

The debate between Patriarch John and an Emir of the Mhaggrāyē: a reconsideration of the earliest Christian-Muslim debate

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Because we know that you are anxious and fearful on our account, due to the matter for which we have been called in this region, with our holy father the Patriarch, we inform your Grace that on the ninth of this month of May, the day of the Holy Sunday, we went to the famous general, the emir, and this holy father of all was questioned by him...

This is how an anonymous West-Syrian author begins a letter, in which he gives a report of a debate that allegedly took place between Patriarch John (Yohannan) and an emir of the 'Mhaggrāyē'.¹ The letter is written in Syriac and is generally believed to be the oldest surviving example of a religious disputation between a Christian and a Muslim. It survives in a unique manuscript that was completed in the year 874 CE.²

¹ The name of the Patriarch is only to be found in the heading. The term Mhaggrāyē clearly refers to the Muslims, but what it means precisely is still subject of debate. It could be 'Hagarenes', or *mubārijūn*, 'emigrants'. In light of the evidence collected by Crone on the meaning of *mubājir* in the first century of Islam, when it referred to those who moved as soldiers into new territory (not migrants from Mecca to Medina) it could well be the latter: P. Crone, "The First-Century Concept of Hīgra", *Arabica* 61 (1994), 352-387.

² MS BL Add. 17193, written in Serto, on 99 folios, containing 125 different texts. The 88th text on fol. 73a-75b contains the *Debate*. The text has been edited and published with a French translation by François Nau in: "Un colloque du Patriarche Jean avec l'Émir des Agaréens et faits divers des années 712 à 716 d'après le MS. du British Museum add 17193, avec un appendice sur le patriarche Jean le 1^{er}, sur un colloque d'un patriarche avec le chef des Mages et sur un diplôme qui aurait été donné par Omar à l'Évêque du Tour 'Abdin", *JA* ser. 11, 5 (1915), 225-279. An English translation from the French (with the same minor errors) is available in: N.A. Newman, *The Early Muslim-Christian Dialogue: a Collection of Documents from the First Three Islamic Centuries*, Hatfield: Interdisciplinary Biblical Research Institute 1993, 24-28. For a German translation see: Suermann, "Orientalische Christen und der Islam. Christliche Texte aus der Zeit von 632-750", *Zeitschrift für Missionswissenschaft und Religionswissenschaft* 67 (1983), 120-36, 122-125.

Little imagination is needed to realize how such an early Christian-Muslim debate could potentially be groundbreaking for our understanding of the evolution of Islam and of the development of the attitudes of Muslims and Christians toward each other. If this text is indeed from the 640s, as several scholars have argued, then the emir would have been in all likelihood a companion of Muḥammad and the questions that he posed to the Patriarch would have given us an insight into the thought world of Muslims at the very inception of Islam. We could compare its significance with a discovery of a papyrus from the year 45, in which one of the apostles of Jesus discusses his faith with a rabbi. Its importance would be enhanced even further if the apostle asked questions which do not reflect Christian doctrine of later times. Anyone would immediately recognize that if such a text were to be unearthed, it would have the potential to revolutionize our understanding of the evolution of Christianity. It would be a snapshot of a budding movement whose origins are largely obscured through the teleological perspective and de-historicizing normative character of later writings.

During the ninety years following its publication by François Nau, the *Debate between Patriarch John and an emir of the Mhaggrāyē* (henceforth: *Debate*) has indeed drawn the attention of a number of scholars, who have analyzed the text in the light of its potential reflection of a pre-classical form of Islam and of the roots of Christian-Muslim debate. Most famously, Crone and Cook discussed it in their provocative study *Hagarism*, in which they tried to reconstruct the ideological agenda behind the Arab conquests on the basis of contemporary writings of outsiders. One particular question in the *Debate*, where the emir is portrayed as accepting the Torah as the only authoritative Scripture, was used by the authors as evidence that the movement that became known as Islam was in origin closely related to the religion of the Samaritans.³ Not only was this suggestion in itself rejected on the ground that the evidence for a Samaritan influence on early Islam is minimal,⁴ there have also been scholars who claimed that the *Debate* cannot

³ Patricia Crone and Michael Cook, *Hagarism. The Making of the Islamic World*, Cambridge: Cambridge University Press 1977, 14-15.

