



Conversion to Islam: A Case Study for the Use of Legal Sources

Uriel Simonsohn*

The Martin Buber Society of Fellows, The Hebrew University of Jerusalem

Abstract

The past few decades have witnessed increasing calls in modern scholarship for revisions of the portrayal of early Islamic rule history. Such calls not only challenge older historiographic paradigms but also encourage historians to seek answers in sources hitherto neglected. Accordingly, in recent years there has been a dramatic proliferation of studies offering new historical conceptions, many of which are indebted to new kinds of source material, including coinage, official documents, inscriptions, and material artifacts, alongside more conventional forms of data like historiographic treatises, biographical dictionaries, apologetic literature, theological essays, and scriptural texts. Assembled together, new and older historical materials were now being processed, synthesized, and analyzed through the lenses of fresh paradigms and often in collaboration with other disciplines, especially the social sciences and comparative literature. The present contribution offers further support of this latter approach by highlighting the utility of legal sources for discussing the process of conversion to Islam in the early Islamic period. Following a brief historical survey, the discussion turns to address one of the central, yet highly elusive, episodes in early Islamic history – the process of conversion to Islam. The goal of this sample analysis of legal sources is twofold – to provide new historiographic insights, but also, from a methodological perspective, to underscore the remarkable utility of these sources for historians.

Christian and Jewish Communities under Medieval Islam: General Contours

The Jews and Christians who found themselves under Islamic rule were offered by their new overlords equal civil and religious rights thanks to their monotheistic convictions. Among those, the communities considered in the following discussion are the Christians of the East Syrian and West Syrian Churches, and the Rabbanite Jews who adhered to the leadership of the Babylonian ge'onim. The choice to focus on these particular communities is a function largely of the relative richness of their available corpus of legal sources.

The ecclesiastical map of the eastern churches under early Islamic rule was shaped before the advent of the Muslim armies, an outcome of the Christological divisions that took place in the fifth and sixth centuries following the Council of Chalcedon in AD 451.¹ Thus, the patriarchs of the East Syrian Church (also known as the Nestorian Church and the Church of the East) and those of the West Syrian Church (also known as the Jacobite Church and the Syrian Orthodox Church) retained their authority over their traditional geographic domains. Both ecclesiastical centers held sway over ecclesiastical sees that stretched far beyond their immediate vicinities, with the East Syrians holding posts in Mesopotamia and throughout Asia, as far as India and China, and the West Syrians settling in regions of the Fertile Crescent, Mesopotamia, Asia Minor, and even the Indian Peninsula.

The Babylonian academies of the ge'onim presented themselves and were accordingly perceived by their supporters as successors of the great Sanhedrin, the governing legal body of Rabbanite sages that operated alongside and in collaboration with the Jewish Palestinian

patriarch (*nasi*) under late Roman rule.² As heirs of the ancient generations of the Rabbanite sages who produced the Mishnah and the Babylonian Talmud, the ge'onim claimed to be, and to a great extent functioned as the spiritual leaders of notable parts of the Jewish diaspora. From as early as the seventh century, perhaps even the late sixth, to as late as the eleventh century, the Babylonian ge'onim governed both directly and indirectly the lives of Jews from central Asia in the east, through Mesopotamia, the Fertile Crescent, Yemen, North Africa, and as far west as the Iberian Peninsula, and even parts of Europe.

Both the archeological and the literary evidence pertaining to the short aftermath of the Arab conquest and the consolidation of Islamic rule suggest little turbulence in the lives of local Near Eastern societies.³ With the exception of a wave of migration of those who maintained an alliance with Byzantium and therefore left the Abode of Islam, the image that emerges is one of general continuity from the pre-conquest period. Settlements both urban and rural remained in place, elites remained in power, economies in flow, and religious affiliations continued unchanged. Concurrently, the Islamic takeover has been seen as an important milestone in the gradual formation of religious communities as social systems. Michael Morony sees the emergence of religious communities as “forms of social organization” as “part of the general transformation taking place in the Middle East from the fourth to the ninth centuries.”⁴ Yet, whereas Morony views Islamic rule as a crucial milestone in this development, considering it no less than “the single most important distinction between it and Hellenistic society,” other scholars tend to locate the change much earlier, in a Constantinian *politeia*. According to Garth Fowden, it was “Rome’s self-identification with the church” which gave Christians a sense of implication in “the empire’s political aspirations.”⁵ Living the historical debate aside, the idea, according to which the social membership of the individual was dictated by his/her religious affiliation, is crucial for our understanding of the societies under discussion.⁶ These are societies that, at least from the standpoint of their governing religious elites (patriarchs, bishops, ge'onim, and regional Jewish communal leaders), were to handle their daily affairs, construct their social commitments, and develop a social outlook in full accordance with the principles of religious codes. It was with reference to these principles that the religious community, its institutions, and most importantly its agents were not merely fulfilling functional needs and agendas but were entrusted with safeguarding communal boundaries and overseeing communal discipline.⁷

As adherents of a monotheistic faith and possessors of revealed Scriptures (the Torah, Psalms, and Gospels), Christians and Jews are classified in the Koran as the “people of the Book” (*ahl al-kitāb*).⁸ Accordingly, these communities were granted the legal status of “protected people” (*ahl al-dhimma*). In return for their acknowledgement of Islamic rule and payment of the poll-tax (*jizya*), Christians and Jews (and later also Zoroastrians) were allowed to retain their religions and were granted protection and legal autonomy.⁹ The first few centuries after the conquest show a growing preoccupation on the part of Muslim jurists with the question of the legal status of non-Muslims, their place in Muslim society, and their contacts with their Muslim neighbors, a process whose peak can be seen in the canonization of the renowned Pact of ‘Umar. The latter, most likely taking its final form toward the end of the eighth to early ninth century, contained a list of stipulations designed to regulate the lives of non-Muslims amidst Muslim societies.¹⁰ Such legal prescriptions were not one-sided. As we shall see, both Christian and Jewish legal authorities were equally preoccupied with restricting the extent and nature of interfaith ties, reflecting not only religious agendas but also the prospect if not the actual frequency and prevalence of such ties. Indeed, the extant evidence supports the assumption that relations between Muslims and non-Muslim flourished in a wide variety of cultural, intellectual, religious, economic, social, and political realms.¹¹

*Law for Historians*¹²

The reliability of the historical information provided by early Islamic narratives has been the subject of ongoing debates among modern scholars for some time, with positions ranging from wholehearted endorsement to complete dismissal. Ten years after her first attempt at calling into question the origins of Islam in *Hagarism* – which she co-authored with Michael Cook – Patricia Crone was prepared to launch an even stronger attack against the reliability of early Islamic historiography in her book *Slaves on Horses*. By now, early Islamic accounts of the past were reduced to the level of vessels carrying “dust and rubble.”¹³ Crone’s skeptical approach was met with a counter approach, one that acknowledges the problematic nature of the source-material, yet at the same time insists that in adopting a critical approach towards the extant literature some of its shortcomings can be overcome. According to Fred Donner, a leading proponent of the latter approach, modern scholars should be able to access early Islamic history through an assessment of the “relative emphasis” in early Islamic historiographic narratives on particular themes.¹⁴

Christian and Jewish narratives from the early Islamic period merit no less caution. As historians, we must always be mindful of the fact that narratives played a crucial role in instilling particular ideological agendas.¹⁵ These narratives, coupled with formal injunctions, portray a social setting that was carved along religious lines and the lives of religious communities as well-entrenched corporate entities in which coreligionists conducted their affairs almost autonomously with minimal interaction with their external religious environment.¹⁶ Yet, this image, plausible as it may strike the modern mind, has been undermined in recent years by historians who propose viewing religious communities as just one hinge among many around which pivoted social commitments. A fluidity and changeability of religious and social bonds, Richard Payne argues, is already attested in Christian hagiographical and legal records from fifth through seventh-century Iran, an argument that resonates with Jack Tannous’s portrayal of the complex relations between Christians and Muslims in the early Islamic Fertile Crescent.¹⁷ Accordingly, Arrietta Papaconstantinou warns us against speaking of non-Muslim communities in definable terms before the ninth century:

Although the visible definition of the groups was religious, their composition could at least partly be dictated by other factors that also have group-creating power so to speak, in particular status, kinship, ethnicity and territoriality.¹⁸

In her reading of early Islamic *belles-lettres* (*adab*), Hilary Kilpatrick demonstrates the manner in which familial, social, and even professional ties overrode religious differences in ninth-century Iraq.¹⁹ Yet, similar patterns are also attested after the ninth century. Marina Rustow’s portrayal of Jewish Rabbanite – Qaraite relations in eleventh-century Palestine and Egypt – and Christopher MacEvitt’s study of relations between native Eastern Christians and Frankish Crusades through a mechanism of “rough tolerance,” both suggest the flexibility of religious and social identities.²⁰ Underlying this revisionist proposition is not only a different scholarly outlook but also a rigorous analysis of old and new evidence, among which legal narratives and regulations occupy a central place.

