional communities to both directly challenge Muslim religious beliefs and proselytize Muslims to Christianity.

Another interesting apologetic text authored before A.D.729/A.H.107²³⁵ was the Greek Orthodox Christian John of Damascus’ theological treatise *On Heresies and On the Orthodox Faith*. Written in Greek and intended for a Christian audience, the treatise *On Heresies* provides unique insight gained from the Christian religion by acquaintance with the beliefs the Islamic religion in the Umayyad period. The text is very different from the *Disputation of John and the Emīr* and the *Disputation of Bēt Halē* because it was not written as a dialogical tract *per se*. The text reflects an authoritative explanation in lecture style prose. Nevertheless, there are sections within the text which indicate evidence of dialogue and disputation with Muslims, and arranged Christian responses.

²³⁴ Griffith, *The Church in the Shadow of the Mosque*, 37-9.

²³⁵ Chase, *The Fathers of the Church*, xviii. Chase argues, “Among the most important [writings]...are the *Apologetic Discourses against the Attackers of the Holy Images*. Internal evidence shows the first to have been written before 729, and the second and third not earlier than 729 or later than 730....Besides these apologies against the Iconoclasts, the Damascene found it necessary to write other works against still other heresies.”

John of Damascus categorized the Islamic faith as another Christian heresy, placing it at the end of a long list of heresies. While similar to the work of Anastasius of Sinai, John correspondingly judged the Islamic religion as a Christian heresy, but he elucidated the theological differences in more detail than Anastasius of Sinai had done in his *Viae Dux*. This further suggests that Christians initially did not fully understand the Arab-Muslims' religious beliefs during the conquest era; they gradually understood and distinguished the imperial Islamic faith as it developed and was publicly promoted during the Umayyad era.

John of Damascus documented Muslim beliefs and the Prophet Muhammad in more detail and with greater disparagement than earlier Christian apologetic works. John explained to Christian readers that Muhammad came upon parts of the Old and New Testaments, conversed with a 'heretical' Arian monk, and forged his own religion.²³⁶ John wrote:

Then, having insinuated himself into the good graces of the people by a show of seeming piety, he gave out that a certain book [i.e. the Qur'an] had been sent down to him from heaven. He had set down some ridiculous compositions in this book of his and he gave it to them as an object of veneration. He says that there is one God, creator of all things, who has neither been begotten nor has begotten. He says that the Christ is the Word of God and His Spirit, but a creature and a servant, and that He was begotten, without seed, of Mary the sister of Moses and Aaron....Jesus, who was a prophet and servant of God.²³⁷

Moreover, throughout the text John quotes and challenges the Qur'an. In the next section John noted Muslims believed Jesus was not the Son of God and wrote that Jesus went to heaven and stood before God. There God questioned Jesus and asked if he was the Son of God whereby Jesus replied, "Thou knowest that I did not say this and that I did not scorn to be thy servant. But sinful men have written that I made this statement, and they have lied about me and have fallen into error."²³⁸ In the very next line of the text John disparaged the Qur'an and the Islamic

²³⁶ Chase, *The Fathers of the Church*, 153. This is a reference to the Nestorian monk Bahira or the *Bahira Legend*. Supposedly an Arian monk Bahira discovered Muhammad at a young age, noticed a unique birth mark on him, and introduced Muhammad to the 'heretical' Christian teachings of Arianism.

²³⁷ *Ibid.*, 153-54.

²³⁸ *Ibid.*, 154.

religious beliefs in a clear, overt manner. He wrote, “There are many other extraordinary and quite ridiculous things in this book which he [i.e. Muhammad] boasts was sent down to him from God.”²³⁹ The response John advocates is for Christians to question Muslims: which prophet foretold Muhammad’s arrival and who was present to prove God gave Muhammad a sacred text?²⁴⁰ John specifically noted, “But when we ask: ‘And who is there to testify that God gave him [i.e. Muhammad] the book [i.e. Qur’an]? And which of the prophets foretold that such a prophet would rise up?-they [i.e. the Muslims] are at a loss.’”²⁴¹ Thus, John of Damascus challenged the Islamic religious resistance to the Christian doctrine of the Incarnation of Jesus and Islamic belief of Muhammad as the Prophet of God, and the rejection of Trinity by using the Qur’an and the books in the Old Testament, which Muslims accepted.

What is striking in the text is that while a ‘passive apologetic’ *type*, the internal evidence in the text indicates authentic, ‘active apologetic’ styled responses. For example, when John analyzed the theological authenticity of the Qur’an and Muhammad’s prophethood, he wrote:

‘This,’ *we say*: We know, but we are asking how the book [i.e. Qur’an] came down to your prophet.’ *Then they reply* that the book came down to him while he was asleep. *Then we jokingly say to them* that, as long as *he* received the book in his sleep and did not actually sense the operation, then the popular adage applies to him (which runs: you’re spinning my dreams).²⁴²

John phrased the next line in the manner “When we ask again.”²⁴³ This type of language clearly shows two important features. First, it indicates that John of Damascus, in addition to other Christians, directly engaged in verbal debates with various Muslims at diverse societal levels. Second, the phrasing of the text reveals Christians’ improved apologetic responses, and an awareness of the Muslim beliefs and objections to Christianity.

²³⁹ Ibid. Such overt polemical denigration of the Prophet Muhammad concerned Muslims and found its place in later legal texts and the *Shurūt ‘Umar*. This will be further discussed in the next chapter.

²⁴⁰ Ibid.

²⁴¹ Ibid. 155.

²⁴² Ibid., emphasis added mine.

²⁴³ Ibid.

With regard to the belief in Christ as the Son of God and the Trinity, John recorded the Muslim understanding about the Christian belief in Jesus. Concerning earlier publicly promoted Islamic beliefs derived from ‘Abd al-Malik’s policies, John recorded:

Moreover, *they call us Hetaeriasts, or Associators*, because *they say*, we introduce and associate with God by declaring Christ to be the Son of God and God. *We say* to them in rejoinder: ‘The Prophets and the Scriptures have delivered this to us, and you, *as you...maintain*, accept the prophets. So, if we wrongly declare Christ to be the Son of God, it is they who taught this and handed it on to us....And again *we say to them*: ‘As long as you say that Christ is the Word of God and Spirit, why do you accuse us of being Hetaeriasts? For the word, and the spirit, is inseparable from that in which it naturally has existence. Therefore, if the Word of God is in God, then it is obvious that He is God. If, however, He is outside of God, then, according to you, God is without word and without spirit.’²⁴⁴

Here we see not only the dialogical phrasing in the text, which emulates actual debates between Christians and Muslims, but also an increased awareness of Muslim theological beliefs and a strengthened approach to defending and promulgating Christian beliefs. Similar to the examples in the *Disputation of John and the Emīr* and the *Monk at Bēt Halē*, it can be seen that other Christians used the books of the Old Testament in order to prove the deity of Jesus to Muslims because Muslims presupposed those texts and ‘accept[ed] the prophets.’

Unlike the Syriac disputation texts cited above, which addressed Islamic teachings objectionable to Christians, the purpose of those texts was to defend the Christian faith rather than attack Islam directly.²⁴⁵ Throughout the remainder of the section of the treatise concerning the Arab-Muslim religion, John of Damascus discredits and deprecates Muslim religious practices and beliefs as well as the actions of the Prophet Muhammad. The text, written in Greek

²⁴⁴ Ibid., 155-56, emphasis added mine. Hetaeriasts ἑταίρα here means a companion, usually with sexual undertones associated. Within the theological context here, John acknowledged the Muslim understanding of the Christian belief of God physically copulating with Mary to produce Jesus. Also see Hoyland, *Seeing Islam As Others Saw It*, 98. This reveals the Muslim understanding of God and Christ’s humanity “in a very literal way.”

²⁴⁵ Griffith, “Disputes with Muslims in Syriac Christian Texts,” 257.

and intended for a Christian readership, was later translated into Arabic, and Muslims possibly could have read it.²⁴⁶

Thus, there is a lack of sources proving Christians engaged in specific, direct apologetic debates and proselytization with Muslims in public forums or private discussions, yet it seems likely they occurred. What Christian apologies do provide is internal evidence reflecting similar, widespread Muslims beliefs, their disputed questions, and religious objections. Although early apologetic texts were written in Syriac and Greek, intended for internal use, it is possible that Christians used that information and communicated it in Arabic to Muslims ‘next-door’.²⁴⁷ Thus, the answers provided in Christian apologetic texts were written so Christians within a particular confessional community, Melkite, Jacobite, or Nestorian, could use the content in order to prevent vacillating members from apostatizing to Islam or effectively defend and promulgate their faith.²⁴⁸

Lastly, by examining Christian hagiographies and martyrologies, there is evidence to suggest Christian apologetics may have led to conversions in the process of actual proselytization and crossing over social-religious boundaries. If not authentic conversions colored by apologetic agenda,²⁴⁹ the texts themselves reveal realities of the cultural context. Christian Sahner notes, “Even if we cannot be certain that they happened as described, at least the scenarios they recount were plausible in the eyes of their readers.”²⁵⁰ Therefore, Christian

²⁴⁶ Chase, *The Fathers of the Church*, xxi.

²⁴⁷ Griffith, “Disputes with Muslims in Syriac Christian Texts,” 256; 260. Griffith asserts, “Christians spoke Arabic, but one knows of no Muslims who learned Syriac for the purpose of arguing with Christians. Furthermore, the very likelihood of actual arguments about religion between Muslims and Christians, be they official or not, is the social circumstance that stands behind the popularity of the dialogue as a literary form.”

²⁴⁸ *Ibid.*, 255.

²⁴⁹ Sahner, “Swimming Against the Current,” 268. Sahner argues, “These [hagiographies and martyrologies], in turn, instill confidence that the authors were writing about real people, places, and events, although embellishing them to advance their aims.”

²⁵⁰ *Ibid.*, 268.

martyrologies offer internal evidence of dialogue with Muslims, which may have led to conversions in the process of actual proselytization. The three martyrology accounts examined are the Armenian texts of David of Dwin (d. 703) and Vahan (d. 737), and the Greek text of Peter of Capitolias (d. 715).²⁵¹

The martyrdom of David of Dwin reflects the porous social-religious boundaries of the conquest era into the ‘Abd al-Malik period. Written from the patriarch of the Armenian church, John Catholicos recounted the conversion of an Arab-Muslim to Christianity. David’s original name was Surhān, who was a soldier of the Arab-Muslim conquest stationed in Armenia between 656 to 660.²⁵² While living among the conquered peoples, Surhān became intrigued with the Christian religion, converted, married a Christian wife, and had several children.²⁵³ After his conversion, he changed his name from Surhān to David. His life connects the blurred social-religious boundaries seen in the early conquest era, where both conquerors and conquered coexisted, worshipped together, married each other, and possibly converted.