⁴ See Wansbrough's review of *Hagarism* in the *Bulletin of the School of Oriental and African Studies* 41 (1978), 155-156.

have been written in the 640s to begin with.⁵ In other words, the sensational idea that we have a very early Christian-Muslim debate at our disposal loses its force with the sober realization that this is in fact a later text. A survey of the different readings of the text will quickly reveal that, together with the critical question of its dating, there exists a range of ideas regarding its life setting, its integrity and the purpose of its author.

The aim of this paper is to re-evaluate the *Debate* in the hope that some new leads and new angles may be found that can help us to better contextualize it. For this purpose I have analyzed the ways in which the exchanges of words between the Patriarch and the emir are phrased, while comparing them to other relatively early Christian-Muslim debates. I will also discuss a number of studies devoted to the *Debate*, in order to understand what causes the modern interpretations to be so diverse. In this paper I will present the result of these overlapping segments of my investigation by discussing the questions and answers presented in the text, with a special focus on the final question, which as yet has not received the attention it needs. This will lead to a reconsideration of the dating of the text.

The most crucial discovery, which is still at the centre of research on the text today, is a passage in the Chronicle of Michael the Syrian which describes an encounter between Patriarch John and an emir. It was François Nau who drew attention to this passage in his publication of the *Debate*:

“This emir Ibn Sa’d hated the Christians and it may be that he wanted to stop them calling Christ God; but whatever his motives may have been, he summoned by letter the patriarch John. The interview was a strange one; but the patriarch, helped by God’s Grace, answered all the emir’s devious questions. When the emir heard his spirited and fearless defence he said: ‘Put that Gospel of yours into Arabic speech for me and do not change

⁵ An early eighth century date is proposed in: G.J. Reinink, “The beginnings of Syriac Apologetic Literature in Response to Islam”, *Oriens Christianus* 77 (1993), 165-187, 171-185; S.H. Griffith, “The Prophet Muḥammad, his Scripture and his Message according to the Christian Apologies in Arabic and Syriac from the first Abbasid century”, in: T. Fahd, ed. *La vie du Prophète Mahomet, Colloque de Strasbourg (octobre 1980)*, Paris: Press universitaires de France 1983, 99-146, 99; Hoyland, *Seeing Islam as others saw it. A survey and evaluation of Christian, Jewish and Zoroastrian writings on early Islam*, Princeton: Darwin Press 1997, 464 and cf. Y. D. Nevo and J. Koren, *Crossroads to Islam. The origins of the Arab Religion and the Arab State*, Amherst NY: Prometheus Books, 2003, p. 226, n. 63.

anything except the word GOD, where it is applied to Christ, the word BAPTISM and the word CROSS. These words you are to omit.' The Spirit strengthened John to answer bravely: 'May Christ, my God, forbid that I should take away one jot or one title from my Gospel, even if I must be pierced by all the lances in your armoury. I would rather not write it at all.' Impressed by this spirited protest and by John's manly character, the emir told him to go and write as he wished. Then the patriarch sent for pious people of the Banū Tanūkh and from Aqūlō and selected those most fluent in both Arabic and Syriac and who knew how to translate words elegantly from one language into another. When they had, with great difficulty, interpreted the Gospel at his command and collated it repeatedly, they produced immediately a final version in elevated calligraphic style free from technical blemishes and most skilfully illuminated with (gold and silver) leaf. This they presented to the governor 'Amr b. Sa'd."⁶

This glorious end to an encounter that began on a hostile note has occasionally been adduced to by modern scholars as proof of the first translation into Arabic of the Bible, but, more often than not, it is taken with a grain of salt, since nothing else is known about this Bible translation. The passage reads more like a defence against the Muslim accusation of *tabrīf*, than as a reliable report on a joint translation project in early Islam. Especially the remark about omitting the words that are disliked by Muslims reminds us of the Emperor Leo III who, as a defence against the claim of Caliph Umar II, asserts that it is not the Christians who have corrupted the Scriptures, but rather the Muslims themselves: "whenever, for example, you come across the word Father, you replace it by Lord, or sometimes by God. If you are making your researches in the interests of truth, you ought to respect the Scriptures before citing them".⁷ This allegation alludes to the Qur'anic verse in which Jesus says: "Lo, God is my

⁶ Andrew Palmer and Robert Hoyland, *The seventh century in the West-Syrian chronicles including two seventh-century Syriac apocalyptic texts*, Liverpool: Liverpool University Press 1993, 170, translated from: J.-B. Chabot, *Chronique de Michel le Syrien, patriarche jacobite d'Antioche (1166-99)*, vol. 4, Paris: Leroux 1910, 421-422.

