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Interactions between Syriac Christians and Muslims in the Early ‘Abbasid Near East: Ḥanpā as a Legal Category

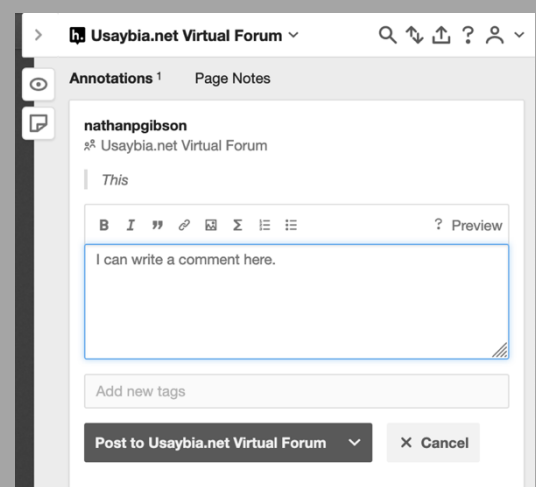
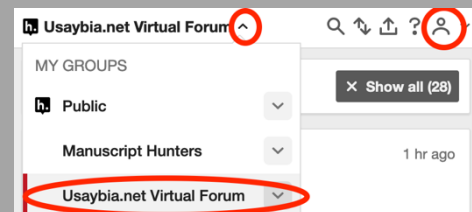
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Interactions between Syriac Christians and Muslims in the Early 'Abbasid Near East:

Ḥanpā as a Legal Category

Jessica Mutter

(Please note that this is a working draft and there is much more I hope to incorporate, particularly from Syriac legal sources in the ninth century C.E. and beyond. Suggestions about which points to develop further are always welcome.)

In the seventh century C.E., during the Muslim conquests and for decades afterward, eyewitness documentation suggests that many of the conquered populations did not know what to make of or how to classify their new rulers. They were clearly Arabians, or at least mostly, but did not resemble previous incursions of Arabians into Syria and other territories to their north. There was a religious zeal and message brought with them that was new, and a permanence to their presence outside of Arabia that had previously been unthinkable. This paper will focus on the terminology used by Syriac Christians to define these conquerors and their descendants. In particular, I argue that one of the Syriac terms that was commonly used to refer to Muslims, *ḥanpē* (sing. *ḥanpā*), came to place Muslims in a specific legal category from the perspective of Syriac Christians, one that regulated and formed the basis for legal interactions between Muslims and Christians and restricted them in the same way that Syriac Christians were restricted in interacting with pagans (the usual definition of *ḥanpē*).

This paper focuses on *ḥanpā*'s use in Syriac legal writing into the early 'Abbasid era in order to examine what its use in those documents signified. Prior to and after the

Muslim conquests, *ḥanpā*, Syr. ‘pagan,’ was commonly used to denote anyone whose religion was considered heretical by the standards of the Syriac Christian Church.¹ While the term was something of a catch-all, at times incorporating Jews, Muslims, polytheists, and even heretical Christians, at times each of these groups was named alongside *ḥanpē* in the construction of such regulations. Thus, inconsistencies in the legal definition of *ḥanpā/ē* abound. Nonetheless, *ḥanpā* should be viewed as a category of legal person: an outsider, if perhaps a lesser person, who may still interact with Syriac Christian individuals and communities, but in a way that theoretically protects Syriac Christians from potential harm, or the Syriac Christian community from loss. I argue continued use of the term *ḥanpē* in legal contexts during the early ‘Abbasid era to refer to Muslims designated a legal status for Muslims as a religious ‘other’ – a status that defined and controlled how Syriac Christians could interact with *ḥanpē* (including both pagans and Muslims), what was required of people converting to Syriac Christianity from Islam or paganism, and other regulations involving interactions with members of the Syriac church.