The utility of legal sources for studying the history of religious encounters in the early Islamic period shows well in Albrecht Noth’s study of the aforementioned Pact of ‘Umar. Noth discusses the Pact’s functional role, suggesting its primary objective was to defend Islamic confessional identity by insisting on the maintenance of social boundaries. He rejects the idea of the Pact as a legal instrument used to humiliate or victimize non-Muslim communities.²¹ Instead, he views it as a legal solution to problems that emerged from the gradual social integration of Muslim and non-Muslim groups. Milka Levy-Rubin has recently described

the Pact as an expression of a new social ideology that evolved and developed throughout the eighth century, whose roots were deeply entrenched in Iranian social ethos and mores.²² This social ideology, she argues, was meant to legalize the inferior “class” of non-Muslims in the new society. It was a Sasanian scheme of social stratification, once used to delineate social classes, which was now being adopted by the Muslims for the purpose of achieving confessional segregation.²³

It should be noted, however, that while legal sources have been utilized by historians of different periods and geographic domains, the methodological question of whether law can tell history has scarcely been addressed by historians of Islam and of the societies within its sovereignty, and thus remains a perplexing issue.²⁴ The present discussion rests on the conviction that both geonic responsa and ecclesiastical regulations, despite their notable differences, reflect historical realities. A great deal of the responsa drafted in the rabbinic academies of Babylonia, the canon laws issued in synodic assemblies, and the ecclesiastical regulations assembled in legal codes appear to reflect actual concerns prompted by real-life situations and trends. This can be corroborated not only by the evidence derived from other forms of data but also through a comparative analysis of the legal sources themselves. These comparisons indicate that legal authorities of discrete religious affiliations were preoccupied with similar (and sometimes nearly identical) problems stemming from the nature of Muslim–non-Muslim encounters.²⁵

The Process of Conversion to Islam

A survey of modern scholarship on conversion to Islam in the first few centuries after the conquest reveals that most modern historians have focused on such questions as when conversions to Islam took place, how many people converted in a given period, and why they chose to do so.²⁶ Thus, early in the twentieth century scholars such as C. H. Becker viewed conversion to Islam to have been principally motivated by economic considerations.²⁷ Yet, this understanding was later revised, following Daniel Dennett’s study on the poll tax in the 1950s.²⁸ Dennett convincingly showed that the idea of non-Muslim discriminatory taxes were neither imposed uniformly nor conceived from the onset of Islamic rule. Thus, in addition to acknowledging the role of economic growth in religious change, Marshall Hodgson referred to the great social advantages that were to be gained by conversion to Islam, underscoring the social mobility that went hand in hand with the new religious affiliation.²⁹ Yet, it was the understanding, such as the one reflected in Nehemia Levtzion’s essay “Towards a Comparative Study of Islamization,” according to which the phenomenon of conversion to Islam cannot be treated from a singular perspective that gradually took precedence among historians.³⁰ While full scholarly consensus regarding questions of cause and motivation remains out of reach, there is little doubt about the final results. What began with the mass Islamization of Arabian tribes in the seventh century, Iranians and Syrians in the eighth through the tenth centuries, and Egyptians up to the thirteenth century, was a process that culminated with the vast majority of Near Eastern populations embracing the Islamic faith.³¹ Less clear, however, remains the nature of the process itself. Indeed, Islamic law and Islamic legal traditions (*ḥadīth*) provide the principles of “proper conversion” and address various aspects of the act of conversion or its converse, apostasy.³² In addition, different historiographic sources depict instances in which individuals and groups converted to Islam during the first few centuries following the rise of the new religion (e.g. the historiographic works by Muslim authors such as al-Ya’qūbī (d. 897), al-Ṭabarī (d. 923), al-Mas’ūdī (d. 956), and those of Christian writers, such as the anonymously written *Chronicle of Zuqin* (ca. eighth century), and the one by Patriarch Dionysius of Tell Maḥrē

(d. 845). Yet, the daily dilemmas that were prompted by conversion to Islam and its social implications, the duration of the act itself (whether the individual converted immediately or over an extended time), the reaction of the convert's former and new coreligionists, and the impact of the act on the convert's social commitments, have received little, if any, attention in modern scholarship dealing with this period. It is here, once again, that the legal sources left behind by the religious communities whose members chose to adopt a new religion can help us find answers. One central trend these sources mention is the act of conversion to Islam followed by a reversion – that is, a change of heart and a return to the original religion. This trend reflects not only the progressive nature of conversion but also the existence of a social space in which religious commitments were not perceived in sweeping terms, hence allowing for the movement back and forth between religions.

Conversion to Islam occasioned a series of potential social and material benefits such as, depending on the convert circumstances, avoiding the payment of the poll-tax, securing state employment, emancipation from slavery or from a state of war imprisonment, receiving an inheritance, and even marriage. Thus, we may assume that at least for those who were not immersed in theological deliberations, the change of religion did not necessarily stem from newly acquired perceptions of God and His message, and accordingly, that the shifting of their commitment from one monotheistic system to another was often an act of little drama, a fact that may have rendered conversion to Islam increasingly common. Indeed, there is more evidence that indicates the little regard in which some converts held their passage from one religious affiliation to another. This can be gleaned from the frequency in which converts reverted back to their former religions – a phenomenon that has received surprisingly little attention in modern scholarship.³³ In ecclesiastical regulations and geonic responsa it appears mostly in connection with questions concerning the sincerity of those seeking to return to their former religions, something that both Jewish and Christian lawyers seem to have been eager to ensure by means of penance. Asked whether a Christian who converted to Islam and later asked to return to Christianity should be baptized a second time, West Syrian bishop Jacob of Edessa (d. 708) prescribed “a certain time of repentance” after which the returning apostate could once again join in communion.³⁴ The principle underlying ecclesiastical positions was that, despite an apostate's decision to renounce his Christian faith, he in fact never left Christianity, hence the question of his return is of a social rather than a theological nature. Ecclesiastical leaders therefore stipulated that an apostate's proper reintegration within the Christian fold was conditioned upon his willingness to undergo a period of constant penance that would demonstrate the sincerity of his return.³⁵ Indeed, these sorts of ideas do not seem new if we consider them against canon laws issued in the course of the early local and ecumenical councils.³⁶ Nonetheless, such preoccupations do appear to corroborate the image that emerges from contemporary narrative sources of Christian provenance of certain Christian individuals who repeatedly apostatized and returned to Christianity.³⁷ Similar cases are described in numerous narratives about this period, a fact that has led one modern scholar to the conclusion that individuals who repeatedly changed their religion constituted the largest category of apostates.³⁸

The key concern from the ecclesiastical standpoint appears to have been not whether Christian apostates seeking readmission could or should be considered Christian again but, rather, the sincerity of their intentions and the manner in which they expressed their regret as a means both of setting an example for their fellow Christians and of safeguarding the sanctity of the Christian community and the normative integrity of its members. To this extent, ecclesiastical and geonic preoccupations have much in common. Thus, rather than questioning the Jewishness of reverting apostates, geonic responsa reflect a similarly overriding concern with the sincerity of those who want to revert to Judaism, expressing the fear that an opportunistic

motivation would endanger the very foundations of Jewish communal boundaries. Accordingly, an anonymous ga'on ruled that the return to Judaism of a slave who had earlier converted to Judaism and then apostatized required no special measures other than the performance of penance.³⁹ The same idea is conveyed in a responsum attributed to either Rav 'Amram Ga'on (ga'on of Sura, d. 871) or Naṭronai bar Rav Hilai (ga'on of Sura, d. 858).⁴⁰ The ga'on ruled that a certain reverting apostate should be flogged not because of his apostasy but, rather, because, despite his apostasy, he was still properly regarded as a Jew and should therefore be held accountable for the sins he committed during his time among non-Jews.⁴¹ Interestingly, the petitioner mentions in his query to the ga'on that the person seeking to return wishes to do so in a different country than the one in which he had apostatized, perhaps an attempt to escape the death penalty decreed by Islamic law for Muslim apostates. Regarding the fact that the man apostatized and now seeks to revert, the ga'on ruled that, once returned, the man

...should stand before the public and confess to what he has done and express his regret over the bad deeds he committed. Once he has done this, everyone will know that he performed a complete penitence and there will be no fear of deceit and eating and drinking with him will be allowed.⁴²

Such apprehensions were likely to have weighed more heavily in cases involving individuals who held central religious positions, where the example that reverting apostates set for others assumed a crucial significance. Thus, in a ninth-century responsum in reply to the question of whether a Jew of priestly lineage (*kohen*) who apostatized and later changed his mind may reassume his role (i.e. may proclaim the priestly benediction and be the first one to read the Torah in the synagogue).⁴³ The ga'on ruled in this case that once he apostatizes, a *kohen's* sanctity is irreversibly blemished, even if he returns to the Jewish faith, grounding his position, among other things, on the negative example the *kohen* apostate might set for the rest of the community.⁴⁴ This position, it should be noted, was in contrast to those of Rabbanite authorities in Europe who permitted reverting Jews of priestly lineage to reassume their former positions within the community.⁴⁵ The parallel phenomenon of conversions of key figures in the Christian community is attested in East Syrian legal sources. Here, Christian jurists called for a lengthy state of penance on the part of clergymen who renounced the Christian faith and afterwards returned, after which they may be accepted into the Christian fold but may not immediately serve in their ecclesiastical rank.⁴⁶