⁷ Arthur Jeffery, "Ghevond's text of the Correspondance between 'Umar II and Leo III", *Harvard Theological Review* 37 (1944), 269-332, 299. This epistolary exchange, in its present form, cannot be from the pen of these two rulers. It probably represents a mixture of eighth and ninth century polemic. See Robert Hoyland, "The Correspondence of Leo III (717-41) and 'Umar II (717-20)", *Aram* 6 (1994), 165-177.

Lord and your Lord" (Q 43:65), rather than "my Father and your Father, to my God and your God", as it is found in John 20:17.⁸

In the *Debate* there is no mention of a Bible translation – in fact there is only a superficial agreement between that text and Michael the Syrian's account. Both texts mention that the Patriarch was interrogated after the emir had summoned him, by letter, and both texts mention that there were Christian Arabs present. These are the only points that the texts have in common. Because of the way in which Michael the Syrian describes the translated Bible as both faithful and beautiful, and the Patriarch as steadfast and heroic, it is difficult to believe that the author of the *Debate* found inspiration with this particular account for his own much more sober composition that constitutes the *Debate*.⁹ It is possible, on the other hand, that the author of this section in Michael the Syrian's chronicle knew the *Debate* and used it as an occasion to tell his tale about the trustworthiness of the Arabic Bible. This we do not know; it is equally well possible that both texts go back to yet another description of the encounter, or a mere reference to an encounter in an older source. It is even possible that the *Debate* is a contemporary report while the passage in Michael the Syrian goes back to another, later, account. These different possibilities are worth drawing attention to, because, as Reinink has already argued, it could be that the author of the account in Michael the Syrian knew the *Debate*, identified the unnamed emir with 'Amr, of whom he knew that he prohibited the display of the cross, and then inserted the story about the encounter after that story about the cross.¹⁰ In that case, the question comes down to whether the author of Michael the Syrian's source was right; and we may ask ourselves whether there could not have been an encounter between Patriarch John and another emir. Obviously, one could also conclude that no encounter took place whatsoever, and that the *Debate* has no historical background. What is nevertheless almost certain is that the author of the *Debate* had Patriarch John Sedra in mind when he wrote the text. This can be determined on the basis of the members of the

⁸ See David Thomas, "The Bible in Early Muslim Anti-Christian Polemic", *Islam and Christian-Muslim Relations* 7 (1996), 29-38, 31 and 36 for Muslim translations of Gospel verses and the Lord's Prayer which contain such minor, but crucial, changes.

⁹ Of course the author of the *Debate* could not have known it directly from Michael the Syrian's *Chronicle*; however, the section in question is believed to go back to the lost chronicle of Dionysius of Tel-Mahrē (d. 845) or an even older source.

¹⁰ Reinink, "Beginnings", 174.

Patriarch's delegation, whose names are mentioned at the end.¹¹

Patriarch John Sedra, who owes his name to the many liturgical poems (*sedrē*) that he wrote, was Patriarch of Antioch from the year 630 or 631 until his death in December 648¹². The fact that the date of the event described in the *Debate* is given as Sunday the ninth of May was taken by Nau as a clue to the date of the text, since there were only three years during John Sedra's career as Patriarch when the ninth of May fell on a Sunday. For several reasons the year 644 is considered the most likely date, which could mean that the emir was ʿUmayr b Saʿd al-Anṣārī, who was governor of the district of Homs, until late 644, when with the accession of ʿUthmān, Muʿāwiya became governor of the whole of Syria.¹³

The *Debate* consists of only five scriptural and theological questions, followed by three demands from the emir and a final question about the laws of the Christians. The first question of the emir is whether the Gospel is one and the same with all Christians. The Patriarch mentions the many Christian nations that are spread all around the world but have the same holy book. The answer is reminiscent of the usual one given in Eastern Christian apologetic texts to the Muslim charge of Biblical falsification, *tabrif*. That charge can be said to be implicit in the question of the emir, but this and also some of the other questions are formulated in a rather neutral and succinct way, and, as we shall see further below, the interpretation of it depends on the way one reads the rest of the text.