In *The Passion of David of Dwin*, the author forwards to time of the “catholicos of Armenia,”²⁵⁴ dating from 677-703. This was precisely at the same time as ‘Abd al-Malik’s centralized efforts on provinces. In the text, John Catholicos noted an Arab-Muslim governor, ‘Abd Allāh, discovered David’s conversion and arrested him.²⁵⁵ He forced David to reconvert “by entreaties and promises of gifts, then by threats of tortures and deaths. He strove to [make him] abandon Christ and return to his former [people], who profess that they know God but have

²⁵¹ See Hoyland, *Seeing Islam As Others Saw It*, 354-60. Hoyland attests to some confusion between two separate but similar accounts of the martyrdom of Peter of Capitolias and and Peter of Damascus (d. 743-44).

²⁵² Sahrer, “Swimming Against the Current,” 268.

²⁵³ Ibid.

²⁵⁴ Hoyland, *Seeing Islam As Others Saw It*, 673-74. This source, *The Passion of David of Dwin*, was translated and annotated by Robert W. Thomson located in the excursus.

²⁵⁵ Ibid., 674. See Thomson here. The name of the leader of the Arab-Muslim army was called Abdlay, but Thomson notes his identity as ‘Abd Allāh.

not recognized the true God.”²⁵⁶ Having endured tortures, beatings, imprisonment, and public shame, David refused to abandon his new faith. Moreover, David verbally defended his religious beliefs about Christ and muted ‘Abd Allāh’s threats overtly in Arabic. The text reads, “Now the tyrant was astonished at the outspokenness of the servant of Christ....He mocked and despised the threats; he censured and reproached the impious one in their own language.”²⁵⁷ Nonplussed, ‘Abd Allāh ordered David’s execution and John Catholicos recorded his martyrdom.

There are several significant features in the apostasy of David-Surhān. First, it reflects the fluid social-religious boundaries prevalent in the conquest period. Second, it reflects a glimpse of the wider scale of ‘Abd al-Malik’s centralizing political structure. And, with those points, this reveals ‘Abd al-Malik’s comprehensive efforts of initiating more solid, partisan social-religious boundaries. The location of Dwin in Armenia is significant because it was on the fringes of the Islamic Empire.²⁵⁸ Sahner argues this location revealed that Umayyad caliphs had difficulty in controlling distant regions.²⁵⁹ Thus, David-Surhān, who was an Arab-Muslim soldier, converted to Christianity and localized within the Christian community in Armenia. This account exemplifies that other Arab-Muslim soldiers and inhabitants might have possibly converted, which, if not compelled to revert, could have had an impact and influence in the conversion of more Arab-Muslims.

The martyrdom of Peter of Capitolias reveals Muslim concerns of overt, public scrutinization of the Prophet Muhammad. Even if framed in dialogue of apologetic

²⁵⁶ Ibid.

²⁵⁷ Ibid. Also see Sahner, “Swimming Against the Current,” 276.

²⁵⁸ Ibid.

²⁵⁹ Ibid. See Sahner. He argues, “Unlike Egypt, Syria, or Iraq, where Muslim control was relatively undisputed from the time of the conquests, the Umayyad caliphs struggled to project power in this far norther outpost....members [of the Arab-Muslims army] who remained behind-members of a rump force or perhaps even deserters-had little supervision and found it tempting to ‘go native’ [i.e. convert].”

proselytization during the period of ‘Abd al-Malik and his successors’ reforms, this account exemplifies apologetic proselytization. Robert Hoyland suggests that there are two separate accounts of two martyrdoms, one being Peter of Capitolias and the second being *The Passion of Peter of Damascus*, which the author conflated.²⁶⁰ Nevertheless, both texts reveal evidence of proselytization, public blasphemy, and trial.²⁶¹ In the syaxarium of Constantinople for Peter of Capitolias dated on October 4, A.D.715, the text disclosed that a leader of the Arab-Muslims ordered Peter to the city of Damascus because “he was slandered as a teacher of the Christians.” Furthermore, the text reveals Peter had a “love for Christ” and, as a result, “his tongue was cut out, he cried out more clearly and piercingly, whereupon his right hand was removed and he was fixed upon a cross. Then his head was cut off...”²⁶² The presumption from the account’s context is that Peter, being a renowned teacher of Christians, possibly taught theology or apologetics, and had his tongue removed because of this or because, ‘out of love for Christ,’ Peter had proselytized within other confessional communities.

In Theophanes of Edessa’s *Chronicle*, the author recorded a similar account of Peter dated to the year A.D.742. Theophanes wrote Peter was sick and invited his Arab-Muslim friends into his quarters to proselytize. Peter said, “Anyone who does not believe in the Father, Son and Holy Ghost, the consubstantial and life-giving Trinity within a unity, is spiritually blind and deserving of eternal punishment. Such as one was Muhammad, your false prophet and precursor of the Antichrist.”²⁶³ Then Peter further attempts to persuade those present to convert and

²⁶⁰ Hoyland, *Seeing Islam As Others Saw It*, 360. He argues, “The martyrologist either confused the two Peters or disliked the idea of his subject as a servant of the Muslims, and so derived his information from the *Life* of Peter of Damascus, who was a priest, monk and ‘teacher of the Christians.’ The characterlessness of the narrative about Peter’s early life in the *Passion* certainly suggests that it is invented.”

²⁶¹ Ibid.

²⁶² Ibid., 354-55.

²⁶³ Ibid., 355-56.

abandon Muhammad's fables.²⁶⁴ The Arab-Muslims thought Peter was confused and perhaps "out of his mind on account of his illness." Therefore, they permitted him to continue. However, the next line in the text revealed that when Peter regained his health, he continued proselytizing. Theophanes recorded, "After he had recovered from his illness, however, he started to cry out even louder: 'Anathema on Muhammad and his fables and on everyone who believes in them!'" Thereupon he was chastised with the sword and so became a martyr.²⁶⁵ The source, however, reflects an 'embellished and expanded' version of events in Peter's life, which Hoyland suggests is "attributed to John of Damascus."²⁶⁶

Later in the *Chronicle*, Theophanes recorded an account referring to the same episode of Peter's *Passion* during the year A.D.742. The text reads:

Walid ordered that Peter, the most holy metropolitan of Damascus, have his tongue cut off because he was publicly reproving the impiety of the Arabs and the Manichaeans, and exiled him to Arabia Felix where he died a martyr on behalf of Christ after reciting the holy liturgy. Those who have told the story affirm to have heard it with their own ears.²⁶⁷

Hoyland suggests that these two accounts reflect two separate but similar events of similar individuals, with similar names, resulting in similar consequences.²⁶⁸ What is significant from the evidence in these accounts, despite Theophanes' mistake in conflating them and placing both under the same year, is that they substantiate that Christians engaged in apologetic disputation and proselytization with Muslims in the post 'Abd al-Malik era of the Umayyad Empire.

Furthermore, that the events in the texts above were two separate events from different individuals dating from c.715-743 also suggests Christians at various places in the Islamic

²⁶⁴ Ibid. The *Chronicle* reads, "If you believe me as I testify to you today by heaven and earth-for I am your friend-abandon his fables, that you may not be punished along with him."

²⁶⁵ Ibid., 356.

²⁶⁶ Ibid., 356, 358.

²⁶⁷ Ibid., 359.

²⁶⁸ Ibid., 360. See Hoyland. He clarifies the confusion and suggest, "That they were both punished under a Walid-Peter of Capitolias under Walid I (705-15), Peter of Damascus under Walid II (743-44)-makes understandable Theophanes' mistake in placing them under the same year."

Empire engaged in apologetic proselytization, challenging the official Islamic beliefs. Because there were similar consequences meted out for Peter of Capitolias and Peter of Damscus' apologetic proselytization efforts within the timespan of 715-43, this also suggests there were similar punishments for similar behaviors.

In the Armenian account of Vahan, Arab-Muslims conquered the peoples of Armenia. Vahan was the son of Khusrau, lord of Golt'n, and was a captive who converted to Islam at four years old; he became educated and served as a governmental advisor until the reign of 'Umar II.²⁶⁹ Vahan eventually returned to Golt'n and governed there. There he converted to Christianity and desired to preach Christ; he lived an ascetic life in the wilderness as a monk reflecting on scriptures.²⁷⁰ With the aspiration to proselytize, he traveled to Rusafa in order to gain an audience with Hishām, the Arab-Muslim governor. Having debated with the Arab-Muslim governor, but seeing no conclusion or conversion in sight, Hoyland writes:

...the caliph,...offered him riches and political power if he would return to Islam. But Vahan would not be won over by 'the things of this world' and was consequently imprisoned. A Muslim scholar was sent to debate with him each day, but failed to persuade him. After eight days he was again brought before the caliph, who asked him to recant, saying '*You have given a dangerous example for us, since others, imitating you, will also fall into rebellion.*'²⁷¹

Vahan refused to reconvert and, as a result, Hishām ordered his execution in the year A.D.737/ A.H.115. Most significant in the text is that it corresponds to the internal evidence of earlier Christian apologetic tracts, *Disputation of John and the Emīr* and the *Disputation of Bēt Halē*, where Muslim officials offered economic-social-political incentives to Christians or recent converts. The text does not indicate exactly what Vahan and Hishām debated, but given the context and possibilities, the content probably centered on differences between Christianity and

²⁶⁹ Hoyland, *Seeing Islam As Others Saw It*, 374.

²⁷⁰ Ibid.

²⁷¹ Ibid., emphasis added mine. There is other external evidence which bespeaks of this account in the *History of John Catholicos*, but according to Hoyland, "[it] has compressed events to the point of distortion."

Islam.²⁷² The most important detail from this text, however, is ‘You have given a dangerous example for us, since others, imitating you, will also fall into rebellion.’ Thus, the example Vahan publicly demonstrated by apologetic proselytization to the Arab-Muslim governor and assembly was a threat to social-religious boundaries. It was a threat because his actions and beliefs could possibly impact and influence other Christians to maintain their faith while potentially leading other Muslims to convert. Vahan’s conversion to Christianity and his apologetic proselytization might have encouraged other Muslims to ‘fall into rebellion,’ by means of apostasy. The differences in apologetics, proselytization, conversion, and apostasy blurred in distinctions and created conditions of social-religious confusion rather than clarity.

In conclusion, apologetic texts indicated a real social-religious concern for Christian and Muslim communities within the Islamic Empire. They reflect a reaction from the fluid to solid social-religious parameters and restrictions established in the 8th century Umayyad era. Be it active dialogue and disputation evidenced in texts or passive martyrology²⁷³ and theological treatise texts, especially communicated in Arabic, such apologetic proselytization crossed over and possibly challenged the social-religious boundaries the Umayyad (and later ‘Abbasid) governments established. Thus, Christian apologetic proselytization tested, crossed over, and pushed social constructs back toward the fluid boundaries that existed in the conquest era, possibly prompting Muslims to apostatize to Christianity.