In addition to *ḥanpē*, Muslims were initially referred to as Arabians (*ṭayyāyē*), then, increasingly, emigrants (*mhaggrē/mhaggrāyē*), and at times even Muslims (e.g., *muslimanūtho*). By the end of the seventh century, *mhaggrē* (cognate of *muhājir*) came to be the Syriac term used specifically to identify Muslims. Yet the other terms persisted in the Syriac lexicon in reference to Muslims. Why, then, were ‘pagan’ and ‘Arabian’ synonymous with ‘Muslim’ well after it was clear that the Muslims were monotheists, and by the end of the seventh century, and certainly into the eighth, were no longer

¹ *Ḥanpā* had other meanings in Syriac in different eras, and its cognates in other Semitic languages broaden the potential scope of its definition further. This point will be expanded upon in the final paper.

obviously ‘Arabian’ in origin? How can we tell that those terms were used in reference to Muslims? The canons of Jacob of Edessa (684 C.E.) provide some early examples:

“[To Jacob:] Concerning a Christian woman who of her own free will marries a Muslim (*mhaggrāyā*), is it appropriate for priests to give communion to her and is there a known canon regarding this? And if her husband threatens to kill the priest if he does not give communion to her, is it right for him to consent temporarily while he (the husband) is seeking that he (the priest) be killed, or is it a sin for him to consent? Or is it better that he give her communion lest she become a Muslim, since her husband is compassionate towards the Christians?”²

Jacob’s reply is: “All these doubts of yours, you have resolved them [yourself] in that you have said it is appropriate that communion be given to her lest she become a Muslim; [just] so that she does not then become a Muslim—even if it be that the priest is sinning when he gives [it] to her and even if her husband is not making threats—it would be right to give her communion and it would not be a sin for him because he gives [it] to her.”³

In this letter, the term *mhaggrāyā* is used to refer to a Muslim man. Thus, by even the 680s C.E., this term is used to describe Muslims. Yet in another letter from the same year, we see other terms in use:

“What should be done with a holy table which Arabs (*ṭayyāyē*) have eaten meat on and left soiled?” Jacob responds: “A table on which pagans (*ḥanpē*) 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.”

² Hoyland, *Seeing Islam*, 604-5.

³ *Ibid.*, 605.

In this second letter, Muslims are not even mentioned, though it is clear that they are what is meant. Instead, the petitioner uses the term ‘Arabs,’ while Jacob responds with ‘pagans,’ thus conflating the two. These usages are intentional; as we know, *mhaggrāyē* is already a common term. Jacob chose to use ‘pagans’ instead.⁴ In a third letter, though they are differentiated by Jacob, Muslims and pagans are treated in the same manner:

A third letter asks: “If he is about to die, is a priest permitted to pardon someone who became a Muslim [*mhaggrāyā*] or became a pagan [*hanpā*]?” Jacob responds: “If he is about to die and a bishop is not near, [the priest] is permitted to pardon him, give him the Eucharist, and bury him if he dies. But if he lives, [the priest] should bring him to a bishop and [the bishop] should impose on him a penance that he knows he is able to bear.”⁵

I argue that Jacob and later Syriac scholars intentionally used the term *hanpē* to describe Muslims in canons and other legal writing in order to legally classify them in the same category as pagans. Faced with a new religious group that was hard to classify, Syriac authorities categorized them as pagans using legal precedents and customs that existed before the rise of Islam and which often applied to pre-Islamic Arabian pagans. Syriac clergy were able to thus regulate interactions between Syriac Christians and members of this new religious group.⁶

⁴ Ibid., 605. Another example from these canons conflating ‘muslim’ and ‘pagan’ (this time by the petitioner, John the Stylite): “If a person becomes a Muslim or a pagan ... and then after a time repents and comes back from his paganism to Christianity, should he be baptized again?” Jacob of Edessa, *Additional Questions of John the Stylite to Jacob*, 15 (see *The Synodicon in the West Syrian Tradition*, I, tr. Voobus; see also Tannous, *The Making of the Medieval Middle East*, 335).