The movement (often repeated) from one faith to another occurred for a variety of reasons. Yet, the narrative sources that tell the story of such individuals are colored by a host of religious, political, and disciplinary agendas. Legal sources, by contrast, render these cases more tangible, shedding light on the specific dilemmas they raised in non-Muslim communities. Furthermore, they support the notion that conversion to Islam was not always irreversible, thereby underscoring the progressive nature of this act and implying a reality in which converts maintained close contact with their former religious communities. This latter point can be further observed through the endurance of familial ties, despite the conversion of one or more of the family members.⁴⁷ While the trend is attested in early Islamic narrative sources and is addressed quite extensively in Islamic jurisprudence, it has been left almost untouched as a social phenomenon in modern scholarship, moreover from the standpoint of non-Muslim legal sources.⁴⁸ These sources point to a series of legal, as also moral, concerns that were triggered by the diverse aspects of religiously mixed households and extended families. Questions pertaining to the Christian education of children whose father is a Muslim, the inheritances of Christians who converted to Islam, and the validity of matrimonial commitments at the event of conversion of either the husband or the wife, are only some of the examples to what comes up both in rabbinic and ecclesiastical legal sources.⁴⁹ In a question referred to Jacob of Edessa whether it is appropriate

for a priest to instruct Muslim children, the querying priest, Adhai, remarks that the priest in question was bound to be coerced to do so by the Muslims.⁵⁰ Though the question doesn't provide us with the full details of this affair, the remark that the Muslim adults involved were likely to insist that the children receive instruction from a priest is telling. In the context of religiously mixed families and conversions to Islam, it invites the speculation that at least one of the children's parents was either a former or a current Christian and accordingly wanted them to receive Christian education.⁵¹ This is just the kind of family arrangement described in a regulation in Išō'bokt's (c. eighth century) East Syrian lawbook:

If a man has children, whom he has from a woman of a different belief, without having another wife, and these children are Christian, they should inherit their father. If, however, they are pagans (i.e. Muslims), they do not inherit their father's property.⁵²

The case of a ten-year-old boy from Islamic Spain, which was brought to the discretion of the Cordovan jurist Ibn Lubāba (d. 926), suggests that the apostasy of family members could also occur at an early stage in their life: the legal scholar was asked to rule on whether the child's Christian parents had a right to bring their son back into to their religion.⁵³

With regard to Jews, the testimony of geniza documents that speak of women who retained their Jewish religion despite their husbands' conversion to Islam, gives a sense of the sort of circumstances that may have prompted geonic responsa dealing with mixed marriages.⁵⁴ Mixed marriages are mentioned in geonic responsa primarily in relation to questions of divorce, levirate marriages, the fate of the couple's shared property, and the Jewish identity of their children. A question referred to Naṭronai bar Rav Hilai concerned a mixed (if short-lived) marriage between a Jewish apostate husband and a Jewish wife. The ga'on was asked whether the apostate's divorce would be considered valid according to Jewish law, as the latter, having converted, was external to the Jewish fold.⁵⁵ In another question, referred to the head of the academy of Pumbedita, Rav Hayya Ga'on (d. 1038), we find reference to a Jewish woman who apostatized, and it was therefore unclear whether the property with which she entered the marriage, her dowry, was to remain with her husband, following their divorce, or go to her heirs-before-marriage (members of her father's household).⁵⁶ Geniza documents also provide the background to geonic responsa that mention renegade sons of Jewish parents and converted parents of children who remained Jewish.⁵⁷ Cases involving a child and father of different religions formed the background to a series of responsa on the question of inheritance. However, only as late as the ninth century do we find among the ge'onim those who ruled against the possibility of apostate sons inheriting their fathers.⁵⁸ The innovative ruling has been seen in modern scholarship in a historical context of a significant rise in Jewish conversions to Islam and in affinity with parallel Islamic, Christian, and Zoroastrian legal principles.⁵⁹

Conclusion

The Jewish and Christian communities at the center of this discussion operated simultaneously on religious and social levels, rendering their religious affiliations and social memberships inseparable, at least from the standpoint of religious elites. Accordingly, social life and institutions were made to function in accordance with a set of rules whose primary source and point of reference were legal principles that traced their origins to primordial times and were elaborated by later generations of legal scholars. With time, confessional laws expanded to such an extent that they encompassed every aspect of life within the community, thereby instilling in the minds of communal members a social imagination carved up along religious lines.

Recent voices in modern scholarship have been calling for a revisionist historiographic perspective on the history of non-Muslims under Islamic rule. These calls stress the need to view Near Eastern societies in complex terms that do not necessarily correspond to the tidy formal image to which religious leaders prescribed. Yet, such a revised understanding cannot be achieved merely through a change in modern perceptions; rather, it requires an analysis of the historical evidence that is framed by new questions. Focusing on parts of the legal literatures that Christian and Jewish communities of the early and Medieval Islamic period have left behind, the preceding discussion has attempted to do just that. Underlying it is the methodological premise that laws, regulations, stipulations, and legal interpretation can be used by social historians as reflections not only of social mores and structures but also of social agendas and realities.

The social theme selected to illustrate this point is that of conversion to Islam. The great historical lacuna in relation to the process that brought masses of non-Muslims into the Islamic fold shortly after Islam's takeover of vast territories in the Near East and throughout its early history remains unfilled. Yet, unlike narrative sources or biographical dictionaries, legal sources afford us a glimpse into some of the more subtle nuances of this process, highlighting its gradual nature and the less dramatic terms in which it was perceived by those who lived it. One aspect of this process that the legal sources underscore is the movement (often repeated) of individuals from one faith to another by converting and reverting. Although narrative sources mention the phenomenon, they pay little attention to the sort of concerns it prompted among those non-Muslim communities to which former members sought reentry. The return of non-Muslim apostates was treated by Christian and Jewish lawyers on two different levels – the theological and the social. From a religious perspective, Christians and Jews who renounced their faith may have been considered heavy transgressors, but their actions did not strip them off their Christian or Jewish identities. The social/communal aspect of their actions, meanwhile, was addressed with greater concern. Fears that the actions of these apostates may set a bad example for their coreligionists or that their return was not wholehearted and sincere prompted various mechanisms such as ongoing repentance and a public declaration of guilt on the part of those who sought to return into the fold of their communities. The image of close relations maintained between converts and former coreligionists is further confirmed by ecclesiastical regulations and geonic responsa that speak of the survival of family units despite the conversion of one or more of its members.

Sometime around the beginning of the eleventh century, Rav Hayya Ga'on permitted the Jewish consumption of wine touched by Muslims but remarked that such permission would not have been granted 200 years earlier, when those who converted to Islam were not yet firm in their beliefs and were prone to sustain customs of their former religions.⁶⁰ As former Zoroastrians or Christians, these recent converts to Islam were liable of rendering wine forbidden for Jewish use by merely touching it. Indeed, legal sources dealing with reversions of conversion to Islam among both Christians and Jews, and with a complex reality of religiously mixed families, shed light on at least some of the reasons why conversion to Islam was anything but a swift and absolute act.⁶¹ When considering the social ramifications of conversion to Islam, historians should bear in mind this nuanced picture and be wary of assuming radical ruptures in the social commitments linking converts and their former coreligionists. Of course, legal sources must not be read in isolation from other forms of historical material. Indeed, these sources themselves confirm once again the richness, diversity, and broad scope of Muslim–non-Muslim spheres of contact and the interrelatedness of these spheres in the period under discussion. Nonetheless, the modern observer would be well advised to remember that much of the narrative and documentary sources at our disposal were written by a narrow group of literate elite figures who owed their knowledge and skills

to the very same institutions designed to erect and sustain confessional boundaries. While the analysis of legal sources should be equally qualified, their function of addressing ad hoc concerns and regulating the actual contemporary affairs of the community lends them a crucial historiographic advantage.

Short Biography

Uriel Simonsohn is a historian of late antique and early Islamic history of the Near East and Mediterranean Basin. His research interests cut across confessional boundaries, as he explores the ways in which individuals and groups – Muslims, Christians, and Jews – sustained their religious identities while maintaining affiliations to a multiplicity of social circles. Accordingly, his publications address various aspects of the cultural, religious, and social interactions among adherents of the three monotheistic traditions. Among his publications, his recent book, *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia, Pennsylvania University Press, 2011), deals with the social history of the Jewish Rabbanite and Eastern Christian communities in the early Islamic period. Simonsohn earned his PhD from the Department of Near Eastern Studies at Princeton University in 2008. In 2008–2010, he was a research fellow at the Institute for Religious Studies at Leiden University, and he is currently a research fellow of the Martin Buber Society of Fellows at the Hebrew University of Jerusalem.

Notes

* Correspondence: The Martin Buber Society of Fellows, The Hebrew University of Jerusalem, Rabin building, room 2209, Mt. Scopus, Jerusalem 91905, Israel. Email: usimonsohn@gmail.com.