²⁷² See n. 25 of this chapter.

²⁷³ Martyrology and hagiography texts also could have served as ‘passive apologetic’ texts with real historical accounts, although embellished. See Sahner, “Swimming Against the Current,” 268. He avers, “These included Christians who embraced Islam and then returned to Christianity, and [those] who challenged Islam by publically disparaging the Prophet. For these crimes, Christians could be killed by the state and venerated as martyrs.”

CHAPTER III

Shifting Landscapes:

Apologetic Discourse and the Change from Blurring to Blatant Social-Religious Boundaries in the Abbasid Era

The social and religious boundaries for Christians became more defined and distinctly restricted during the ‘Abbasid era. The Umayyad Empire reorganized the social-political structure of the government, rearranged tax systems, centralized rule with provincial amīrs, and established legal codes. Early Arab-Muslim conquerors and the Umayyad governors depended upon conquered peoples equipped with linguistic, economic, and diplomatic skills to help the new rulers with administrative needs of the emerging Islamic Empire. Non-Muslims, Christians in particular, assisted in tax collections of both non-Muslims and Muslims. Christians collected required poll and land taxes from their own confessional communities and yielded that tribute to amīrs. Christian administrators might have favored their social class or confessional community by increasing Muslim taxes while keeping required non-Muslim taxes the same rate. They may have reallocated the increased taxes from Muslims to finance either their own individual required taxes or those of their communities, which might have alleviated dhimmī taxes from non-Muslims. This was the civilian Muslim population’s main grievance that caused the ‘Abbasid revolution.²⁷⁴ According to G.R. Hawting, Muslims deemed the corruption of “dynastic and unislamic policies of the Umayyads....and, particularly in the matter of taxation, felt themselves to be discriminated against to the advantages of non-Muslims.”²⁷⁵ Robert Hoyland suggests that the incentive to avoid non-Muslim taxes influenced people to convert to Islam, yet local government administrators and tax collectors “frequently denied the exemption from the poll tax

²⁷⁴ Gerald R. Hawting, *The First Dynasty of Islam: The Umayyad Caliphate A.D. 661-750* (Carbondale: Southern Illinois University Press, 1987), 106.

²⁷⁵ *Ibid.*

that they had been promised when they converted...and so they reimposed the poll tax on those who had become Muslim, causing many to apostatize.”²⁷⁶ This, in turn, posed significant problems for the late Umayyads, which further resulted in reorganized social religious restrictions within the new ‘Abbasid dynasty.

Continued Christian Dialogue and Apologetics?

Christians continued producing apologetic texts during the Abbasid era, and engaged in apologetic discourse, debate, and proselytization. Christian apologetic texts produced from the 750s onward advanced articulate defenses of the belief of the Trinity, the person of Jesus, and critiques of the Qur’an in order to promulgate arguments to both Christians and Muslims. Most significant, Christian apologetic texts authored from the 750s were written in Arabic, the language of the Islamic imperial government.²⁷⁷ Arabic had become the language of public life in the caliphate.²⁷⁸ This created the possibility of a greater incentive toward Muslim apostasy. Christians probably conversed with Muslims in Arabic during both the Umayyad and ‘Abbasid eras, and because they authored apologetic texts in Arabic, Christians could more effectively promulgate their faith to Muslims by crossing over confessional communal boundaries, inducing either Christians to retain their faith or Muslims to apostatize. Furthermore, Muslim apologetic

²⁷⁶ Robert G. Hoyland, *In God’s Path: The Arab Conquests and the Creation of an Islamic Empire* (New York: Oxford University Press, 2015), 201-202. Hoyland suggests that recent converts to Islam and local elites were tax collectors for the Arab-Muslims, tasked with the job of reallocating lump sums of Muslim and non-Muslim taxes. Hoyland suggests, “Recent and would-be converts to Islam, especially low-status individuals, often encountered hostility from the authorities and were frequently denied the exemption from poll tax that they had been promised when they converted...and so they reimposed the poll tax on those who had become Muslim, prompting many to apostatize.” Also see chapter 2 and n. 49 in chapter 3 of this thesis.

²⁷⁷ 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), 4, 48-57. Also see Griffith, *The Bible in Arabic: The Scriptures of the “People of the Book” in the Language of Islam* (Princeton, N.J.: Princeton University Press, 2013), 1-7, 127-29. Griffith elucidates that Christians gradually abandoned their liturgical languages of Greek, Syriac, Coptic, and Latin etc. in favor of the emerging *lingua franca*, Arabic in order to communicate in a medium common to members of their confessional communities, and to those outside their confessional communities. This occurred during the Abbasid translation movement c. 750-1050.

²⁷⁸ Griffith, *The Bible in Arabic*, 1-4. ‘Abd al-Malik officially decreed Arabic as the *lingua franca* during his reign, which continued through the Umayyad and into the ‘Abbasid caliphates.

texts in defense of Islam were sparse to non-existent before the Abbasid era, and did not emerge until the 9th century.²⁷⁹

The ‘Abbasids and provincial governors within the Islamic Empire maintained some of Umar II’s earlier established social-religious legal edicts.²⁸⁰ Christians continued to live among Muslims in the social-religious environment from the Umayyad to the ‘Abbasid eras, and they participated in public and private debate-dialogues with Muslims. Within the first few years of ‘Abbasid rule, however, we find a text specifically impeding interfaith debate and dialogue between Christians and Muslims. In the Greek Byzantine source entitled *Chronicle of Theophanes*, the monk and chronicler, Theophanes the Confessor, documented events that occurred in Egypt²⁸¹ from September 1, A.D. 756 to August 31, A.D.757. Theophanes wrote:

Theodore the patriarch of Antioch was exiled. Because of the Arabs’ jealousy, they falsely accused him of revealing their affairs to the Emperor Constantine by letters. Salim put him in an out-of-the-way place: the land of the Moabites, which was also his native land. Salim also commanded that no new churches should be built, that the cross should not be displayed, *and that Christians should not enter into religious discussions with Arabs.*²⁸²

Moreover, in the following section of his chronicle Theophanes also recorded the continued conditions for Christian monks and clergy documented from September 1, A.D.757 to August 31, A.D.758. Theophanes wrote, “In this year ‘Abd Allah increased the taxes on the Christians, so that all monks, solitary monks, and pillar-sitters...had to pay taxes. He also sealed the churches’

²⁷⁹ David Thomas, “Early Muslim Responses to Christianity,” in *Christians at the Heart of Islamic Rule: Church Life and Scholarship in ‘Abbasid Iraq* (Leiden: Brill Press, 2003), 231. See also Mun’im A. Sirry, “Early Muslim-Christian Dialogue: A Closer Look at Major Themes of the Theological Encounter,” in *Islam and Christian-Muslim Relations* Vol. 16, No. 4 (2005: 361-76), 363-67.

²⁸⁰ The legal edict here was the Petition of ‘Umar II in Abū Yūsuf’s *Kitāb al-Kharaj*.

²⁸¹ Milka Levy-Rubin, “Shurūt ‘Umar: From Early Harbingers to Systematic Enforcement,” in *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World*, edited by David M. Freidenreich and Miriam Goldstein (Philadelphia: University of Pennsylvania Press, 2012), 35, 174. See Levy-Rubin’s n. 33. She clarifies that the name Salim was a miswritten mistake of Theophanes who meant to write Sālih, the governor of Egypt from 757-8.

²⁸² *The Chronicle of Theophanes: Anni Mundi 6095-6305 (A.D. 602-813)*, edited and translated by Harry Turtledove (Philadelphia: University of Pennsylvania Press, 1982), 119, emphasis added mine. *Theophanes Chronographia: A Chronicle of Eighth Century Byzantium*, translated by Anthony R. Santoro (Gorham, Greek, Roman and Byzantine Studies Conference, 1982), 60-61. Also see Milka Levy-Rubin, “Shurūt ‘Umar,” 35.

treasuries and brought in Hebrews to sell them; they were purchased by freedmen.”²⁸³ What is striking in the text is that similar social-religious conditions exist in earlier proscriptions for non-Muslims, namely the *ghiyār* codes. For example, prohibiting the construction of new churches, the removal of public crosses, and the taxation of Christian clergy, including monks, are evidenced in Umayyad era Christian and Islamic texts, and have already been encountered and examined. There are two notable nuances in this text. First, the exile of the patriarch of Antioch reflects the general Muslim concern of non-Muslim administrators, resulting in his removal and relocation; and, it also indicates the broad removal of most dhimmīs from administrative positions due to their position ‘over’ the Muslim population. Second, the prohibition of Christians from participating in theological debates and dialogues with Muslims is significant because this is the earliest text in which this particular prohibition appears. The same prohibition appears in later Islamic jurisprudence texts, and the universal edicts regarding dhimmīs throughout the Islamic Empire. Thus, Christians’ public or private apologetic theological discourse with Muslims might have affected the social-religious situation and stability in Egypt during this time. To be sure, it is uncertain that such a legal decree was widespread or uniform throughout the ‘Abbasid caliphate from 750-753. What is certain is Christian apologetics increased in quality and quantity from the conquest era, through the Umayyad and ‘Abbasid eras,²⁸⁴ and the governor of Egypt foreclosed private and public Christian and Muslim theological dialogues, where proselytization, conversion, or apostasy may have happened, especially if communicated in Arabic.

²⁸³ Ibid. Theophanes continued to record similar events dated from A.D.776-767. He recorded, “In this year ‘Abd Allah ibn ‘Ali died....While the other ‘Abd Allah was caliph, he showed the Christians under his control many evils. He took the crosses from their churches, and prevented them from celebrating night-festivals, and studying their letters. See pp. 127.

²⁸⁴ Griffith, *The Church in the Shadow of the Mosque*, 48-50.

In the last half of the 8th century Christians from various denominations produced apologetic materials in Arabic at monasteries that circulated in other monasteries and Christian confessional communities. The clergy of the Melkite Greek Orthodox community, in which Anastasius of Sinai and John of Damascus were members, primarily wrote their ecclesiastical works in Greek. Others, including the Nestorian and Monophysite communities wrote in other local languages.²⁸⁵ Christians in these communities also probably wrote and spoke in Arabic.²⁸⁶ As Arabic became the public language of business and political communication throughout the Islamic Empire, Christians adopted it for economic and ecclesiastical purposes.²⁸⁷

Christians did this for various of reasons. First, because the Umayyads and ‘Abbasids promoted and popularized the Arabic language, Christians wrote Arabic because they wanted to communicate their religious beliefs in the language known to members of their own confessional communities who, by means of necessity, adopted Arabic as the emerging, common language. Also, in order to preserve and maintain their own Christian communities and religious doctrines, monks and clergy thought it necessary to adopt Arabic into their ecclesiastical texts, sermons, worship, and rituals to take advantage of and advance their beliefs in a new social-political context. Rather than rejecting the Arabic language in Christian communal life, the clergy assimilated it. Second, because Christians adopted Arabic, the communication of Christian beliefs in sermons, rituals, public funerals, ceremonies, apologetic disputations and debates allowed Christians to articulate those beliefs and arguments in effective ways Muslims could understand. Of the translated Christian works in Arabic there were not only apologetic tracts and

²⁸⁵ Such languages included Greek, Syriac, Coptic, Aramaic, and Persian.