The second question of the emir is why Christians differ in their faith if there is only one and the same Gospel. The answer is that this situation is comparable to situation of the Jews, Mhaggrāyē, Samaritans and Christians, who all believe in the Torah and yet have different faiths. Although this question alludes to Christian dividedness, the emir's question does not entail a critique to that intent. The third question contains the standard Muslim critique of Christianity. The emir asks whether Christ is God or not. The answer resembles the Nicene creed, which to the average Muslim polemicist has no value whatsoever, since it is not part of

¹¹ See the references in *ibid.*, 172, n. 44.

¹² For his life and works, see Jouko Martikainen, *Johannes I. Sedra. Einleitung, syrische Texte, Übersetzung und vollständiges Wörterverzeichnis*, Wiesbaden; Harrassowitz 1991, 1-38.

¹³ See: S.K. Samir, "Qui est l'interlocuteur musulman du patriarche syrien Jean III (631-48)?", in: *IV Symposium Syriacum 1984, Literary Genres in Syriac Literature (Groningen – Oosterbesselen 10-12 September)*, H.J.W. Drijvers et al (eds.), Rome, 1987, 387-400.

revelation. Again, other apologetic texts would try to furnish the reader with a different set of arguments that may be used in debate with Muslims, but there is no further detail in our text.

The fourth question is who ruled the world when Christ was in the womb. This is a question that is also found in other Christian apologies vis-à-vis Islam and probably echoes a critical question with which Muslims indeed confronted Christians. The answer of the Patriarch comes in the form of an analogy with God coming down to Mount Sinai and speaking to Moses. The Patriarch says this is probably acceptable to the emir, because he accepts the Torah (or literally: 'Moses and his books'). In later Christian apologetic texts vis-à-vis Islam, such questions were answered with help of the Qur'an. Elias of Nisibis (d. 1049) for example, lists the different physical aspects and movements of God mentioned in the Qur'an as a defence against the accusation that he believes in a God who is constrained in one place.¹⁴ In the *Debate* such argumentation is absent, because the whole notion of the existence of the Qur'an is absent.

What follows is a question about the faith of Abraham and Moses: 'how was their belief and their religion?' According to the Patriarch they were all Christians who packaged their message in such a way as to not confuse their simple-minded, idolatry-prone audience. They only referred to the mystery of the Trinity in a veiled manner, to make sure that they would not see the Trinity as multiple Gods. This answer is well-known as a central theme in Christian apologetics vis-à-vis the Jews.¹⁵ From the Syriac dialogue of the Monk of Bet Hale, which was in all likelihood written in the early eighth century, we know that it was one of the themes of pre-Islamic Christian apologetics that was reapplied in Christian-Muslim debate early on.¹⁶ There it remained popular as a means to justify Christian hermeneutics of the Old Testament. And as we can see for example with Patriarch Timothy in his debate with al-Mahdī, the same argumentation was employed to find references to the Trinity in the Qur'an. According to Patriarch Timothy, in the Qur'an, too, God spoke of the Trinity through veiled references, so as to prevent

¹⁴ E-K. Delly, *La Théologie d'Elie bar-Šēnaya*. Etude et traduction de ses entretiens, Rome: Pontificia Universitas Urbaniana de Propaganda Fide 1957, 75. Similar Qur'anic allusions can be found in Dionysius bar Šalībī's refutation of Islam, see: J. P. Amar, *Dionysius Bar Šalībī: A Response to the Arabs*, 2 vols, Louvain: Peeters, 2005: vol. 1, p. 36 (Syriac); vol. 2, pp. 34-35 (translation).

¹⁵ C. Saldanha, *Divine pedagogy: a patristic view of non-Christian religions*, Rome: LAS 1984.

¹⁶ MS Diyarbakir 95, fol. 5a. For this text, see Reinink's contribution to this volume.

the idolatrous Arabs from taking these as proof of the existence of multiple Gods.¹⁷ It is at this point that the *Debate* betrays some signs of belonging to the literary genre of Christian-Muslim debate as we know it from many other examples. Not only do we have a rehearsal here of a very common way of defending Christianity by means of the concept of Divine pedagogy, we also have the emir's question being phrased in such a way as to suit the agenda of the author, who takes the opportunity to give the Christian view of salvation history in a nutshell. That this question reflects a historical connection between the movement of Islam and a messianic movement that closely identified itself with Abraham and Moses seems highly unlikely.