¹ For a summary of the different theologies of the eastern churches, see Brock, 'The "Nestorian" Church'. On the East Syrian and West Syrian communities under early Islamic rule, see Morony, 'Religious Communities'; idem, *Iraq*, 343–54, 378–80; Troupeau, 'l'église Jacobite', 411–22; idem, 'l'église Nestorienne', 438–54; Eddé, *Communautés chrétiennes*; Baum and Winkler, *Church of the East*, 42–83.

² On the ge'onim of Babylonia, see Gil, *Jews*, 120–206 (numbered by sections rather than page numbers); Brody, *Geonim*.

³ Wipszycka, *ressources*, 52–54; Palmer, *Monk*, 158; Walmsley, 'Social and Economic', 254; Figueras, 'Islamic Conquest', 282; Schick, *Christian Communities*, 78, 85; Eddé, *Communautés chrétiennes*, 18; Foss, 'Syria', 192, 198; Brody, *Geonim*, xix; Robinson, *Empire*, 57; Stroumsa, 'People', 55–60, 76.

⁴ Morony, 'Religious Communities', 113; idem, 'Social Elites', 284.

⁵ Fowden, 'Religious Communities', 94.

⁶ See Sharot, 'Religious Syncretism', 25, 30; Kennedy, 'Islam', 219–21; Hoyland, *Muslims and Others*, xiii.

⁷ On the types of communal institutions and their socio-religious significance, see Morony, 'Religious Communities', 114; idem, *Iraq*, 359–64; Goitein, *Mediterranean Society*, vol. 2, 2, 40–43, 55–58, 103–24, 152–65; M.R. Cohen, 'Communal Organization', 73–86.

⁸ Vajda, 'Ahl al-Kitāb'.

⁹ For a summary of the different interpretations of Koran 9:29, referring to the payment of poll-tax by non-Muslims in a state of humility (*ṣaghār*), see M.R. Cohen, *Crescent and Cross*, 224, n. 26. For a selection of studies on the legal history of *dhimmīs* in the early Medieval Islamic period, see Vajda, 'Juifs et Musulmanes'; Fattal, *statut légal*; Goitein, 'Minority Self-Rule'; Gil, 'The Constitution of Medina'; Kraemer, 'War, Conquest'; Ayoub, 'Dhimmah in Qur'an'; Abou El Fadl, 'Islamic Law'; Libson, 'Legal Autonomy'; Friedmann, *Tolerance*; Levy-Rubin, *Non-Muslims*.

¹⁰ For the most recent study of the Pact of 'Umar, see Levy-Rubin, *Non-Muslims*.

¹¹ For a selection of studies on the history of Muslim–non-Muslim relations, see Goitein, *Jews and Arabs*; Fiey, *Chrétiens syriaques*; M.R. Cohen, 'Islam and the Jews'; idem, *Crescent and Cross*; Hoyland, *Muslims and Others*; Griffith, *Church*; Freidenreich and Goldstein, *Religious Boundaries*.

¹² Title borrowed from Prest, 'Law for Historians'.

¹³ Crone, *Slaves on Horses*, 6.

¹⁴ Donner, *Narratives*, 127; see also 125–26, 137–38. For a summary of the problem and related references, see Berkey, *Formation*, 58–60.

- ¹⁵ Cf. “a cluster of apocalyptic expressions,” in Morony, ‘History and Identity’, 14; and “the anti-assimilation rhetoric,” in Papaconstantinou, ‘Umma and Dhimma’, 150. See also Alexander, ‘Medieval Apocalypses’; Wansbrough, *Sectarian Milieu*, 98; Palmer, *Seventh Century*, passim; R. Cohen, ‘Language and Conflict’, 26; Sizgorich, *Violence*, 21; Noth and Conrad, *Historical Tradition*, 81–84.
- ¹⁶ Goitein, ‘Minority Self-Rule’; Morony, ‘Religious Communities’; idem, *Iraq*, 347; H.H. Ben-Sasson, ‘Middle Ages’, 386, 388–89; Herrin, *Formation*, 8; Lory, ‘Les musulmans’, 203–17; Eddé, *Communautés chrétiennes*, 60–65; Hoyland, *Seeing Islam*, 18–19; Sharot, ‘Religious Syncretism’, 27; Robinson, *Empire*, 32; Berkeley, *Formation*, 92. See also the references cited in Rustow, *Heresy*, 71 n. 7.
- ¹⁷ Payne, ‘Christianity’, 6–14. Tannous, ‘Syria’, esp. ch. 12.
- ¹⁸ Papaconstantinou, ‘Umma and Dhimma’, 132.
- ¹⁹ Kilpatrick, ‘Social Intercourse’, 213–24.
- ²⁰ Rustow, ‘Karaites’, 35–74; idem, *Heresy*, chap. 3; MacEvitt, *Crusades*, 2.
- ²¹ Noth, ‘Abgrenzungsprobleme’, 292; cf. Cohen, *Crescent and Cross*, 112.
- ²² Levy-Rubin, *Non-Muslims*.
- ²³ See also Levy-Rubin, ‘Shurūt ‘Umar’.
- ²⁴ For further examples of studies on the history of Islam and the societies under its rule that are centered on legal data, see Haldon, ‘Anastasius of Sinai’; Safran, ‘Identity’; Stroumsa, ‘People’; Freidenreich, *Foreigners*; Simonsohn, *Common Justice*; Zоргati, *Pluralism*. On the use of law by historians, see Friedman, ‘American Legal’; Grossberg, ‘Social History’; Ross, ‘Legal Past’; Crook, ‘Legal History’; Prest, ‘Law for Historians’; and the collection of essays in Musson and Stebbings, *Making*.
- ²⁵ For an overview of these sources, see Simonsohn, *Common Justice*, 17–19.
- ²⁶ For a summary of this scholarship, see Morony, ‘Age of Conversions’.
- ²⁷ Becker, *Islamstudien*, vol. 1, 153–55; see also Crone, *Slaves on Horses*, 52; Gladly-Murphy, ‘Conversion’.
- ²⁸ Denet, *Conversion*.
- ²⁹ Hodgson, *Venture of Islam*, vol. 1, 304–305.
- ³⁰ Levtzion, ‘Comparative Study of Islamization’.
- ³¹ For up-to-date studies, see Hoyland, *Seeing Islam*, 336–42; El-Leithy, ‘Coptic Culture’, vol. 1, 3–5, 35–44; Papaconstantinou, ‘Umma and Dhimma’, 151; Foss, ‘Egypt I’, 13; Bulliet, *Cotton*; Humphreys, ‘Christian Communities’, 54–55; Wasserstein, ‘Conversion’.
- ³² For a summary of Islamic legal principles dealing with conversion to Islam, see Heffening, ‘Murtadd’; Fattal, *statut legal*, 164–65; Peters and De Vries, ‘Apostasy’, Kraemer, ‘Apostates’; Ayoub, ‘Religious freedom’; Griffel, *Apostasie*; O’Sullivan, ‘Interpretation’; Friedmann, *Tolerance*, ch. 4.
- ³³ See, however, Friedmann, *Tolerance*, 123–44; Cook, ‘Apostasy’. The phenomenon of conversion and reversion is already attested in the Koran; see Q 2, 109, Q 3, 86; Q 4, 137. In Islamic tradition, the concept of apostasy seems to echo the notion of continuous movement from one religion to another. The term employed is *murtadd*, that is “one who turns back,” thus suggesting that a person who embraced Islam had once been an adherent of another religion and in committing apostasy has returned to his former religion. The concept, of course, fits well with the history of the earliest years of Islamic history, a period known as the wars of apostasy, *ḥurūb al-ridda*, in which a variety of groups in Arabia, both sedentary and nomadic, sought to challenge the authority of the first caliph, Abū Bakr (632–34). These groups, who had embraced Islam during the time of the Prophet, later challenged the authority of his successor, often returning to their original systems of belief; see, for example in Ibn Ḥajar, *al-Isāba*, vol. 5, 341; al-Isfahānī, *al-aghānī*, vol. 16, 293; al-Mas’ūdī, *Murūj*, vol. 1, 82 (no. 149). The Ḥanbalī deliberations gathered by the tenth-century Baghdādī scholar Abū Bakr al-Khallāl (d. 923) in his *Kitāb al-jāmi‘ al-kabīr* contain some of the legal opinions, or responsa (*masā’il*), of Aḥmad b. Ḥanbal (d. 855). These deal, among other things, with the issue of apostasy and penance through a variety of legal problems; see al-Khallāl, *Ahl al-milal*, vol. 2, 485 (nos. 1194, 1195), 492 (no. 1213), 508 (no. 1276).
- ³⁴ Vööbus, *Synodicon*, vol. 367, 253 (Syr.)/368, 231–32 (Eng.): question 15; translation slightly modified from Vööbus’s original.
- ³⁵ Ibid., 261 (Syr.)/238 (Eng.): question 21.
- ³⁶ See *Seven Ecumenical Councils*, vol. 14, 24: canons 10, 11; 27: canon 12 (Council of Nicaea); ibid., 66: canons 7–9 (Council of Ancyra); ibid., 598: canon 62 (Canons of the Holy Apostles), and the *Didascalia Apostolorum*, Chapter 25.
- ³⁷ See *Chronique de Denys de Tell Mahrē*, 140 (Syr.)/*Chronicle of Zuqnin*, 249 (Eng.); Flusin, ‘Démons’, 407; Hoyland, *Seeing Islam*, 100.
- ³⁸ Cook, ‘Apostasy’, 256. See also the examples in Ibn al-Athīr, *al-Kāmil*, vol. 5, 55; on the people of Bukhāra in al-Narshakhī, *Ta’rikh*, 73–74; on the people of Ḥarrān in Dodge, *Fihrist*, vol. 2, 752; Ibn al-Asākir, *Ta’rikh*, vol. 58, 270; see Morony, *Iraq*, 443: “The first really serious case of apostasy in Iraq was that of the Banū Najjya clan of the tribe of ‘Jl. They were converts from Christianity who had become disillusioned by fighting among Muslims during the first *fitna*, who returned to Christianity, and joined the Khawārij under al-Khirīṭ b. Rāshid in Fars in 658.” On the conversion of the Tanūkh and Taghlib tribes, see Budge, *Chronography*, vol. 1, 117; Palmer, *Seventh Century*, 71, cited in Cook, ‘Apostasy’, 261. One of the better known examples of the phenomenon in Islamic history is that of Christian martyrdom; see, for example in Michael the Syrian, *Chronique*, vol. 2, 527. Quite often, these figures are described as individuals who were born Christian,