²⁸⁶ Sidney H. Griffith, “Disputes with Muslims in Syriac Christian Texts: From Patriarch John to Bar Hebraeus,” in *Doctrine and Debate in the East Christian World, 300-1500: The Worlds of Eastern Christianity, 300-1500*, edited by Cameron and Hoyland (Burlington, VT Ashgate Publishing, 2011): 251-73, 260.

²⁸⁷ Griffith, *The Church in the Shadow of the Mosque*, 48-50.

theological treatises, but also copies of the Christian Bible.²⁸⁸ This suggests that as Christians adopted Arabic into their ecclesiastical and economic method of living, they could more effectively promulgate their religious beliefs and arguments to Muslims, and refute Muslims' objections.

The earliest Christian Arabic apologetic text is entitled, *An Apology for the Christian Faith*. An anonymous author in the Melkite community authored it c. A.D.755/A.H.133.²⁸⁹ The author defends and explains the Christian Greek Orthodox belief of the Trinity, the Incarnation of Jesus, and supports his arguments with logically based evidence from prophetic passages in the Old Testament and the Qur'an. Whether verbally instructed to Christian students or read by Christians, or perhaps read by Muslims, the anonymous author deployed this literature for specific conversation with Muslims in Arabic.²⁹⁰

The author begins his work with an invocation and opening prayer. He wrote, "In the name of the Father and the Son and the Holy Spirit, one god,"²⁹¹ with the clear intent of emphasizing the triune nature and of the Christian deity. Next, the author addressed his belief that both scriptures in the Old and New Testaments evidenced the triune nature of God in the Creator, Word, and Spirit of God. The author invoked the book of Isaiah and the book of Revelation in order to prove his point in the example of angels singing in the heavenly realm. In

²⁸⁸ Griffith, *The Bible in Arabic*, 106-114.

²⁸⁹ "An Apology for the Christian Faith" رسالة دفاعية في العقائد المسيحية, edited and translated by Mark N. Swanson in *The Orthodox Church in the Arab World 700-1700: An Anthology of Sources*, edited by Samuel Noble and Alexander Treiger (DeKalb: Northern Illinois University Press, 2014), 40-41. Also see Griffith, *The Church in the Shadow of the Mosque*, 53-4. The text is located at the library of the Monastery at Saint Catherine at Mount Sinai, the same place Andrew Morrow discovered the *Covenants of the Prophet Muhammad with the Christians of the World* texts.

²⁹⁰ Ibid., 42. See Swanson. He questions, "But is it likely that many Muslims read it? We do not know." He suggests it was probably intended for internal communal readership. Nevertheless, the content of such information, if intended to be communicated to Arab-Muslims, still, by nature of its authorship, was likely conveyed to Muslims.

²⁹¹ Ibid., 42.

both passages angels in God's Divine Council praised God proclaiming, "'Holy, holy, holy, the mighty Lord, with whose glory the heavens and the earth are filled.' They extol [God] three times and conclude with one 'Lord,' that people might know that the angels extol God and His Word and His Spirit, one god and one Lord.'"292 Then, the author wrote, "We [Christians] do not separate God from His Word and His Spirit; we do not worship any other god."293 This was a clear defense of Christian doctrine toward the Islamic beliefs represented in the Qur'an, on Islamic coins, and in the inner ambulatory of Dome of the Rock.

In both examples, the author examined Muslim beliefs concerning Jesus and the Trinity. The monk investigated the Qur'an because his apologetic approach from the Old and New Testament scriptures reflected prophetic evidence to disprove the Qur'an's theological statements about Jesus' role as a prophet, the *Word* of God, and the *Spirit* of God. For example, Qur'an 4:171 reads:

O People of the Scripture, do not commit excess in your religion or say about Allah except the truth. The Messiah, Jesus, the son of Mary, was but a messenger of Allah and *His Word* which He directed to Mary and a *Spirit* [created at a command] from Him. So believe in Allah and His messengers. And do not say, "Three"; desist - it is better for you. Indeed, Allah is but one God. Exalted is He above having a son. To Him belongs whatever is in the heavens and whatever is on the earth. And sufficient is Allah as Disposer of affairs.²⁹⁴

From examining the Qur'an the Christian author argued the triune nature of God was intertwined within the doctrine of Islam. According to the Christian apologist, God the Father was 'Allah,' the *Word* was 'Christ incarnated with the Holy Spirit,' and the *Spirit* was 'the Holy Spirit,' thus, all three persons of God were present in both religious texts. The author challenged the Qur'an as a religious text and Islamic beliefs arguing that the Qur'an conveys a triune nature of God, which

²⁹² Ibid., 43. See Isaiah 6:3 and Revelation 4:8. Also see Qur'an 4:171.

²⁹³ Ibid.

²⁹⁴ This is paralleled Qur'anic text seen in the inscriptions on the inner ambulatory of the Dome of the Rock, which 'Abd al-Malik constructed c. A.D.690/A.H.68. See n. 26 in chapter 2 of this thesis.

reflected Christian beliefs. Later in his apologetic work he reiterated, “We do not say ‘three gods’ --God forbid! Rather, we say: ‘God and His Word and His Spirit are one god, one Creator.’”²⁹⁵ Building on earlier apologetic approaches that Anastasias of Sinai advocated, the author recommended to his Christian audience that they immediately were to deny Christians believed in three gods.²⁹⁶ The author challenged the Qur’anic admonition to not believe in “Three [gods]” or a triune nature of God. The Christian apologist reflected the three triune characteristics and ‘persons’ in Allah, His Word, and Spirit from Jesus’ incarnation, and prophethood.

In order to further prove his point, the author examined the Book of Genesis in the Torah, one of the Islamic canons of scripture. The Christian monk analyzed the creation of the universe where he again referred to the reflection of the triune nature of God. He wrote:

Likewise, it is written at the beginning of the Torah: ‘In the beginning, *God* created heaven and earth.’ Then He said: ‘*The Spirit* of God was upon the waters.’ And then He said by *His Word*: ‘Let there be light,’ and there was light.’And then He said: “Let Us create the human according to Our likeness and pattern.” Thus God announced clearly at the beginning of a scripture that He revealed to His prophet Moses that God and His Word and His Spirit are one god, and that God (may he be blessed and exalted!) created all things and gave life to all things by His Word and His Spirit.²⁹⁷

The Christian apologist acknowledged the triune nature of God in the creation story attempting to prove to Christian and Muslim audiences that the Muslim belief and emphasis in one god was similar to the Christian belief. The monk, however, argued that while the Muslim faith focused on the monotheistic elements of God, they could not deny the triune nature of that same God because earlier evidences in the Torah, the Psalms, the Gospels, and also in the Qur’an reflected the Triune nature of Allah. Furthermore, the Christian apologist meticulously examined the textual linguistic etymology and verb forms of God in the Torah and the Qur’an’s creation myths.

²⁹⁵ Ibid., 44.

²⁹⁶ See n. 114 in chapter 1 of this thesis.

²⁹⁷ “An Apology for the Christian Faith,” ed. Swanson, 44.

Also, God said in the Torah: “Let *Us* create the human according to *Our* likeness and pattern. God (may His name be blessed!) did not say, “*I* created the human” but, rather, “*We* created the human,” in order that human beings might know that God, by His Word and His Spirit, created all things and gave life to all things....You will find it in the Qur’an: “*We* created humanity in affliction,” and “*We* opened the gates of heaven with water pouring down.” And it said: “They shall come to *Us* individually, as *We* created them at first.” And it said: “Believe in God and *His Word*,” and also, with regard to the Holy Spirit, “But the Holy Spirit shall reveal it from your Lord as mercy and guidance.” What could be more clarifying and enlightening than this, when we find in the Torah, the Prophets, the Psalms, and the Gospel, and you [Muslims] find it in the Qur’an, that God and His Word and His Spirit are one god and one Lord?²⁹⁸

The apologist not only examined and defended the Christian concept of the triune nature of God from earlier scriptures and prophetic evidences, but also analyzed the linguistic and grammatical devices ancient authors used in those texts. The ancient authors wrote the semitic linguistic form of “*na*,” noon and alif words at the end of a verb in Hebrew and Arabic grammar in order to emphasize the first person plural of the verbs rather than the first person singular in both the Book of Genesis in the Hebrew Torah, and the same creation account in the Arabic Qur’an.

Throughout the work, the Christian apologist provided examples and analogies of the triune nature of God intended to teach members of the Christian confessional community. The simple analogies were intended for educational use to prevent Christians from apostasy, and also could have been used in dialogical apologetics with Muslims. In the remainder of the work, the author explained the purpose of Christ’s incarnation, death, and resurrection, citing examples from Old and New Testament passages.²⁹⁹ Another unique characteristic in the work is the author’s use of Arabic linguistics found in the Qur’an such as ‘May he be blessed and exalted! May His name be blessed! The Compassionate, the Merciful,’ when describing the Christian God. This kind of Arabic linguistic phrasing intertwined and blurred the Islamic Allah with the Christian God, with the intent of making a connection to the Christian God. This utilization of

²⁹⁸ Ibid., 46. Also see Griffith, *The Church in the Shadow of the Mosque*, 55-7.

²⁹⁹ See “An Apology for the Christian Faith,” ed. Swanson, 47-58.

both Arabic language and apologetic content reflects a significant increase in the quality of Christian arguments concerning Islam. This also reflects an increased quantity of communication because the text was written in Arabic and intended to advance Christian arguments to Muslims with the possible attempt to convert them. This kind of apologetic analysis and argument provided Christians reassurance of their faith, and might also have potentially prompted Muslims to apostasy.