⁵ *The Synodicon in the West Syrian Tradition*, I and II, CSCO 367:261. See also *Letter to John, the Stylite of Litarb* (ed. Rignell), 52, and Simonsohn, “Communal membership despite religious exogamy,” *JNES* 75 (2016), 262-3.

⁶ *Ṭayyāyē* was also commonly used to identify Muslims, though usually not as frequently to regulate behaviors and interactions between Muslims and Syriac Christians.

The 'Abbasid Near East was a confluence of muddled religious identities and categories. Yet *ḥanpā* remained in use to mean Muslim. Continuing to classify Muslims as pagans served to denigrate them once it was clear what they were. Indeed, many texts use 'Arab' or 'Arabian' interchangeably with '*ḥanpā*' when referring to Muslims; Jacob of Edessa is just one example. A 12th century C.E. canon against baptizing Muslim children, by John of Marde, does so.⁷

The late eighth-century Patriarch George of Be'eltan forbade women who married pagans (*ḥanpē*) or Muslims (*mḥaggrāyē*) from entering the church or taking the Eucharist.⁸ He also forbade men whose daughters married pagans, Muslims, or Nestorians from the same. Like Jacob, he treated pagans and Muslims in the same manner, effectively placing them in the same legal category despite differentiating them. The differentiation may have been made in order to demonstrate precedent: both the sixth-century Syrian catholicos Mar Aba and the Synod of Mar George (676 C.E.) forbade male and female Christians who married pagans from entering the church or receiving the Eucharist.⁹ Mar Aba (d. 552 C.E.) cannot have referred to Muslims in forbidding Christian men from marrying pagan women, but the Synod of Mar George, in which Christian women were advised to guard themselves against marriage to *ḥanpē*, very well might have.

This concern about intermarriage continued into the ninth century, when in 846 C.E., John III excommunicated any Christian, male or female, who married off their daughter to a pagan (*ḥanpā*), a Jew, or a Magian (Zoroastrian), as well as any woman

⁷ Voobus, *The Synodicon in the West Syrian Tradition*. See also David Taylor, "The Syriac Baptism of St John," in Hoyland, ed., *The Late Antique World of Early Islam: Muslims among Christians and Jews*.

⁸ The Canons of Patriarch George, ed. Voobus, *The Synodicon in the West Syrian Tradition II*, 4-5.

⁹ Chabot, *Synodicon Orientale*, 336.

who chose to do so.¹⁰ Here *ḥanpā* is almost certainly meant to signify Muslim, either as well as or perhaps instead of its original meaning of pagan.

Interactions between Muslims and Syriac Christians: The Legacy of *Ḥanpā* Classification

Pre-Islamic Christian jurists commonly identified three categories of non-Christians (besides heretical Christian sects): Magians (Zoroastrians), Jews, and pagans. As we have seen, Muslims were classified as pagans in legal writing. What were the practical effects of this classification? The implications of the Syriac Christian classification of Muslims as pagans are profound. Syriac Christians were, as we have seen, limited in how they could interact with pagans well before the rise of Islam, and indeed, the precedents set in the pre-Islamic period about these interactions then affected the way Syriac Christian clergy thought about their constituents' interactions with Muslims.

Christians could not share food or meals with pagans, nor could they have sexual relations with them or adopt their cultural practices, so these were also applied to Muslims—at least in principle.¹¹ Yet it is clear that they did these things (with pagans or Muslims; as we have seen, by the end of the seventh century it is hard to discern what terms like *ḥanpē* did and did not signify). Athanasius of Balad, Syrian orthodox patriarch

¹⁰ The Canons of the Patriarch John 23, Voobus, *The Synodicon in the West Syrian Tradition*, II, 45-47.