converted to Islam, and eventually, in their quest for divine forgiveness, returned to Christianity, thereby knowingly subjecting themselves to torment and effectively giving up their lives. For a list of such texts in Greek, Syriac, Coptic, Arabic, and Armenian, see Hoyland, *Seeing Islam*, 347–86; see also Zayat, ‘Martyrs’; Dick, ‘La passion’; Griffith, ‘Abd al-Masīḥ’; Coope, ‘Religious’; Griffith, ‘Neo-Martyrs’; Papadopoulos-Kerameus, *Syllogē*, vol. 1, 42–59 (Grk.)/McGrath, ‘Elias’, 85–107 (Eng.).

³⁹ Levin, *Oẓar*, Shabbat, 128: res. 395.

⁴⁰ Moda’i, *Sha’arei zedek*, vol. 2, part 6: res. 11; Levin, *Oẓar*, Yevamot, 111–12: res. 259, 260.

⁴¹ Aptowitz, ‘Flogging’, 44–46; according to Avigdor Aptowitz, it is noteworthy that a certain ga’on addressed the apostate’s various transgressions but did not mention idolatry, perhaps indicating that the questions dealing with returning apostates came from the lands of Islam, since Muslims were not regarded by the ge’onim as idolaters. On flogging as an act of penance, meant to reintroduce a member into the community and dissuade the general public from various kinds of misbehaviors, see also M. Ben-Sasson, *Emergence*, 340. The public declaration of guilt assumes a central place in rabbinic legal literature. Typically, the declaration was made in the Synagogue where the offender used to pray; see Assaf, *Punishment*, 89.

⁴² See n. 39.

⁴³ For the various versions of the responsum, see Brody, *Teshuvot*, vol. 1, 140: res. 35, n. 1; see also Levin, *Oẓar*, Gittin, 132: res. no. 8.

⁴⁴ See Rakover, ‘Standing of a Kohen’, 522.

⁴⁵ Grossman, *Sages*, 125–26; cf. the position of Rashi (d. 1105), who allowed a *kohen* who repented to resume his liturgical standing without qualification in Malkiel, ‘Jews and Apostates’, 14.

⁴⁶ Sachau, *Rechtsbücher*, vol. 2, 160 (Syr.)/161 (Ger.), 170 (Syr.)/171 (Ger.); see also in Ibn al-Ṭayyib, *Fiqh*, vol. 167, 149–50 (Ar.)/vol. 168, 152 (Ger.): regulation 59, where the regulation is brought in conjunction with an epistle from Timothy I (d. 823), specifying the duration of twelve years for a cleric’s penance. The problem of clergy-converts to Islam seeking forgiveness and readmission to their former religious communities is well attested in a ninth-century abjuration procedure issued by the Byzantine Church. The practice is attributed to the Byzantine official Niketas Choniates (d. ca. 1215), yet is currently dated by most historians to around the second half of the ninth century; see Montet, ‘Un rituel’, 147; Crone and Cook, *Hagarism*, 152, n. 6; Sahas, ‘Ritual’, 59; Hoyland, *Seeing Islam*, 517.

⁴⁷ The topic has been addressed from the perspective of Muslim lawyers in medieval Islamic Spain with regard to the conversion of women to Islam in Shatzmiller, ‘Marriage’; with regard to Mamlūk Egypt, in el-Leithy, ‘Coptic Culture’, 67–73, 88, 191–99; and recently in Tannous, ‘Syria’, 525–40 and Zorgetti, *Pluralism*.

⁴⁸ See for example the case of the members of the Christian Arabian tribe the Banū Taghlib from Mesopotamia, in Abū Yūsuf, *al-kharāj*, 120–21; al-Jāhiz, *al-Bayān*, vol. 2, 48. Similar circumstances are mentioned in the collection of responsa by Aḥmad b. Ḥanbal (d. 855); see for example al-Khallāl, *Ahl al-mīlāl*, 147 (no. 417; see also nos. 416, 418), 149 (nos. 424–26). On the portion in Ibn Ḥanbal’s responsa dealing with questions that stemmed from the marriage of Muslim with non-Muslim women, see Spector, ‘Women’, 255–57. For a summary of Islamic legal principles on the issues of interfaith marriages, see Friedmann, *Tolerance*, ch. 5. Many of the questions related to this theme stemmed from different interpretations of the theological principle of *fiṭra*, which goes back to the tradition attributing to the Prophet the statement that “every infant is born in a state of conformity to the natural constitution with which he is created in his mother’s womb” (*kuḥl mawlūd yūlad ‘alā al-fiṭra*); on this topic, see Mohamed, ‘*Fitrah*’; Adang, ‘Islam’; Gobillot, *Conception*; Friedmann, *Tolerance*, 59, 109–15.

⁴⁹ See, for example, De Lagarde, *Reliquiae*, question 58; Sachau, *Rechtsbücher*, vol. 3, 30 (Syr.)/31 (Ger.), regulation 4; 50, 52 (Syr.)/51, 53 (Ger.), regulation 8; 54, 56 (Syr.)/55, 57 (Ger.), regulation 10; 62, 64 (Syr.)/63, 65 (Ger.), regulation 12; 118 (Syr.)/119 (Ger.), regulation 10; 122 (Syr.)/123 (Ger.), regulation 11; bar Bahṛiz, *Ordnung*, vol. 1, 36: regulation 43; Gabriel of Basra, *Book of Laws*, 68; See also Selb, *Orientalisches*, vol. 1, 208.

⁵⁰ De Lagarde, *Reliquiae*, question 58.

⁵¹ A suggestion in this spirit is made in Jack Tannous, ‘Syria’, 471.

⁵² Sachau, *Rechtsbücher*, vol. 3, 118 (Syr.)/119 (Ger.), regulation 10.

⁵³ Wasserstein, ‘*A Fatwā*’.

⁵⁴ Goitein, *Mediterranean Society*, vol. 2, 299–303; vol. 3, 11–12, 290–91.

⁵⁵ Levin, *Oẓar*, Yevamot, 197–98, res. 475; see also *ibid.*, Gittin, 207–208, res. 487–88.

⁵⁶ *Ibid.*, Ketubot, 356, res. 789.

⁵⁷ Goitein, *Mediterranean Society*, vol. 2, 299–303; vol. 3, 11–12, 290–91; Levin, *Oẓar*, Yevamot, 196–97, res. 474.

⁵⁸ See for example Levin, *Oẓar*, Kiddushin, 30–32, res. 79, 80, 82; see also Irshai, ‘Apostate’.

⁵⁹ See Sachau, *Rechtsbücher*, vol. 2, 112, 114 (Syr.)/113, 115 (Ger.), regulations 93–94; vol. 3, 132 (Syr.)/133 (Ger.), regulation 6. In the mid seventh century, the East Syrian metropolitan Šem’un Rēwardašir included in his collection of judgments the stipulation that “it is not appropriate for a son of a Christian man who changes his religion to have a share in his father’s property”; see *ibid.*, vol. 3, 249 (Syr.)/248 (Ger.), regulation 18. The principle was elucidated later by the catholicos Yoḥannan bar Abgārē (d. 905): “An outsider does not inherit [a member] of the community (lit. that

which is inside, *gāvyā*). Thus a Muslim [does not inherit a Christian] and also a Christian [does not inherit a Muslim]"; see bar Abgārē, *Law Book*, 186 (Syr.)/187 (Ger.), regulation 159. In the West Syrian tradition, see Vööbus, *Synodicon*, vol. 375, 84 (Syr.)/vol. 376, 90 (Eng.), canon 15: "A Muslim does not inherit a Christian and a Christian does not inherit a Muslim." Ibn Ḥanbal's responsa dealing with the inheritance of members of different religious communities pay special attention to issues of apostates inheriting their fathers, Muslim sons inheriting their non-Muslim fathers, and families taking possession of the property left behind by sons who adhered to a religion other than their own. Echoing the geonic position and reproducing ecclesiastical regulations almost verbatim, Ibn Ḥanbal's responsa on this subject come under the heading "a Muslim does not inherit an infidel, nor an infidel a Muslim," and "the people of two communities are not to inherit one another"; see Al-Khallāl, *Ahl al-milal*, 328–30 (nos. 920–26).