Another significant Christian author and apologist in the late 8th and early 9th centuries was the Bishop of Harran, Theodore Abu Qurra. Writing an extensive corpus of Arabic and Greek treatises and apologetic tracts, Abu Qurra authored articulate apologetic responses in a milieu of various competing religions including Islam.³⁰⁰ Theodore sought to prove the existence of God in general, and the Christian God in particular from ‘natural philosophy,’ in which the theological scholar attempted to answer theological questions with human logic, reason, and the natural world instead of direct, divine revelation.³⁰¹ In his work, *Theologus Autodidactus*,³⁰² Abu Qurra used this method in narrative style where the main character, a foreign young shepherd, descends a mountain and travels into an urban marketplace. Devoid of any prejudice or proclivity to Judaism, Christianity, or Islam, the character embodies the concept of an unadulterated pursuit of truth and unbiased analysis of various religions in the city, and he attempts to deduce the nature and veracity of each religion.³⁰³

³⁰⁰ “Theodore Abu Qurra,” edited and translated by John C. Lamoreaux in *The Orthodox Church in the Arab World 700-1700: An Anthology of Sources*, edited by Samuel Noble and Alexander Treiger (DeKalb: Northern Illinois University Press, 2014), 60. See also “Theodore Abu Qurra’s: A Handbook for Dialogue,” edited and translated by Jean-Marie Gaudeul in *Encounters and Clashes: Islam and Christianity in History* Vol. 2 (Roma: Pontificio Istituto di Studi Arabi e d’Islamistica, 2000), 25-8.

³⁰¹ Ibid., 62.

³⁰² Ibid. The text was originally untitled and was written in Arabic, but according to Lamoreaux, “[it] has been called...‘Self-Taught Theologian,’ in homage to the traditional Latin titles of...somewhat similar works from the Muslim theological tradition....”

³⁰³ Ibid., 62-3. See Lamoreaux. The text reflects the milieu of Abu Qurra and his time because Harran was known for containing various religions of the Medieval Middle East including Jews, Samaritans, Christians, Muslims, Zoroastrians, and local pagans, where “each group claims to possess the true revelation of God.”

In the next section of the text, the character encounters the basic theological tenets of each religion and sets out informing the reader to inquire and compare the nature, morality, and religious books of each religion in order to discern which religion was genuine. The author wrote, “When we have discussed and come to understand these subjects, we shall compare those books that are in our possession. If we find a book with these things in it, we shall know that it is from God. That book we shall confess and accept; every other book we shall reject.”³⁰⁴

Examining the argument for the Trinity from one of ‘the books,’ Abu Qurra attempts to explain the theology of the triune nature of God and the Incarnation together. Abu Qurra wrote:

God’s begetting of His Son and the procession of the Holy Spirit, however, transcend and are contrary to this. They did not take place through a woman or sex. They involved neither pregnancy nor development. There was no question of temporal precedence, only simultaneity. So too, God’s headship over Those who are from Him involves no disagreement. Rather, Those Two agree with Him in nature, will, eternity, and desire. Among Them, there is absolutely no disagreement, excepting that One begot, Another was begotten, and Another proceeded, while the One who begot is head.³⁰⁵

The logical structure of Abu Qurra’s argument was based on the creation and nature of Adam in the Book of Genesis.³⁰⁶ Abu Qurra argued that because the Creator generated a being with the ability to be begotten, to beget, and through begetting could produce another being, “having authority over that which proceeded (i.e. children),” Adam’s nature is reflective of God’s triune nature. Abu Qurra emphasized this was an attribute of God imprinted in mankind’s quiddity. In other words, the author attempted to prove the triune nature of God because humans were ontologically mimetic, which reflected God own nature. The presumption was that the nature of God as one nature in three persons did not result from physical copulation and production, but

³⁰⁴ Ibid., 73.

³⁰⁵ Ibid., 76.

³⁰⁶ The Torah, Psalms, and Gospels were accepted as traditional scripture in Islamic canon in addition to the Qur’an, but Muslims thought the previous religious texts had been corrupted and were thus suspect to theological authenticity.

resulted from God's nature as an uncaused cause who could create other beings in His image.

Mankind's nature reflected a similar characteristic of God's triune nature through existence, begetting, and producing in the physical realm. Abu Qurra summarized thus:

If all this is so, then God...is surely head, not over His creatures, but over One like Him. And if He is head over One like Him, He, too, has begotten a Son and there has proceeded from Him a Spirit, and He and Adam resemble one another with regard to begetting and headship. Thus, among the many things the mind can infer from the likeness of Adam's nature is that God is three persons: One who begets, Another who is begotten, and Another who proceeds....'And God created humans, and in the image of God He created them.' This, too, is among God's attributes.³⁰⁷

In comparison to earlier apologetic texts addressing the Trinity and the Incarnation, Abu Qurra confronted the Muslim belief of physical copulation with Mary to produce Jesus. He based his arguments by using natural philosophy and logical reasoning based on the nature of humanity and what could be commonly seen and understood, not by direct revelation or scriptural evidence *per se*. Abu Qurra argued that because the reader knows the nature of God was reflected in Adam, he could discern which of the competing religions were authentic. "On our examining the matter," Abu Qurra wrote, "we find that the Gospel alone contains what we learned from our own nature. The Gospel alone contains what we learned about God being three persons: Father, Son, and Holy Spirit."³⁰⁸ He then analyzed the earlier competing religions against this backdrop and disclosed their contradictions. When he examined Islam, he said, "Others say 'One, Eternal, who did not beget and was not begotten.' . . . they describe God, not one of them hitting on a true account of Him. Their descriptions are from the earth, not from God."³⁰⁹ Abu Qurra's explanation was that the Gospel came only from God because "it offers us what our own nature taught us," which was a result of being in the likeness and similar nature of God.³¹⁰

³⁰⁷ Ibid., 77.

³⁰⁸ Ibid., 82.

³⁰⁹ Ibid., 82-3.

³¹⁰ Ibid.

In the next section, Abu Qurra examined if the Christian God and the Gospel reflect what all the various religions had in common: “what is good and what is evil, about what is commendable and what is reprehensible, and finally, how it can teach us about the eternal reward with which God blesses it and about its punishment....”³¹¹ The author argued that both the Jesus’ teachings and his nature in the Gospels revealed this to be the case. To prove his points, Abu Qurra inspected Jesus’ teachings in the Gospels and compared them to those of other religions. In doing so, he directly challenged the Islamic religion and argued it antithetical to Christianity, and the nature of God. Abu Qurra juxtaposed the Christian treatment of mankind and wrote that Jesus said, “‘It was said to the ancients, ‘An eye for an eye; a tooth for a tooth.’ I say to you, however: Do not requite evil with evil. Rather, if someone strikes you on your right cheek, turn to him the left....Do not hate your enemies, but love them. Bless those who curse you and do good to those who drive you away. Pray for those who conquer and oppress you....”³¹² In the following passages, however, Abu Qurra compared this teaching with his understanding of Islam. He wrote:

They abuse but do not accept abuse, and if abused, they strike, and if struck, they kill. Nor do they limit themselves to this, but they take their swords and go forth to those who have done them no harm, killing and taking them as spoils. All the [other] religions consider this acceptable. I cannot help but wonder how they claim God commands them to do this, even though this is contrary to our nature and causes its corruption! God-may He be blessed and exalted!-does not desire our nature’s corruption but its goodness, for He has ordered our nature to keep away from corruption.³¹³

Abu Qurra’s apologetic *Theologus Autodidactus* reveals an acute analytical apologetic treatise intended for Christian readership in Arabic. This apologetic is unique because it utilizes logical reasoning both alongside and against scriptural texts, and examines religious tenets of various

³¹¹ Ibid., 73.

³¹² Ibid., 83. Abu Qurra is drawing from Matthew 5:38-42, and Matthew chapter 6 and 7.

³¹³ Ibid., 84.

faiths, including Islam. The work also reveals an increased approach to the quality of apologetic arguments within Christian communities as they developed from the 7th century to the mid-late 8th century.

The inter-religious dialogues between Jews, Christians, and Muslims emerged and developed from the conquest through the ‘Abbasid eras, and the style of debate that developed from inter-religious conversations was the *‘ilm al-kalām* dialogical format.³¹⁴ The approach of using logical reasoning with scriptural texts rather than divine revelation in theological dialogues and debates developed into the *kalam* style of theological argumentation between Christians and Muslims commonly held at either caliphs’ courts or officials’ homes.³¹⁵ The context of most Christian apologetic texts reflected scenarios often held at a caliphs’ court or a Muslim officials’ residence, which was called the *majlis*. The *majlis* was an environment where representatives of confessional communities were able to honestly challenge other religions without threat or harm to themselves or their communities. This genre was known as “The Monk in the Emir’s Majlis,” and it became the most popular type of apologetic genre within Christian communities.³¹⁶

The most popular Christian apologetic work was the *Disputation of the Monk Abraham of Tiberias* written c. A.D.815-840/A.H.193-218, and was a debate between a monk and the amīr

³¹⁴ Griffith, *The Church in the Shadow of the Mosque*, 102-103, 158. Mun’im A. Sirry, “Early Muslim-Christian Dialogue,” 361-62.

³¹⁵ Griffith, *The Church in the Shadow of the Mosque*, 60-3, 158-9.

³¹⁶ *Ibid.*, 77-81. See also, “The Disputation of the Monk Abraham of Tiberias,” edited and translated by Krisztina Szilágyi in *The Orthodox Church in the Arab World 700-1700: An Anthology of Sources*, edited by Samuel Noble and Alexander Treiger (DeKalb: Northern Illinois University Press, 2014), 90-93. The text dates from A.D.815-40/A.H.193-218. She suggests, “Although the text is in all likelihood based on a historical debate, it is a heavily fictionalized account...The most plausible scenario seems to be that the historical debate...ended with the Christian debater’s success and the jubilant local Christians spread the news....” This particular disputation circulated in “all Arabic-speaking Christian communities,” ranking among the most popular Arab Christian apologetic texts. See also “Abraham of Tiberias’: The Best Religion,” edited and translated by Jean-Marie Gaudeul in *Encounters and Clashes: Islam and Christianity in History* Vol. 2 (Roma: Pontificio Istituto di Studi Arabi e d’Islamistica, 2000), 29-30.

‘Abd al-Rahman al-Hashimi.³¹⁷ Whether or not the text reflected a real debate between the two individuals does not necessarily matter. What matters are numerous features. First, this text served as a *typos* for Christian apologetic literature and reflected real arguments between Christians and Muslims. Second, the text provided ready apologetic answers to Muslim challenges in private or public debates. Third, the text was a popular apologetic, which disseminated throughout Arab-Christian communities with a large number of manuscript copies, revealing that Christian communities read and taught this apologetic method and perhaps employed it in conversation with neighboring Muslims. Fourth, this text combined the apologetic arguments of *An Apology for the Christian Faith*, and Abu Qurra’s *Theologus Autodidactus* in dialogical format,³¹⁸ which could have led to Muslims to apostatize to Christianity. This style influenced Muslim theologians to develop similar apologetic methods and models, which deduces that Muslims either read such treatises or encountered them in debates. Lastly, the increase in the quality of Christian apologetic caused Muslim scholars to implement restrictive social and religious legal stipulations for Christians.