¹¹ George I (Mar Ghiwarghis, d.680-1) served as *catholicos* in Adiabene from 660/1-680/1. The canons issued by him are from 676, the result of a synod he held in Bahrain. The canons decree that Christian disputes should be settled within the church's legal system, rather than in front of Muslim (*ḥanpē*) judges (Canon 6); that women should not unite with or marry pagans (*ḥanpē*, Canon 14); and that bishops should be exempt from the *jizya*, which appears to have been something local Christian populations actually had some control over. This early text is representative of Syriac legal texts from the seventh century in that it does not refer to Muslims directly, but uses the term *ḥanpē*, pagans, to describe practices or situations involving Muslims. Thus, while *ḥanpē* can still refer to pagans, Muslims are lumped under this category for legal purposes in the seventh century.

of Antioch wrote a letter about this exact issue (engaging in ‘*ḥanpē*’ practices) in 684 C.E.¹² Jacob of Edessa also forbids eating with Muslims (again, *ḥanpē*), but creates exceptions for clergy eating with heretical rulers. He then extends that exemption to cover meals with other Muslim officials.¹³ If Syriac Christians could not share a meal with Muslims, could they share or buy and sell food products? Could a Syriac Christian work for a Muslim, or vice-versa?

This project will continue to explore Syriac legal writing in later centuries, but what may be surmised at this point is that the legal edicts may not have mattered all that much. We already know that Syriac Christians converted to Islam, sometimes in the context of marriage; this was increasingly viewed as something of an existential threat by Syriac Christian leaders from the seventh century onwards, and restrictions and punishments placed on women who married and had children with Muslims became correspondingly severe. Syriac Christians no doubt dined with their Muslim counterparts without concern; indeed, the above exemption made for Christian clergy and Muslim authority figures suggests that such meals were even a necessity. Syriac Christians served Muslim elites in roles as political advisers, physicians, secretaries, scholars, and tutors. No doubt the benefits of doing so outweighed the costs, which

¹² Athanasius of Balad was Miaphysite (Syrian Orthodox) patriarch from 684-7 at Qenneshrē. His encyclical, *Egartā d-ṭubtānā Atanāsīus paṭriarkā meṭul hāy d-lā nēkul* (‘*nāsh kristyānā min debḥē da-Mhaggrāyē hālen d-hāshā aḥidin* / *Letter of the Blessed Patriarch Athanasius on that no Christian should eat of the sacrifices of those Hagarenes who are now in power* (684 C.E.) forbids certain interactions with Muslims. He commands rural bishops and traveling priests to better regulate interactions between Christians and pagans (*ḥanpē*), which almost assuredly means Muslims. He focuses especially on Christian women marrying them (and on Christians eating with Muslims). This letter is preserved in Chronicle of Zuqnīn, and is concerned with eating the food of Muslims, but it is especially concerned about women interacting with Muslims in any way. Robert Hoyland notes that the use of *ḥanpē* is unusual for the time period, during which *ṭayyāyē* and *mḥaggrāyē* are more often used to describe Arabs/Muslims, respectively.

¹³ David M. Freidenreich, “Muslims in Canon Law, 650-1000,” in *Christian-Muslim Relations: A Bibliographical History Vol. 1 (600-900)*, ed. David Thomas and Barbara Roggema (Leiden: Brill, 2009), 91-2.

might have involved a reprimand from the church but usually didn't involve anything as serious as excommunication – the church sought to keep as many of the faithful as it could, and reserved such permanent punishments for offenses like intermarriage, which over the *longue durée* shifted the demographics of the region from majority Christian towards majority Muslim. It was also likely that most Syriac Christians were not well versed in the finer points of canon law, even if said points touched on their daily lives. This was certainly true in rural areas away from centers of power, and was also likely the case even among educated elites who interacted with both Syriac Christian clergy and Muslim leaders on a regular basis.