⁶⁰ Assaf, *Teshuvot*, res. 61; S. and Albeck, *ha-eshkol*, vol. 2, 73–74.

⁶¹ See Goitein, *Mediterranean Society*, vol. 2, 299; cf. Cahen, 'Histoire', 203; Blidstein, 'Who', 376; Shatzmiller, 'Marriage', 257; Hoyland, *Seeing Islam*, 338.

Bibliography

- About El Fadl, K., 'Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries', *Islamic Law and Society*, 1/2 (1994): 141–87.
- Abū Yūsuf, *Kitāb al-kharāj* (Beirut: Dār al-ma'rifa, 1979).
- Adang, C., 'Islam as the Inborn Religion of Mankind: the Concept of *Fiṭra* in the Works of Ibn Ḥazm', *al-Qantara*, 21 (2000): 391–410.
- Albeck, S.H., (eds.), *Sefer ha-eshkol by Abraham ben Isaac of Narbonne*, 2nd edn., 2 vols. (Jerusalem: Vagshal, 1984).
- Alexander, P.J., 'Medieval Apocalypses as Historical Sources', *The American Historical Review*, 73/4 (1968): 997–1018.
- Aptowitz, A., 'Flogging and Disciplinary Flogging in Geonic Responsa', [in Hebrew] *Ha-mishpat ha-ivri*, 5 (1937): 33–104.
- al-ʿAsqelānī, Ibn Ḥajar, *al-Iṣāba fī tamyiz al-ṣaḥāba*, edited by 'A.M. al-Bajāwī, 8 vols. (Cairo: Dār naḥḍat Miṣr l-il-tab' wa-l-nashr, 1972).
- Assaf, S., *Punishment after the Close of the Talmud* [in Hebrew] (Jerusalem, Tel Aviv: ha-Po'el ha-za'ir, 1922).
- Assaf, S. (ed.), *Teshuvot ha-ge'onim mi-kiṭve-yad she-bi-ge'izat Cambridge* (Jerusalem: Meqizei nirdamin, 1942).
- Ayoub, M., 'Dhimma in Qur'an and Hadith', *Arab Studies Quarterly*, 5/2 (1983): 172–82.
- Ayoub, M., 'Religious Freedom and the Law of Apostasy in Islam', *Islamochristian*, 20 (1994): 75–91.
- Bar Abgārē, Y., *Law Book (Syrische Texte zum islamischen Recht: Das dem nestorianischen Katholikos Johannes V. bar Abgare zugeschriebene Rechtsbuch)*, edited by H. Kaufhold (Munich: Beck, 1971).
- Bar Baḥrīz, A., *Ordnung der Ehe und der Erbschaften sowie Entscheidung von Rechtsfällen*, edited by W. Selb, 2 vols. (Vienna: Boehlau, 1970).
- Baum, W. and D.W. Winkler, *The Church of the East: A Concise History* (London: Routledge, 2003).
- Becker, C.H., *Islamstudien*, 2 vols. (Leipzig: Quelle & Meyer, 1924–32).
- Ben-Sasson, H.H., 'The Middle Ages: Introduction', in idem (ed.), *A History of the Jewish People* (Cambridge, Mass.: Harvard University Press, 1976), 385–92.
- Ben-Sasson, M., *The Emergence of the Local Jewish Community in the Muslim World: Qayrawan, 800–1057* [in Hebrew] (Jerusalem: Magnes Press, 1996).
- Berkey, J., *The Formation of Islam: Religion and Society in the Near East, 600–1800* (Cambridge: Cambridge University Press, 2003).
- Blidstein, G., 'Who is not a Jew? – The Medieval Discussion', *Israel Law Review*, 11 (1976): 369–90.
- Brock, S., 'The "Nestorian" Church: A Lamentable Misnomer', *Bulletin of the John Rylands University Library of Manchester*, 78/3 (1996): 23–36.
- Brody, R. (ed.), *Teshuvot rav Naṭronai bar Hilai ga'on*, 2 vols. (Jerusalem: Ofeq, 1994).
- Brody, R., *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven, Conn.: Yale University Press, 1998).
- Budge, E.A.W. (trans.), *The Chronography of Gregory Abū'l Faraj, the Son of Aaron the Hebrew Physician, Commonly Known as Bar Hebraeus*, 2 vols. (Amsterdam: APA-Philo Press, 1976).
- Bulliet, R., *Cotton, Climate, and Camels in Early Islamic Iran: A Moment in World History* (New York: Columbia University Press, 2009).
- Cahen, C., 'Histoire économique-sociale et islamologie. Le problème préjudiciel de l'adaptation entre les autochtones et l'Islam', in *Actes: Colloque sur la sociologie musulmane* (Brussels: Centre pour l'Etude des Problemes du Monde Musulman Contemporain, 1961), 197–215.

- Chabot, J.B., (ed. and trans), *Chronique de Denys de Tell Maḥrē, quatrième partie* (Paris: É. Bouillon, 1895).
- Cohen, M.R., 'Islam and the Jews: Myth, Counter-Myth, History', *The Jerusalem Quarterly*, 38 (1986): 125–37.
- Cohen, M.R., *Under Crescent and Cross: The Jews in the Middle Ages* (Princeton, N.J.: Princeton University Press, 1994).
- Cohen, M.R., 'Jewish Communal Organization in Medieval Egypt: Research, Results and Prospects', in N. Golb (ed.), *Judaean-Arabic Studies* (Amsterdam: Harwood, 1997), 73–86.
- Cohen, R., 'Language and Conflict Resolution: The Limits of English', *International Studies Review*, 3/1 (2001): 5–51.
- Connolly, H. (ed. and trans.), *Didascalia Apostolorum* (Oxford: Clarendon Press, 1929).
- Cook, D., 'Apostasy from Islam: A Historical Perspective', *Jerusalem Studies in Arabic and Islam*, 31 (2006): 248–88.
- Coope, J.A., 'Religious and Cultural Conversion to Islam in Ninth-Century Umayyad Córdoba', *Journal of World History*, 4 (1993): 47–68.
- Crook, A., 'Legal History and General History', *Bulletin of the Institute of Classical Studies*, 41/1 (1996): 31–6.
- Crone, P. and M. Cook, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1977).
- Crone, P., *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980).
- De Lagarde, P. (ed.), *Reliquiae iuris ecclesiastici antiquissimae* (Lipsiae: B.G. Teubnerus, 1856).
- Denmett, D.C., *Conversion and the Poll Tax in Early Islam* (Cambridge, Mass.: Harvard University Press, 1950).
- Dick, I., 'La passion arabe de S. Antoine Ruwah', *Le Muséon*, 74 (1961): 108–33.
- Dodge, B. (ed. and trans.), *The Filhrst of al-Nadīm: A Tenth-Century Survey of Muslim Culture*, 2 vols. (New York: Columbia University Press, 1970).
- Donner, F.M., *Narratives of Islamic Origins* (Princeton, N.J.: Darwin, 1998).
- Eddé, A.-M., et al. (eds.), *Communautés chrétiennes en pays d'Islam, du début du VIIe siècle au milieu du XIe siècle* (Paris: SEDES, 1997).
- el-Leithy, T., 'Coptic Culture and Conversion in Medieval Cairo, 1293–1524 a.d.', Ph.D. diss. (Princeton University, 2005).
- Fattal, A., *Le statut légal des non-Musulmans en pays d'Islam* (Beirut: Imprimerie Catholique, 1958).
- Fiey, J.M., *Chrétiens syriaques sous les abbassides: surtout à Bagdad (749-1258)* (Louvain: Secrétariat du CSCO, 1980).
- Figuera, P., 'The Impact of the Islamic Conquest', *ARAM*, 6 (1994): 283–90.
- Flusin, B., 'Démons et Sarrasins: l'auteur et le propos des Diègēmata stèriktika d'Anastase le Sinaïte', *Travaux et Mémoires*, 11 (1991): 380–409.
- Foss, C., 'Syria in Transition, AD 550–750', *Dumbarton Oaks Papers*, 51 (1997): 189–269.
- Foss, C., 'Egypt under Mu'āwiyā Part I: Flavius Papas and Upper Egypt', *Bulletin of the School of Oriental and African Studies*, 72/1 (2009): 1–24.
- Fowden, G., 'Religious Communities', in G.W. Bowersock, et al. (eds.), *Interpreting Late Antiquity: Essay on the Postclassical World* (Cambridge, MA. and London: Harvard University Press, 1999), 82–106.
- Frantz-Murphy, G., 'Conversion in Early Islamic Egypt: The Economic Factor,' in Y. Ragib (ed.), *Documents de l'Islam médiéval: nouvelles perspectives de recherche, actes de la Table Ronde, Paris, 3–5 mars 1988* (Cairo: Institut français d'archéologie orientale, 1991), 11–17.
- Freidenreich, D.M., *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011).
- Freidenreich, D.M. and M. Goldstein (eds.), *Beyond Religious Boundaries: Interaction and Intellectual Exchange in the Medieval Islamic World* (Philadelphia: University of Pennsylvania Press, 2012).
- Friedman, L.M., 'The State of American Legal History', *The History Teacher*, 17/1 (1983): 103–19.
- Friedmann, Y., *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003).
- Gabriel of Basra, *Book of Laws (Die rechtssammlung des Gabriel von Basra und ihr Verhältnis zu den anderen juristischen Sammelwerken der Nestorianer)*, edited by H. Kaufhold (Berlin: J. Schweitzer, 1976).
- Gil, M., 'The Constitution of Medina: A Reconsideration', *Israel Oriental Studies*, 4 (1974): 44–66.
- Gil, M., *Jews in Islamic Countries in the Middle Ages* (Leiden: Brill, 2004) [Originally in Hebrew: *In the Kingdom of Ishma'el* (Tel Aviv: Tel Aviv University Press, 1997)].
- Gobillot, G., *La Conception originelle (fitra): ses interprétations et fonctions chez les penseurs musulmans*, (Cairo: I.F.A.O., 2000).
- Goitein, S.D., 'Minority Self-Rule and Government Control in Islam', *Studia Islamica*, 31 (1970): 101–16.
- Goitein, S.D., *Jews and Arabs: Their Contact through the Ages*. 3rd edn. (New York: Schocken Books, 1974).
- Goitein, S.D., *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, 6 vols. (Berkeley: University of California Press, 1967–93).
- Griffel, F., *Apostasy und toleranz im Islam* (Leiden: Brill, 2000).
- Griffith, S.H., 'Abd al-Masīḥ al-Ghassānī', *Le Muséon*, 98 (1985): 331–74.
- Griffith, S.H., 'Christians, Muslims and Neo-Martyrs: Saints' Lives and Holy Land History', in A. Kofsky and G. Stroumsa (eds.), *Sharing the Sacred: Religious Contacts and Conflicts in the Holy Land* (Jerusalem: Yad Ben Zvi, 1998), 163–207.