The Historiography and Development of the *Shurūt ‘Umar*

In the ‘Abbasid Empire the social-religious landscape shifted from flexible to more rigid boundaries, and Islamic legal scholars increased restrictions for multiple reasons. One factor in later legal texts, but absent in the *Constitution of Medina*, the *Covenants of the Prophet Muhammad with the Christians of the World* texts, and early *sulh* treaties were specific restrictions of Christian apologetic dialogue, disputation, and proselytization. Christian apologetic texts, disputations, and dialogues increased in the quality of arguments and, having

³¹⁷ Ibid. ‘Abd al-Rahman al-Hashimi was the governor of Jerusalem at the time and in the text.

³¹⁸ Ibid. See “The Disputation of the Monk Abraham of Tiberias,” ed. Szilágyi, 93-110.

adopted Arabic as the medium of communication, increased in the quantity of people promulgated. This apologetic proselytization, therefore, could have impacted and influenced Christians to retain their religion, or cause Muslims to apostatize to Christianity. These specific restrictions were emphasized in Islamic legal catalogues, and the competing general dhimmī law codes *Al-Shāfiʿī's Pact Accorded to Be Accorded to Non-Muslim Subjects*, and the *Shurūt ʿUmar*, which emerged in the ʿAbbasid era.

The *Shurūt ʿUmar* was the universal law code of political, economic, and social-religious restrictions for the *ahl al-dhimma* throughout the ʿAbbasid Empire.³¹⁹ It emerged in its final form c. A.D.850/A.H.228. The text takes the form of a letter written as a surrender petition from Syrian Christians to the caliph ʿUmar ibn al-Khattāb, ostensibly authored in the conquest era. However, historians questioned the authenticity of the *Shurūt ʿUmar*, and rejected the assumption that the text originated with reign of ʿUmar I in A.D.634-44/A.H.12-22.

Arthur S. Tritton along with Fattal, Zayāt, and Lichtenstadter argued the *Shurūt ʿUmar* developed from earlier codes ʿUmar II imposed during his rule in the Umayyad era, evidenced as the ʿPetition to ʿUmarʼ in Abū Yusūf's *Kitab al-Kharaj*. Tritton suggested the Pact of ʿUmar originated as “an exercise in the schools of law to draw up pattern treaties,” and was retrojected to ʿUmar I in the form of a surrender treaty to anchor authenticity of ʿUmar II's proscriptions of non-Muslims. ʿUmar II's legal edicts focused on the external recognition of non-Muslims in the

³¹⁹ See Mun'im Sirry, “The Public Role of Dhimmīs in ʿAbbāsīd Times,” *Bulletin of the School of Oriental and African Studies* 74 (2011): 187-203. See also “A Risāla of Al-Jāhiz,” edited and translated by Jean-Marie Gaudeul in *Encounters and Clashes: Islam and Christianity in History* Vol. 2 (Roma: Pontificio Istituto di Studi Arabi e d'Isamistica, 2000), 35-6. The ʿAbbasīd's banned non-Muslims from holding certain offices and positions in the government, but there are instances where some Jews and Christians were appointed to high positions of grate influence in the state, including the position of vizierate, second in authority to the caliph. This was, however, an exception rather than the rule of law. Al-Jāhiz noted that Christians were too rich and influential as secretaries, servants to kings, physicians, and educators.

empire in the form of *ghiyār* economic and dress codes. Nowhere in the ‘Petition to ‘Umar’ of Abū Yusūf’s *Kitab al-Kharaj* are there restrictions for Christian apologetic dialogue, disputation, or proselytization. Moreover, Tritton examined the internal evidence of the *Shurūt ‘Umar* and argued its restrictions reflected a “closer intercourse Christians and Muslims than...possible in the early days of the conquest,”³²⁰ and he discovered different versions of the ‘Pact of ‘Umar written in later Islamic legal texts.

Albrecht Noth and Mark Cohen argue there was a common source covenant, which may not have borne ‘Umar’s name, but served as the foundation for dhimmī law from the early conquest period.³²¹ Noth argues the *Shurūt ‘Umar* originated in the conquest era, and was authentically attributed to ‘Umar I because the text reflected the form of early conquest *sulh* treaties. Furthermore, Noth suggests the stipulations in the *Shurūt ‘Umar* were to protect the social-religious coexistence of the Arab-Muslim minority rather than imposing humiliating restrictions on a non-Muslim majority.³²² He suggests those restrictions altered from their original purpose to a much more restrictive and humiliating one.³²³ Noth’s argument poses some problems. The internal evidence of the *Shurūt ‘Umar* and its different versions in Islamic legal texts reveal specific restrictions concerning Christian apologetic debate, dialogue, proselytization and the apostasy. These were not prominent concerns in the early conquest era *sulh* treaties, the *Constitution of Medina*, nor in the *Covenants of the Prophet Muhammad with Christians of the World* texts. Christian apologetics had not developed in quantity or quality during the initial

³²⁰ Arthur.S. Tritton, *The Caliphs and Their Non-Muslim Subjects* (London: Frank Cass & Co. Ltd., 1970), 10-16.

³²¹ Albrecht Noth, “Problems of Differentiation between Muslims and Non-Muslims: Re-reading the ‘Ordinances of ‘Umar’ (Al-Sharūt al’Umaryiia),” in *Muslims and Others in Early Islamic Society*, ed. Robert Hoyland (Burlington: Ashgate Publishing, 2004), 103-124. Cohen, “What was the Pact of ‘Umar?,” 100-103. Cohen, *Under Crescent and Cross*, 54-8, 63. Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 60-62.

³²² Noth, “Problems of Differentiation between Muslims and Non-Muslims,” 103-124.

³²³ *Ibid.*

conquests for Christians or Arab-Muslims to specifically proscribe such a social-religious restriction in a universal (or even local) law code for conquered peoples.

Mark Cohen, however, suggests the *Shurūt ‘Umar* materialized in the 10th or 11th century, and the form of the text evolved from the outgrowth of Arab-Muslim conquests and surrender treaties, but its legal stipulations reflected the social-religious milieu of the Umayyad and ‘Abbasid eras.³²⁴ Cohen argues the internal evidence of the *Shurūt ‘Umar*, when compared against the *sulh* treaties, indicates added restrictive stipulations not endemic to the early conquest era. Cohen further examines other versions of the ‘Pact of ‘Umar’ in Islamic legal texts such as *Al-Shafi’ī’s Pact*, and suggests legal scholars were interested in dhimmī legal content rather than textual form. Thus, Cohen suggests the *Shurūt ‘Umar* featured administrative legal concerns that developed during the later Umayyad and ‘Abbasid eras, written in the form of a petition because both non-Muslims and Muslims were familiar with the outline of surrender treaties.³²⁵

Daniel E. Miller researched early ahadith and the development of the Islamic legal texts concerning dhimmī law codes from the four Sunni Islamic schools of jurisprudence that surfaced in the ‘Abbasid era. He argues each Islamic school emphasized specific perspectives and concerns proposing alternative approaches for dhimmīs throughout the Islamic Empire. He suggests divergent dhimmī law codes in Islamic schools and legal texts reflected their own agendas and restrictions. He challenges the argument that the ‘Petition of ‘Umar’ was part of a single, linear evolution of added restrictions that began with ‘Umar I in the conquest era. Rather, Miller argues that changes in dhimmī law codes occurred in the ‘Abbasid era from a multilinear evolution of debated, competing catalogued legal themes into *the* fixed legal canon known as the

³²⁴ Cohen, “What was the Pact of ‘Umar?,” 100-57. Cohen, *Under Crescent and Cross*, 54-58

³²⁵ Ibid.

Shurūt ‘Umar, in which Islamic legalists compiled these codes into a universal law for *ahl al-dhimma*.³²⁶ Lastly, Miller argues the *Shurūt ‘Umar* replaced the competing universal version of *Al-Shafi’ī’s Pact*, and the *Shurūt ‘Umar* became *the* universally recognized and enforced law code for dhimmīs by the mid-10th century.

Milka Levy-Rubin utilizes Miller’s and Cohen’s analysis of the juridic debate, content, and structure of the *Shurūt ‘Umar* and argues that Islamic legalists gradually relegated early, individual surrender agreements of conquered peoples in order to implement a universal dhimmī law code throughout the caliphate.³²⁷ She suggests Islamic scholars debated the concerns about Christian and Muslim coexistence in the 8th and 9th centuries not “as an exercise in drafting treaties” as Tritton suggested or to summarize regulations into a single text, “but rather because [there]...was a burning social and religious issue in the caliphate and therefore also among Muslim jurists.”³²⁸ These ‘burning social and religious issues’ consisted of protected methods of living before the conquests that Christians continued to conduct, and which became problematic for Muslims.³²⁹ Levy-Rubin argues Islamic legalists debated and drafted competing dhimmī legal codes and universal versions; and, these scholars’ solutions to maintaining earlier protections in the individual *sulh* treaties was “found in the form of a general *sulh* agreement.”³³⁰ In other words, Islamic legal scholars drafted a universalized *sulh* agreement that contained added restrictions concerning Christian-Muslim coexistence.³³¹ Because it was in the form of a

³²⁶ See Miller pp. 74. He states, “I will argue that rather than being a single complex of mutual obligations, the codes of the third century scholars Abū Yusūf, Al-Shafi’ī, and Ibn Hanbal provide evidence for a diversity of concerns among the various legal schools, none of which approached the Petition to ‘Umar in their comprehensiveness. The ‘Umarriyyan Stipulations were an effort to bring unity and rationality to that diverse system of law, and...I will show that it was only with time that the Petition to ‘Umar was able to displace competing systems.”

³²⁷ Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 58-62, 86-7.

³²⁸ *Ibid.*, 60-61.

³²⁹ *Ibid.*, 60-61.

³³⁰ *Ibid.*, 70.

³³¹ *Ibid.*, 60-70.

“general agreement, it could override the individual agreements.”³³² Furthermore, Levy-Rubin suggests there were several competing versions of the new universal *sulh* legal code for dhimmīs, which Islamic scholars debated, altered, and modified until they finalized its form in the *Shurūt ‘Umar*.³³³ She proposes the competing universal versions of the legal code was Abū Yūsūf’s version in the *Kitab al-Kharaj*, and *Al-Shafi’ī’s Pact* in addition to several others.³³⁴ Unlike Miller’s and Cohen’s arguments that the *Shurūt ‘Umar* finalized in form and enforcement in the 10th and 11th centuries, Levy-Rubin argues it emerged in the mid-9th century during the reign of al-Mutawakkil, and from there onward gained precedence and exclusivity as the recognized universal law code for dhimmīs, “gradually pushing aside other versions, which presented more liberal and tolerant approaches....”³³⁵ She argues there were increasing restrictions and enforcements for dhimmīs prior to and leading toward the finalization of the *Shurūt ‘Umar* and al-Mutawakkil’s reign.³³⁶

One of the ‘burning social and religious issue[s]’ was Christian apologetic dialogue, disputation, and proselytization evidenced in apologetic texts, which made its way into both the content of the legal debates, and into the final form of the universal legal code of the *Shurūt ‘Umar*. What is significant and overlooked is that Christian apologetic texts increased in quality and quantity at the same time Islamic legalists debated dhimmī social-religious matters, and drafted competing opinions and universal codes specifically regulating Christian apologetic proselytization.