The emir then asks for real proof of the Divine nature of Christ. He wants to know them from reason and from the Torah. The answer given in our text is remarkable for two reasons: first of all, the proofs from reason are not given; second of all, the supposed proofs from the Torah are not spelled out in the text. Rather than having the Patriarch actually enumerate them, all that is said is that he gave numerous scriptural proofs. This is quite striking, because in most Christian-Muslim debates such answers are given in more detail, in order to provide the reader with ready-made answers to critical questions. By contrast, the reader of the *Debate* would not have been able to learn anything from this particular answer. When the emir then requests a prooftext specifically from the Torah, the Patriarch quotes Genesis 19:24 and shows the physical presence of these words in the Syriac Bible and in the Greek Bible. Again, little is explained here and one needs to go back to the work of Severus of Antioch in order to see the apologetic value of the verse, which reads: "Then the Lord rained on Sodom and Gomorrah sulphur and fire from the Lord out of heaven".¹⁸ Severus presents it as proof of the fact that the One Divine essence has different persons. The verse mentions two Lords, but the point is not to prove that there are two Lords. Severus' point is that those two Lords are necessarily the One God, since no one else can be called Lord.¹⁹ The quote is part of a larger discourse containing more Scriptural proofs.

¹⁷ A. Mingana, "The apology of Timothy the Patriarch before the Caliph al-Mahdi", *Woodbrooke Studies* 2, Cambridge: Heffer 1928, 1-162, 139-140 (Syriac), pp. 67-68 (translation). For this particular theme, see also the contribution of Heimgartner to this volume.

¹⁸ François Nau already drew attention to the fact that this verse was quoted in the 70th Homily of Severus of Antioch: Nau, "Un colloque", 260, n. 2.

¹⁹ Another case where this verse is used in a Christian-Muslim Debate is in correspondence between the Emperor Leo III and the Caliph 'Umar II (see above, n. 7), but there it is presented together with a clear explanation: Jeffery, "Ghevond's Text", 300.

In the *Debate*, however, the emir's question remains more or less unanswered; all we hear is that he could see the passage with his own eyes and that he called in a Jew to verify it. The latter – stereotypically – does not know precisely whether it is right; in other words, he is presented as living proof of the earlier claim that the Jews are too immature to appreciate the proofs of Christ's divinity in the Old Testament.

The last question takes a more practical turn. It is a question "concerning the Laws of the Christians which and how they are; whether they are in the Gospel or not". The question is followed by an indication that the emir wants to come to an arrangement with the Patriarch, for he asks: "show me either that your laws are written in the Gospel and that you act according to them, or that you submit to the 'Law of the Mhaggrā'²⁰".

There is one dissonant element in this part of the *Debate*. The emir brings up one practical example in his question about the laws of the Christians:

'When a man dies, and leaves sons or daughters, and a wife and a mother and a sister and a paternal first cousin; how does one properly divide his property amongst them?' The Patriarch then answers that 'the divine Gospel instructs and imposes heavenly doctrine and the life-giving regulations, that it curses all sins and wickedness, that it teaches excellence and righteousness' [...] and that 'we Christians have laws, which are just and straight, which agree with the teaching and the commandments of the Gospel and the canons of the Apostles, and the laws of the Church'.²¹

At this point the meeting is dismissed. That is why the discussion seems strangely open-ended. This is why Hoyland called the text "in many ways untraditional", since there is no triumph for the Christians at the end. One could argue that the text is therefore not an example of Christian-Muslim disputation that is formulated with the aim of teaching Christians how to answer Islamic challenges to their faith.

Hoyland also repeats the assertion made by Crone and Cook that the example of the division of an inheritance is probably given because the Qur'an is quite

²⁰ The term is given in singular here: The 'law of the Muhājir/Hagarene'; this was noted by Crone and Cook, who thought it could be a sign that this passage is a later addition: Crone and Cook, *Hagarism*, p. 168, n. 20.