- Griffith, S.H., *The Church in the Shadow of the Mosque: Christians and Muslims in the World of Islam* (Princeton, N.J.: Princeton University Press, 2008).
- Grossberg, M., 'Social History Update: "Fighting Faiths" and the Challenges of Legal History', *Journal of Social History*, 25/1 (1991): 191–201.
- Grossman, A., *The Early Sages of Ashkenaz: Their Lives, Leadership and Works* [in Hebrew]. (Jerusalem: Magnes Press, 2001).
- Haldon, J., 'The Works of Anastasius of Sinai', in A. Cameron and L.I. Conrad (eds.), *The Byzantine and Early Islamic Near East* (Princeton, N.J.: Darwin, 1992), 107–47.
- Harrak, A. (ed. and trans.), *The Chronicle of Zuqin* (Toronto: Pontifical Institute of Mediaeval Studies, 1999).
- Heffening, W., 'Murtadd', *Encyclopedia of Islam*, 2nd edn. (Leiden: Brill Online, 2012).
- Herrin, J., *The Formation of Christendom* (Princeton, N.J.: Princeton University Press, 1987).
- Hodgson, M.G.S., *The Venture of Islam*, 3 vols. (Chicago: University of Chicago Press, 1974).
- Hoyland, R., *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish, and Zoroastrian Writings on Early Islam* (Princeton, N.J.: Darwin, 1997).
- Hoyland, R. (ed.), *Muslims and Others in Early Islamic Society* (Burlington, VT: Ashgate, 2004).
- Humphreys, S., 'Christian Communities in Early Islamic Syria and Northern Jazira: The Dynamics of Adaptation', in J. Haldon (ed.), *Money, Power and Politics in Early Islamic Syria: A Review of Current Debates* (Farnham, Surrey, England; Burlington, VT: Ashgate, 2010), 45–56.
- Ibn al-'Asākir, *Ta'riḫ madīnat Dimashq*, edited by M. al-Dīn al-'Imrawī, 80 vols. (Beirut: Dār al-fīkr, 1995–2001).
- Ibn al-Athīr, *al-Kāmil fī-l-ta'riḫ*, 14 vols. (Beirut: Dār sādir, 1966).
- Ibn al-Ṭayyib, *Fiḫ al-Nasarānīya*, edited and translated by W. Hoenerbach and O. Spies, 4 vols. (Louvain: Imprimerie orientale L. Durbecq, 1956–57).
- al-Isfahānī, *Kitāb al-aḡhānī*, edited by M. al-Saqā, 24 vols. (Cairo: Maṭba'at dār al-kutub al-Misriyya, 1927–74).
- al-Khallāl, Abū Bakr, *Ahl al-milal wa-l-ridda wa-l-zanādiqa wa-tāriḫ al-ṣalāt wa-l-farā'id min kitāb al-jāmi' li-l-Khallāl*, edited by I. b. Ḥamad b. Sulṭān, 2 vols. (Riyadh: Maktabat al-ma'ārif l-il-nashr wa-l-tawzīf, 1996).
- Irshai, O., 'The Apostate as an Inheritor in Responsa of the Ge'onim: Foundations of the Ruling and Parallels in Gentile Law' [in Hebrew], *Shenaton ha-mishpat ha-sivri*, 11–12 (1984–86): 435–71.
- al-Jāhīz, *al-Bayān wa-l-tabayīn*, edited by 'A. al-Salām M. Hārūn, 4 vols. (Cairo: Maktabat al-Ḥanjī, 1998).
- Kennedy, H., 'Islam', in G.W. Bowersock, et al. (eds.), *Interpreting Late Antiquity: Essays on the Postclassical World* (Cambridge, MA and London: Harvard University Press, 1999), 219–21.
- Kilpatrick, H., 'Representations of Social Intercourse between Muslims and non-Muslims in Some Medieval *Adab* Works', in J. Waardenburg (ed.), *Muslim Perceptions of Other Religions: A Historical Survey* (Oxford: Oxford University Press, 1999), 213–24.
- Kraemer, J.L., 'War, Conquest, and the Treatment of Religious Minorities in Medieval Islam', in S.W. Baron and G.S. Wise (eds.), *Violence and Defense in the Jewish Experience* (Philadelphia: Jewish Publication Society of America, 1977), 143–59.
- Kraemer, J.L., 'Apostates, Rebels and Brigands', *Israel Oriental Society*, 10 (1980): 34–73.
- Levin, B.M. (ed.), *Ozār ha-ge'onim*, 14 vols. (Jerusalem: Mosad ha-Rav Quq, 1941).
- Levtzov, N., 'Towards a Comparative Study of Islamization', in idem (ed.), *Conversion to Islam* (New York: Holmes & Meier, 1979), 1–23.
- Levy-Rubin, M., 'Shurūt 'Umar and its Alternatives: The Legal Debate on the Status of the Dhimmīs', *Jerusalem Studies in Arabic and Islam*, 30 (2005): 170–206.
- Levy-Rubin, M., *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (Cambridge, Eng.; New York: Cambridge University Press, 2011).
- Libson, G., 'Legal Autonomy and the Recourse to Legal Proceedings by Protected Peoples, according to Muslim Sources during the Ga'onic Period', [in Hebrew] in N. Ilan (ed.), *Intertwined Worlds of Islam: Essays in Memory of Hava Lazarus-Yafeh* (Jerusalem: Yad Ben Zvi, 2002), 334–92.
- Lory, P., 'Les musulmans et les autres', in D. Chevallier and A. Miquel (eds.), *Les arabes, du message à l'histoire* (Paris: Fayard, 1995), 203–17.
- MacEvitt, C., *The Crusades and the Christian World of the East: Rough Tolerance* (Philadelphia: University of Pennsylvania Press, 2008).
- Malkiel, D., 'Jews and Apostates in Medieval Europe – Boundaries Real and Imagined', *Past and Present*, 194/1 (2007): 3–34.
- al-Mas'ūdī, *Murāj al-dhahab wa-mā'ādīn al-jawhar*, edited by C. Pellat, 7 vols. (Beirut: al-Jāmi'a al-Lubnāniya, 1965).
- McGrath, S., 'Elias of Heliopolis: The Life of an Eighth-Century Syrian Saint', in J.W. Nesbitt (ed.), *Byzantine Authors: Literary Activities and Preoccupations: Texts and Translations Dedicated to the Memory of Nicolas Oikonomides* (Leiden: Brill, 2003), 85–107.
- Michael the Syrian, *Chronique de Michel le Syrien: Patriarche jacobite d'Antioche (1166–1199)*, edited and translated by J.B. Chabot, 4 vols. (Paris: Ernest Leroux, 1899–1910).
- Moda'ī, H. (ed.), *Sefer shā'arei Zedeq*, 2 vols. (Thessaloniki: [s.n.], 1792).