³³² Ibid. That the *Shurūt ‘Umar* was similar in structure of the earlier *sulh* surrender agreements, such a retrojected forgery preceded the each region’s or city’s individual *sulh*, making it appear as authentic and accepted.

³³³ Ibid., 58-62.

³³⁴ Ibid., 84-7. See Levy-Rubin. The other version of the agreement with dhimmīs which she adduces is the *Nushātiruhum Version*.

³³⁵ Ibid., 58-62, 68-70.

³³⁶ Milka Levy-Rubin, “Shurūt ‘Umar: From Early Harbingers to Systematic Enforcement,” in *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World* (Philadelphia: University of Pennsylvania Press, 2012), 31-5. See Levy-Rubin. She traces the legal restrictions beginning with ‘Umar II’s edicts on *ghiyār* codes and the continued and added stipulations in the actions of later Umayyad and early ‘Abbasid caliphs and amīrs.

Most Islamic scholars emphasized concerns on uniform dhimmī taxes, *ghiyār* legislation of dress codes, the selling of pork and wine in public, public religious processions and festivals, the repair or building of synagogues and churches, and the position of non-Muslims in public offices. Islamic scholars emphasized on offenses against Islam, the Prophet Muhammad, the Qur'an, and apostasy, which presented a connection between Christian apologetic dialogue, disputation, and proselytization. Some Islamic legalists emphasized certain concerns more explicitly than others in the multilinear legal texts and debates, while some did not address those concerns at all. Miller's multilinear perspective of the Islamic legal debate in the 'Abbasid era reflects a localized system of policies for dhimmīs toward the development of a centralized policy. It clarifies why some local regions and communities restricted non-Muslim social-religious affairs differently, as evidenced in closure of public theological debates between Christians and Muslims in Theophanes the Confessor's *Chronographia*.³³⁷ Most interestingly, the concerns of apostasy appear in the 'multilinear' Islamic legal texts and were highlighted as a restriction in the final, fixed legal canon of the *Shurūt 'Umar*.³³⁸

In Abū Yūsuf's *Kitāb al-Kharāj*, written in the mid-late 8th century, there is no mention of Christian apologetic dialogue, disputation, or proselytization restrictions. Rather, he outlined the proper collection of non-Muslim taxes and general rulers concerning the external appearance of dhimmīs.³³⁹ In his section entitled, *How to Treat Apostates, Pagans, and Dhimmīs*, Abū Yūsuf

³³⁷ See n. 7 above in this chapter.

³³⁸ See *Abū Yūsuf's Kitāb Al-Kharāj*, translated and edited by A. Ben Shemesh (Leiden: Brill Press, 1969). *The Islamic Law of Nations: Shaybānī's Siyar*, edited and translated by Majid Khadduri (Baltimore: Johns Hopkins University Press, 1966). See also "*Al-Shafi'i's Pact to Be Accorded to Non-Muslim Subjects*," edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 219-23. "The Pact of 'Umar," edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 217-19.

³³⁹ *Abū Yūsuf's Kitāb Al-Kharāj*, ed. Shemesh, 92-93.

highlighted the concern of apostasy as significant, however, the context reflects his concern with apostasy in the early conquest era. He wrote, “Male pagans or apostates who do not repent cannot be taken prisoner nor allowed to pay the *jizya*. If they do not accept Islām they are killed....”³⁴⁰ Nevertheless, Abū Yūsuf’s legal opinions and universal version of a dhimmī law code reflects a more tolerant and less specific legal code for non-Muslims in general and Christians in particular than other versions.³⁴¹ Interestingly, Abū Yūsuf might have based his more lenient version of a dhimmī legal code on either the *Constitution of Medina*, the *Convents of the Prophet Muhammad with the Christians of the World* texts, or earlier *sulh* treaties. In his chapter on “The Jizya-Poll-Tax”, Abū Yūsuf outlined the treatment of dhimmīs. He wrote, “Jizya payers should not be beaten, nor exposed to standing in the sun, nor burdened with heavy weights or mistreated by similar acts but should be treated with leniency.... Their lives and properties were secured in consideration of the jizya, which has thus become a general tax.”³⁴² A few paragraphs after this, Abū Yūsuf explained the origin for lenient behavior toward dhimmīs.

He wrote:

...you should treat with leniency those under the protection of our Prophet Muhammad, and not allow that more than what is due be taken from them or more than they are able to pay, and that nothing should be confiscated from their properties without legal justification. It was transmitted that the Prophet said: He who robs a Dhimmī or imposes on him more than he can bear will have me as his opponent. ‘Umar b. al-Khattāb before his death said: I recommend to my successor to comply with the *covenants made with those under the protection of the Prophet*, protect them from those who persecute them....³⁴³

Therefore, we see similar language and internal evidence in Abū Yūsuf’s *Kitāb Al-Kharāj*

possibly referring to the *Covenants of the Prophet Muhammad with the Christians of the World*

³⁴⁰ Ibid.

³⁴¹ Ibid. See also “The Tax on Unbelievers,” edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 223-24. Also see Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 86.

³⁴² *Abū Yūsuf’s Kitāb Al-Kharāj*, 84-5. See A. Ben Shemesh.

³⁴³ Ibid. 85-6, emphasis added mine.

or the *sulh* treaties, both of which demanded tribute in exchange for lenient methods of living and protected social-religious liberties.

In Shaybānī's *Siyar: The Islamic Law of Nations*, the Islamic legal scholar did not specify legal opinions concerning Christian apologetic discourse, disputation, or proselytization, but he addressed the traditions and legal matters on the Islamic rules of war, taxation, surrender treaties, safe conduct, *ghiyār* dress codes, and apostasy. Shaybānī advocated that dhimmīs should be limited in their clothing and prevented from constructing or repairing religious buildings.³⁴⁴ Shaybānī wrote an entire section on the legal concerns of apostasy for male and female dhimmīs and slaves, ranging from complex legal scenarios of transmission and inheritance of property, marriages, and various penalties which cannot be accounted for here.³⁴⁵ However, when asked if a Muslim apostatized to Christianity, Shaybānī replied, "Even if he had [apostatized to Christianity], because he would not enjoy the status of a Jew or a Christian. Do you think that he would be permitted to remain in the religion [he had adopted]? He would have to become a Muslim or else be executed."³⁴⁶

In *Al-Shafi'ī's Pact to Be Accorded to Non-Muslim Subjects* in the *Kitāb al-Umm* written in the late-8th and early-9th centuries, Imam Al-Shafi'ī specifically emphasized restrictions in Christian apologetic disputation, dialogue, and proselytization. As to whether or not this text constituted an Islamic multilinear legal opinion or a rival universal dhimmī law code in

³⁴⁴ *The Islamic Law of Nations*, ed. Khadduri, 277-79. It is interesting to note that Shaybānī adduced earlier *sulh* pacts and their renewal concerning the Christians of Najrān and the tribes of Banū Taghlib. "The Christians of Najrān, their persons, lands, creeds, property, dependents, buildings, those absent and those present, and their bishops and monks, churches, and all they possess...shall have the protection of God."

³⁴⁵ *Ibid.*, 195-223.

³⁴⁶ *Ibid.*, 201.

competition with the *Shurūt ‘Umar* remains to be determined.³⁴⁷ Cohen suggests the text of Al-Shafi’ī reflects a judicial exposition of the *Shurūt ‘Umar* rather than a competing universal law code.³⁴⁸ Regardless, if *Al-Shafi’ī’s Pact* was a competing universal dhimmī law code or a specific expository on the *Shurūt ‘Umar*, the concerns Al-Shafi’ī addressed regarding Christian apologetic dialogue, disputation, and proselytization seeped into the final form of the *Shurūt ‘Umar*, and thus became a social-religious restriction for Christians.

Al-Shafi’ī’s Pact clearly stated what constituted Christian apologetic disputation, dialogue, and proselytization. In the beginning of the text Al-Shafi’ī addressed and outlined the terms of the general *sulh* treaty template,³⁴⁹ but what is most interesting is the positioning of stipulations in the text itself. This was the first stipulation of many others in the text, indicating primary importance for Al-Shafi’ī. He wrote:

If any one of you [i.e. Christians] speaks improperly of Muhammad, ... the Book of God [i.e. the Qur’an], or of His religion, he forfeits the protection [*dhimma*] of God, of the Commander of the Faithful, and of all the Muslims; he has contravened the conditions upon which he was given his safe-conduct; his property and his life are at the disposal of the Commander of the Faithful, like the property and lives of the people of the house of war [*dār al-harb*].³⁵⁰

This is significant because Al-Shafi’ī’s very first concern addressed in his codified stipulations for dhimmīs centered on Christians speaking ‘improperly of Muhammad, the Qur’an, or the Islamic religion,’ indicates Christians engaged in real dialogue and disputation with Muslims

³⁴⁷ See Cohen, “What Was the Pact of ‘Umar?,” 119. Also see Lewis, *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2*, 219. Cohen argues this based on the form of the text. Shafi’ī’s version reflects a similar characteristic in the *Shurūt ‘Umar* in that it states, “This is a document written by the servant of god so-and-so Commander of the Faithful, ... in the year such-and-such, to so-and-so, son of so-and-so, the Christian, of the descendants of such-and-such, of the people of the city of so-and-so.”

³⁴⁸ Ibid. See Cohen. He argues, “As regards form, the Shafi’ī text departs dramatically from that of characteristic Pact of ‘Umar. ... Shafi’ī’s version is better understood, I think, as a juridical elaboration of the ‘actual’ Pact, preserving and amplifying its contents with details of ... other matters.”

³⁴⁹ Ibid. See also “*Al-Shafi’ī’s Pact to Be Accorded to Non-Muslim Subjects*,” edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 219-23. The opening of the text states, “I accord you and to the Christians of the city of so-and-so that is accorded to the *dhimmīs*....” The beginning of the text shows ‘so-and-so’ and ‘such-and-such’ as features in the document as a template to insert the names of tribes, cities, regions, individual governors etc.