²¹ Nau, "Un colloque", 251-252.

elaborate in its commandments regarding this issue.²² In other words, they do not think that the topic was randomly chosen. The idea that the contents of the Qur'an play a role in the *Debate* would then obviously affect our view of the possible date of the text, since it is untenable that Christians in the Near East had extensive knowledge of the text of the Qur'an in the 640s. Crone and Cook saw this final topic as "uncharacteristically dislocated" and thus rescued the rest of the text as a seventh-century document.²³

Although doubts have been voiced about the date of the text, there is no disagreement among scholars who have worked on the *Debate* that this final question is in fact an allusion to the Qur'an, because the Qur'an sets out these regulations in clearer terms than the Bible or Christian law books. It needs to be stressed, however, that the great detail with which a number of Qur'anic verses set out the regulations for inheritance is rather deceptive. A quick glance at Q 4:12 can give the impression that this verse is detailed enough to be applied as a law. As it turns out, this is far from the truth. Inheritance law in Islam is remarkably complicated and notoriously problematic.²⁴ Its genesis and the causes behind its complexities have as yet not been fully elucidated. Before discussing further what the function of the particular question in the *Debate* could be, it is vital to summarize what the issues surrounding inheritance law in Islam are.

There are several verses in different chapters of the Qur'an which deal with bequests and inheritance. As is the case with most legal issues about which the Qur'an contains conflicting verses, it has been a challenging task for specialists in Islamic law – i.e. both Muslim scholars throughout history and modern historians of Islam – to determine which verses make part of the early phase

²² Reinink, similarly, believes this topic may have been chosen because it is contained in the Qur'an, in other words: in the One Holy Book. This then gives the Patriarch the occasion to make once again the point that all Christian laws can be traced back to the Gospel: Reinink, "Beginnings", 180-181.

²³ Crone and Cook, *Hagarism*, 168, n. 20, and see above, n. 20. Cook again refers to the text as a "dialogue of 644" in his "The Origins of *Kalām*", *Bulletin of the School of Oriental and African Studies* 43 (1981), 32-43, 61. Harald Suermann, who stresses that the text resembles the content and tenor of seventh-century interreligious texts, also presumes that this question could be a later addition: Suermann, "The Old Testament and the Jews in the dialogue between the Jacobite Patriarch John I and 'Umayr ibn Sa'd al-Anṣārī", *Collectanea Christiana Orientalia* 3 (forthcoming).

²⁴ Not only its rules are complicated, but also its calculations. It is interesting to note that one of the most famous mathematicians of all times, al-Khwārizmī, who worked under the early Abbasids, devoted much of his time to the question of how to calculate the shares of inheritances. Half of his book on algebra deals with this. See: J.L. Berggren, *Episodes in the Mathematics of Medieval Islam*, New York etc: Springer, 2003, 6-8, 63-65.

of Muḥammad's mission and which came later.²⁵ According to the traditional Muslim understanding of the order of revelation, the first verses concerning inheritance were those which balanced off the interests of family members with the community of emigrants in Medina, whose ties with their relatives in Mecca had been cut off and who were therefore dependent on the 'helpers'. These verses were Q 8:75 and Q 33:6. In a subsequent phase in Medina, the verses Q 2:180-182 summoned the believers – in rather general terms – to make bequests for parents and relatives, not to change them, and not to fight over them. These were followed by similarly unspecific verses, Q 2:240 and Q 5:106-107, which deal with provisions for widows and the importance of inviting witnesses when one makes one's will. None of these verses set a standard for the precise division of property. More specific guidelines to that intent, which can be found in chapter 4 of the Qur'an (*sūrat al-nisā'*), came in a later phase. After it was determined in Q 4:7 that men and women are both entitled to inherit; Q 4:11-12 specified what their portions should be: "to the male a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance, if only one, her share is half. For parents, a sixth share of the inheritance to each, if the deceased left children; if no children..." and so on. To this list of injunctions, yet another verse was added: Q 4:176. This verse contradicts Q 4:12. Whereas in the latter it is stated that in case a man or woman left only one or more brothers and sisters, these brothers and sisters would inherit one third of the estate in total, Q 4:176 stipulated that brothers and sisters could inherit as much as one half or even the whole estate. The resulting conflict was solved by the Qur'an commentators who claimed there was a difference here between on the one hand uterine and on the other hand consanguine and/or germane siblings, and that Q 4:176 had priority over Q 4:12 because it was revealed later.