Marrying one's daughter to a pagan, a Muslim, or a Nestorian was also condemned by George I, Syrian Orthodox Patriarch of Antioch (d. 785 C.E.), in the Nestorian Synod of George I (785 C.E.), as was the marrying of two women or the taking of concubines by any married Christian man. Marrying a daughter to a man of the wrong religion barred father and daughter from entering the church, and men who married multiple women or took concubines were ex-communicated if they did not repent.¹⁴ Dionysius I, Patriarch of Antioch from 817-45 C.E., forbade Christians from circumcising their children, on grounds that it was a pagan and Jewish custom.¹⁵ Here 'pagan' likely includes 'Muslim,' though may not be limited to it.

Using legal precedents that applied to other religious communities was not unique to Syriac Christians, of course. In the mid to late eighth century C.E., Popes Zachary and Hadrian I attempted to stop the sale of Christians as slaves to the Muslims,

¹⁴ J.B. Chabot, *Synodes Nestoriens* (Paris: Imprimerie Nationale, 1902), 224.

¹⁵ Also of note is that circumcision has been used as an identifying marker of pseudo-converts to Christianity in some of the martyrdoms from this era.

just as Christians were not allowed to be sold as slaves to Jews.¹⁶ Mark Cohen notes that prior to the Islamic conquests, Byzantine territories were run according to the Justinianic Codex, which forbade the ownership of Christian slaves by Jews.¹⁷ While many of those lands found themselves under Muslim rule by the 640s, ‘Umayyad and ‘Abbasid administrators were often Christians, as were their Byzantine forebearers, thus perhaps inclined to incorporate prior practice when a clear legal response was lacking.¹⁸

As noted above, the Syriac sources thus far reviewed in this project suggest that the use of *ḥanpē* to denote Muslims emerged as a seventh-century phenomenon but continued for centuries afterward. While *mhaggrāyē* and *ṭayyāyē* are found in early Syriac literature on Muslims, the former being the term that came to identify Muslims specifically, *ḥanpē* continued to be used in legal writing to denote them, perhaps even longer than its use was maintained outside of a legal context, and was likely meant to be derogatory. The term *ḥanpē* was used for legal purposes well into the ‘Abbasid era. Future work on this project will trace the use of *ḥanpē* to describe Muslims in Syriac legal texts from the ninth to the thirteenth century, C.E. While *ṭayyāyē* likely referred to Arabians and/or tribal nomads, it did not speak to religious affiliation; one could be *ṭayyāyā* and Christian, and indeed several tribes were. Initially *mhaggrāyē*, too, did not necessarily imply a separate religious group, 1) because the term literally denoted émigrés, and 2) because Syriac scholarship had not yet identified the *mhaggrāyē* as

¹⁶ David M. Freidenreich, “Muslims in Canon Law, 650-1000,” in *Christian-Muslim Relations: A Bibliographical History* Vol. 1 (600-900), ed. David Thomas and Barbara Roggema (Leiden: Brill, 2009), 96-7.

¹⁷ Mark R. Cohen, *Under Crescent and Cross: Jews in the Middle Ages* (Princeton: Princeton University Press, 2008), 55; “Novel 37 (Authenticum 39), Concerning the African Church (De Africana ecclesia: Justinian to Salomon, Praetorian Prefect of Africa),” *Annotated Justinian Code*, tr. Fred H. Blume, ed. Timothy Kearley.

¹⁸ Mark R. Cohen, *Under Crescent and Cross: Jews in the Middle Ages* (Princeton: Princeton University Press, 2008), 56.

having a separate, distinct religion in the seventh century. Thus, classifying early Muslims as pagans may have made the most sense from the perspective of placing them into a legal category. However, as Muslim belief became more distinct and better understood (by both Muslims and their non-Muslim subjects), classifying them as pagans made decreasing sense. The continued use of *ḥanpē* by Syriac scholars to identify Muslims, particularly in legal writing, was maintained into the 'Abbasid era likely due to a combination of prior usage, a desire to denigrate Muslims and Muslim belief, and, perhaps most importantly, the ease with which Muslims, and interactions with them, could be treated as legal subjects when categorized as pagans.