³⁵⁰ “*Al-Shafi’ī’s Pact to Be Accorded to Non-Muslim Subjects*,” ed. Lewis, 219-23.

about Muhammad, the Qur'an, and the religion of Islam. This also reveals Islamic legal scholars' anxiety with Christian apologetic proselytization and promulgation of texts that increased in quality of arguments and questioned the authenticity of Muhammad's prophethood; their analysis of the Qur'an to prove Christian beliefs of Jesus as the Son of God in the Incarnation, the belief in the Trinity, all which challenged Islamic theology. Al-Shafi'i continued and opined, "If one of them [i.e. Christian] commits fornication with a Muslim woman or goes through a form of marriage with her...*or subverts a Muslim from his religion*...his life and his property are at the disposal of the Muslims."³⁵¹ Thus, Al-Shafi'i's legal opinions, which other Islamic legalists integrated into the Shurūṭ 'Umar, differed from other multi-linear Islamic legalists debating dhimmī law codes in the late-8th to mid-9th centuries. Moreover, Al-Shafi'i's juridic advocacy was a radical departure from the fluid social-religious boundaries in the conquest and Umayyad eras where Christians and Muslims coexisted, married, and participated in religious services together. Christians were prevented from marrying Muslim women, and Al-Shafi'i emphasized that if a Christian 'subverts a Muslim from his religion,' their protection be removed and Christians could be potentially executed. This 'subversion of a Muslim from his religion' does not exactly state Christian apologetic disputation or dialogue, but, given the historical context and increased quantity and quality of apologetic sources available, it seems Christian passive apologetic texts or active proselytization caused a Muslim to subvert from his religion and apostatize. Furthermore, Al-Shafi'i explains additional social-religious restrictions for Christians. He wrote, "You may not display crosses in Muslim cities, nor *proclaim polytheism*, nor build churches or getting places for your prayers, nor strike clappers [i.e. church bells], *nor proclaim*

³⁵¹ Ibid., 220, emphasis added mine.

your polytheistic beliefs on the subject of Jesus, son of Miriam, or any other to a Muslim.”³⁵² Al-Shafi’ī highlights that Christians were prohibited to engage in theological dialogues or debates with Muslims concerning the person of Jesus. Such theological dialogues probably included apologetic arguments on the triune nature of the Christian God, and any other apologetic theological affairs. This text addressed all Christians speaking similar matters with Muslims in public commonplaces or at private venues as prohibited, unless specifically monitored in a caliph’s or governor’s court.³⁵³

The *Shurūt ‘Umar* opens similarly to *Al-Shafi’ī’s Pact*, in that it has template gaps to be filled in for specific years, caliphs, governors, and peoples and cities. The text opens, “This is a letter to the servant of God ‘Umar [ibn al-Khattāb] Commander of the Faithful, from the Christians of such-and-such a city.”³⁵⁴ Because the text did not specify a city, but rather stated ‘such-and-such a city,’ indicates the source was a general template for dhimmīs throughout the empire, and a local governor could fill in the specific information. Next the text stated, “When you came against us, we asked you [i.e. Arab-Muslims] for safe-conduct for ourselves, our descendants, our property, and the people of our community, and we undertook the following obligations toward you.”³⁵⁵ The form of the *Shurūt ‘Umar* reflects the *sulh* surrender treaties, but rather than the positive, protected social-religious liberties and *modus vivendi et status quo ante*, the *Shurūt ‘Umar* codified specific, negative restrictions neither present nor emphasized in the

³⁵² Ibid., 221, emphasis added mine.

³⁵³ Caliph Al-Mutawakkil enforced this legal stipulation in the *Shurūt ‘Umar* during his reign, and later caliphs and governors enforced the stipulations of the *Shurūt ‘Umar* as the official precedented policy for dhimmīs throughout the Islamic Empire. See Mun’im Sirry, “Early Muslim-Christian Dialogue,” 361-2, 367. Milka Levy-Rubin, “‘Umar II’s Ghiyār Edict: Between Ideology and Practice,” in *Christians and Others in the Umayyad State*, edited by Antoine Borrut and Fred Donner (Chicago: University of Chicago, 2016), 157-172. Levy-Rubin, “Shurūt ‘Umar,” 30-32.

³⁵⁴ “The Pact of ‘Umar,” ed. Lewis 217-19. See also n. 64 in this chapter. See n. 75 in this chapter.

³⁵⁵ Ibid.

sulh treaties, the *Constitution of Medina* or the *Covenants of the Prophet Muhammad with the Christians of the World* texts.

The specific negative restrictions in the *Shurūt ‘Umar* codified various proscriptions for Christians. These included: *ghiyār* dress codes, prohibited construction or repair of religious buildings, no possession of weapons, no sale of fermented drinks or pork near Muslims, no adoption of Arabic names, providing shelter for Muslims in personal dwellings or in religious buildings, and multiple social-religious restrictions that scholars have already addressed and analyzed.³⁵⁶ The specific social-religious restrictions, however, in the *Shurūt ‘Umar* reflect a connection to increased Christian apologetic production, their development of debate and dialogue, and proselytization that must have affected Muslim communities. In terms of Christian apologetic restrictions, the *Shurūt ‘Umar* stated: “We [i.e. Christians] shall not teach the Qur’ān to our children. We shall not manifest our religion publicly *nor convert anyone to it. We shall not prevent any of our kin from entering Islam if they wish....* We shall not display our crosses or our *books* in the roads or markets of the Muslims.”³⁵⁷ Thus, as evidenced in both Christian apologetic texts and *Al-Shafi’ī’s Pact*, Muslims generally prohibited Christians from ‘teaching the Qur’an’ or ‘speaking improperly of the Book of God’ or ‘preventing other Christians from converting to Islam’ or ‘converting anyone to it,’ or ‘subverting a Muslim from his religion.’

Similar to *Al-Shafi’ī’s Pact*, the *Shurūt ‘Umar* listed the social-religious restrictions of Christians and other non-Muslims, but in less specific language. The legal opinions of Al-Shafi’ī, nevertheless, made their way from the multilinear legal debate concerning divergent legal themes

³⁵⁶ Ibid., 218-219. See also Levy-Rubin, “Shurūt ‘Umar,” 30-43. Levy-Rubin, *Non-Muslims in the Early Islamic Empire*. Cohen, *Under the Crescent and Cross*.

³⁵⁷ “The Pact of ‘Umar,” ed. Lewis, 217-19, emphasis added mine. The limited restriction of Christian books in the marketplace could possibly refer to Christian Bibles, apologetic dialogue tracts, and theological treatises written in Arabic and sold in public.

and dhimmī law codes into the finalized, fixed legal canon of the *Shurūt ‘Umar*. The *Shurūt ‘Umar* became the universal legal canon for dhimmīs from the mid-9th century through the Medieval and early Modern periods. According to Levy-Rubin, this does not mean, however, every governor or caliph always enforced dhimmī social and religious stipulations, but it was *the* established set of canonized regulations.³⁵⁸ The accepted regulations of the *Shurūt ‘Umar* reached their final form in the edicts of the ‘Abbasid caliph, Al-Mutawakkil in A.D.850/A.H.228 and their continued enforcement after his reign.³⁵⁹ Al-Mutawakkil was the first caliph who enforced specific social and religious restrictions codified in the *Shurūt ‘Umar*. The contemporary 9th century Muslim historian, Al-Tabarī, recorded that Al-Mutawakkil ordered the enforcement of *ghiyār* dress codes for non-Muslims, the destruction of new churches, forbade employment of non-Muslims in government offices, and “He forbade that their children attend Muslim schools or that any Muslim should teach them. He forbade the display of crosses.”³⁶⁰ Al-Mutawakkil ordered that the *Shurūt ‘Umar* and his edicts be “read aloud to the inhabitants of your district and proclaim it among them [i.e. dhimmīs],” and he ordered an end to all public inter-religious debate and dialogue.³⁶¹

Christian apologetics increased in quality and quantity from the conquest era through the Umayyad and into the ‘Abbasid caliphates. Christians engaged in apologetic dialogues, debates, proselytization, and promulgated their beliefs with Muslims across social-religious boundaries.

³⁵⁸ Levy-Rubin, “Shurūt ‘Umar,” 32.

³⁵⁹ Ibid. Levy-Rubin, *Non-Muslims in the Early Islamic Empire*, 168-69. See also, Mun’im A. Sirry, “Early-Muslim-Christian Dialogue,” 361, 366-67. Cohen, *Under the Crescent and Cross*, 73-4.

³⁶⁰ “Al-Mutawakkil and the Dhimmīs,” edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 224-25. The text also states that, “He ordered that wooden images of devils should be nailed to the doors of their houses to distinguish them from the houses of the Muslims.”

³⁶¹ “From a Decree of the Caliph al-Mutawakkil,” edited and translated by Bernard Lewis in *Islam From the Prophet Muhammad to the Capture of Constantinople Vol. 2: Religion and Society* (New York: Oxford University Press, 1987), 225-26. See also, Sirry, “Early Muslim-Christian Dialogue,” 366-67.

Christian apologetics challenged the imperial religion of the Islamic Empire, the Qur'an, and the Prophet Muhammad, potentially causing Christians to retain their faith and Muslims to apostatize to Christianity. Apologetic proselytization and promulgation restrictions were not outlined in the earlier surrender treaties and covenants with the Arab-Muslim conquerors. Islamic legalists drafted specific apologetic restrictions in the universal legal code for dhimmīs of the *Shurūt 'Umar*. That restriction halted Christian apologetic debates and theological conversations and moved them from the public squares to privately held symposiums.³⁶² Thus, the production of Christian apologetic texts, their promulgation, and theological debates and dialogues with Muslims was a significant factor in the gradual restriction of non-Muslim social-religious liberties in general and Christian liberties in particular during the Umayyad into 'Abbasid eras. The *Shurūt 'Umar* became *the* standard legal canon to be universally implemented and enforced throughout the Islamic Empire; it was anachronistically preceded to 'Umar I but enforced in the decrees of Al-Mutawakkil, and continued as *the* legal paradigm through the Medieval and Early Modern eras.

³⁶² Sirry, "Early Muslim-Christian Dialogue," 366-67. Hoyland, *Seeing Islam as Others Saw It*, 44, 456-57. Jean-Jacques Waardenburg, *Muslims and Others: Relations in Context* (Berlin: Walter de Gruyter, 2003), 113. See also "A Risāla of Al-Jāhiz," ed. Gaudeul, 36-7. The first Muslim apologetic texts did not emerge until the late 8th and into the 9th century. These texts were contemporary with the Islamic legal discussion of dhimmī social and religious liberties, and offer glimpses of the impact Christian apologetics and proselytization had on the Muslim communities. In Al-Jāhiz's *Refutation Against the Christians*, he wrote how Christians weakened the faith of the Muslims through their use of apologetics, polemics, and evangelization. Al-Jāhiz wrote, "For in the polemics with us they choose contradictory statements in Modern traditions as the targets for their attacks. They select for disputations the equivocal verses in the Koran, and hold us responsible for Hadiths,...of which are defective. Then they enter into private conversation with our weak-minded, and question them concerning the texts which they have chosen to assail. They finally insert into the debate the arguments....thus, they succeed in...bewildering the minds of those who are weak in faith. And how unfortunate that every Moslem looks upon himself as a theologian, and thinks that everyone is fit to lead a discussion with an atheist!...Another cause for the growth and expansion of Christianity is the fact that the Christians draw converts from other religions and give none in return...."

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