- Mohamed, Y., 'The Interpretations of *Fitrah*', *Islamic Studies*, 34 (1995): 129–51.
- Montet, E., 'Un rituel d'abjuration des musulmans dans l'église grecque', *Revue de l'histoire des religions*, 53 (1906): 145–63.
- Morony, M., 'Religious Communities in Late Sasanian and Early Muslim Iraq', *Journal of the Economic and Social History of the Orient*, 17 (1974): 113–35.
- Morony, M., 'Social Elites in Iraq and Iran: After the Conquest', in J. Haldon and L. Conrad (eds.), *The Byzantine and Early Islamic Near East VI: Elites Old and New in the Byzantine and Early Islamic Near East* (Princeton: Darwin Press, 2004), 275–97.
- Morony, M., *Iraq after the Muslim Conquest* (Princeton, N.J.: Princeton University Press, 1984).
- Morony, M., 'The age of conversions', in M. Gervers and R. J. Bikhazi (eds.), *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands: Eight to Eighteenth Centuries* (Toronto: Pontifical Institute of Medieval Studies, 1990), 135–50.
- Morony, M., 'History and Identity in the Syrian Churches', in J.J. van Ginkel et al. (eds.), *Redefining Christian Identity: Cultural Interaction in the Middle East since the Rise of Islam* (Louvain: Peeters, 2004), 1–33.
- al-Narshakhī, Abū Bakr Muḥammad, *Ta'rikh Bukhārā*, edited by A. 'Abd al-Majīd Badawī and N. Ṭirāzī (Cairo: Dār al-ma'ārif, 1965).
- Noth, A., 'Abgrenzungsprobleme zwischen Muslimen und Nicht-Muslimen. Die "Bedingungen 'Umars (*al-ṣurūt al-'umariyya*)" unter einem anderen Aspekt gelesen', *Jerusalem Studies in Arabic and Islam*, 9 (1987): 290–315.
- Noth, A. and Conrad, L.I., *The Early Arabic Historical Tradition: A Source-Critical Study* (Princeton: Darwin Press, 1994).
- O'Sullivan, D., 'The Interpretation of Qur'anic Text to Promote or Negate the Death Penalty for Apostates and Blasphemers', *Journal of Qur'anic Studies*, 3/2 (2001): 63–94.
- Palmer, A., *Monk and Mason on the Tigris Frontier: The Early History of Tūr 'Abdin* (Cambridge: Cambridge University Press, 1990).
- Palmer, A., et al. (eds.), *The Seventh Century in the West-Syrian Chronicles* (Liverpool: Liverpool University Press, 1993).
- Papaconstantinou, A., 'Between Umma and Dhimma: The Christians of the Middle East under the Umayyads', *Annales Islamologiques*, 42 (2008): 127–56.
- Papadopoulos-Kerameus, A. (ed.), *Sylogē Palaistinēs kai Syriakēs hagiologies*, 2 vols. (Thessaloniki: Ekdoseis P. S. Pourmara, 2001).
- Payne, R., 'Christianity and Iranian Society in Late Antiquity, ca. 500–700 c.e.', Ph.D. diss. (Princeton University, 2010).
- Peters, R. and G.J.J. de Vries, 'Apostasy in Islam', *Die Welt des Islams*, n.s., 17 1/4 (1976–77): 1–25.
- Prest, W., 'Law for Historians: William Blackstone on Wives, Colonies and Slaves', *Legal History*, 11 (2007): 105–15.
- Rakover, N., 'The Standing of a Kohen who Transgressed and Repented', [in Hebrew] in Y.E. Levi Movshovitz (ed.), *Sefer Rephael: Papers and Studies in the Torah and Jewish Studies in Memory of Dr. Isaac Raphael* (Jerusalem: Mosad ha-Rav Quq, 2000), 520–29.
- Robinson, C., *Empire and Elites after the Muslim Conquest: The Transformation of Northern Mesopotamia* (Cambridge: Cambridge University Press, 2000).
- Ross, R.J., 'The Legal Past of Early New England: Notes for the Study of Law, Legal Culture, and Intellectual History', *The William and Mary Quarterly*, 3rd series, 50/1 (1993): 28–41.
- Rustow, M., 'Karaites Real and Imagined: Three Cases of Jewish Heresy', *Past and Present*, 197 (2007): 35–74.
- Rustow, M., *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate* (Ithaca, N.Y.: Cornell University Press, 2008).
- Sachau, E. (ed. and trans.), *Syrische Rechtsbücher*, 3 vols. (Berlin: G. Reimer, 1907–14).
- Safran, J.M., 'Identity and Differentiation in Ninth-Century al-Andalus', *Speculum*, 76/3 (2001): 573–98.
- Sahas, D., 'Ritual of Conversion from Islam to the Byzantine Church', *Greek Orthodox Theological Review*, 36 (1991): 57–69.
- Schick, R., *The Christian Communities of Palestine from Byzantine to Islamic Rule* (Princeton, N.J.: Darwin, 1995).
- Selb, W., *Orientalisches Kirchenrecht*, 2 vols. (Vienna: Österreichischen Akademie der Wissenschaften, 1981–89).
- Sharot, S., 'Religious Syncretism and Religious Distinctiveness: A Comparative Analysis of Pre-Modern Jewish Communities', in T.M. Endelman (ed.), *Comparing Jewish Societies* (Ann Arbor: University of Michigan Press, 1997), 23–60.
- Shatzmiller, M., 'Marriage, Family, and the Faith: Women's Conversion to Islam', *Journal of Family History*, 21 (1996): 235–66.
- Simonsohn, U., *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia: Pennsylvania University Press, 2011).
- Sizgorich, T., *Violence and Belief in Late Antiquity: Militant Devotion in Christianity and Islam* (Philadelphia: Pennsylvania University Press, 2009).
- Spectorsky, S.A., 'Women of the People of the Book: Inter-marriage in Early *Fiqh* Texts', in B.H. Hary et al. (eds.), *Judaism and Islam: Boundaries*, (Communication and Interaction Leiden: Brill, 2000), 269–77.
- Stebbing, C., 'Benefits and Barriers: The Making of Victorian Legal History', in A. Musson and C. Stebbings (eds.), *Making Legal History: Approaches and Methodologies* (Cambridge: Cambridge University Press, 2012), 72–87.
- Stroumsa, R., 'People and Identities in Nessana', Ph.D. diss. (Duke University, 2008).

- al-Ṭabarī, *Ta'riḫ al-rusul wa-l-mulūk*, edited by M.J. de Goeje et al., 15 vols. (Leiden: Brill, 1879–1901).
- Tannous, J., 'Syria between Byzantium and Islam: Making Incommensurables Speak', PhD Diss. (Princeton University, 2010).
- The Seven Ecumenical Councils of the Undivided Church: Their Canons and Dogmatic Decrees*, edited by H.R. Percival (*A Select Library of Nicene and Post-Nicene Fathers*, ser. 2, 14 vols.; Grand Rapids, MI: Eerdmans, 1979).
- Troupeau, G., 'l'Église Jacobite d'Antioch', in G. Dagron, et al. (eds.), *Evêques, moines et empereurs (610-1054) (Histoire du Christianisme: Des origines à nos jours*; Paris: Desclée, 1993a), 411–22.
- Troupeau, G., 'l'Église Nestorienne d'Orient', in G. Dagron, et al. (eds.), *Evêques, moines et empereurs (610-1054) (Histoire du Christianisme: Des origines à nos jours*; Paris: Desclée, 1993b), 438–54.
- Vööbus, A. (ed. and trans.), *The Synodicon in the West Syrian Tradition (CSCO 367–68, 375–76 Scr. Syri. 161–64)*, 4 vols. (Louvain: Secrétariat du CSCO, 1975–76).
- Wansbrough, J., *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford University Press, 1978).
- Walmsley, A., 'The Social and Economic Regime at Fihl (Pella) between the 7th and 9th Centuries', in P. Canivet and J.-P. Rey-Coquais (eds.), *La Syrie de Byzance à l'Islam VIIe–VIIIe siècles: Actes du Colloque International, Lyon—Maison de l'Orient Méditerranéen, Paris—Institut du Monde Arabe, 11-15 Septembre 1990* (Damascus: Institut Français de Damas, 1992), 249–61.
- Vajda, G., 'Juifs et Musulmanes selon le ḥadīth', *Journal Asiatique*, 209 (1937): 57–127.
- Vajda, G., 'Ahl al-Kitāb', *Encyclopedia of Islam*, 2nd edn. (Leiden: Brill Online, 2012).
- Wasserstein, D.J., 'A *Fatwā* on Conversion in Islamic Spain', in R.L. Nettler (ed.), *Studies in Muslim-Jewish Relations* (Chur: Harwood Academic Publishers, 1993), 177–88.
- Wasserstein, D.J., 'Conversion and the Ahl al-Dhimma', in R. Irwin (ed.), *The New Cambridge History of Islam* (Cambridge: Cambridge University Press, 2010), 184–208.
- Wipszycka, E., *Les ressources et les activités économiques des églises en Égypte du IVe au VIIIe siècle* (Brussels, Fondation Egyptologique Reine Elisabeth, 1972).
- al-Ya'qūbī, *Kitāb al-buldān*, edited by A.W.T. Juynboll (Leiden: Brill, 1891).
- Zayat, H., 'The Martyrs of the Christians under Islam', [in Arabic] *al-Mashriq*, 36 (1938): 959–65.
- Zorgati, R.J., *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia* (New York: Routledge, 2012).