The system, at this point, was not complete. Two crucial regulations were added in the form of sayings of the Prophet. First of all, in a well-known prophetic dictum "no bequest beyond one third", it was determined that one cannot make a bequest that exceeds one third of one's property. Moreover, it was stipulated that one cannot include in one's will those family members who automatically receive a share on the basis of the various verses from Q 4. "No bequest to an

²⁵ There is a wealth of literature on the topic. The summary in this paper is based on D.S. Powers, art. "Inheritance", in: J.D. McAuliffe, ed. *Encyclopaedia of the Qur'an*, 6 vols, Leiden: Brill, 2001-2006, vol. 2, 518-526.

heir" became another crucial saying of the Prophet.

In the first century of Islam the first legal scholars began to work out this system in detail. One of the central questions was what to do if the shares determined by the inheritance verses of Q 4 did not cover the entire property. In those verses the shares of the daughters, parents, spouse and siblings are established. Scholars determined that the remaining part goes to the nearest male relative (exclusively those who are related through the male blood-line, i.e. the agnates, or so-called *'aṣaba*). At the same time, it could also happen that if one added up all the shares of the family members according to the verses of Q 4, one would arrive at a total that exceeded one hundred percent. This had to be solved by reducing all the shares proportionally. The solution is attributed to the Caliph 'Umar, or alternatively Zayd ibn Thābit or 'Alī. It was not accepted by all Muslim scholars, however, since "although this procedure, known as *'awl* or proportional reduction solved a mathematical problem, it created a hermeneutic problem, for the result of reducing the share of each heir on a proportional basis is that no heir receives the exact fractional share specified in the Qur'ān".²⁶

In other words, although serious efforts were made by the legal theorists of Islam to harmonize the rules that originated in different periods of early Islam, there was no uniform solution that could find unanimous approval. The objection to *'awl* was on pious grounds. There were also serious objections on practical grounds to the system of inheritance of 'sharers' and 'agnates'. Any inheritance arranged in this way meant that property almost always became fragmented. For this reason, Muslim legal scholars decided to allow people to decide on other arrangements during their lifetime, for example by creating family endowments, declaring fictional debts to family members that could be subtracted from the estate at the time of death, or simply by making donations.

This is only a brief summary of what in Islam is called 'half of all knowledge', and it is only summarizing the traditional Muslim understanding of its evolution, which traces back these regulations to specific events in the Prophet's life. Modern scholars doubt the historicity of these specific 'occasions of revelation', but they do not doubt that Islamic came into being over a long period of time. In fact, they argue that the evolution of Islamic law was much slower and that the solutions to legal problems in eighth and ninth century Muslim society were often

²⁶ Powers, "Inheritance", p. 523.

projected back onto the life and times of the founder of Islam.²⁷ Nevertheless, this view on the genesis of the Shari'a also works on the presumption that the laws on inheritance evolved gradually in response to changing situations. If this were not the case, then it cannot be explained why the Qur'anic verses and the relevant *ḥadīths* are so different in content.

There are some striking aspects of inheritance law in Islam that could be relevant for our understanding of the *Debate*. First of all, it should be clear that the system was anything but watertight; the Qur'an needed to be supplemented with other authoritative sources (notably *ḥadīth*) and hermeneutical *tours-de-force* (such as the system of *'awl*) in order to make it manageable. It also turns out that it was a system that Muslims were often dissatisfied with, as can be noticed in cases where the rules are circumvented in order not to let one's assets become fragmented.

Despite these complexities and the internal Muslim discussions, Syriac-speaking Christians have consistently turned to Islamic inheritance law. They translated the laws into Syriac and inserted them into their own law books.²⁸ This phenomenon is undoubtedly the clearest case of Eastern Christian adoption of Islamic civilization. If it were not for the fact that some of the Syriac authors expressly identified these regulations as Islamic in their works, one would perhaps be more tempted to assume that the process of borrowing was the other way round. But for example the *Synodicon Orientale*, which includes several chapters on Muslim inheritance law, marks these rules specifically as those of the 'Ṭayyāyē'.²⁹ This interesting detail in the text proves that these laws were not fully integrated into the legal system of the Syriac-speaking communities; it remained a set of regulations besides existing laws.

It need not surprise us that the modern scholars who have noted this presence of Muslim laws among Christians in the Near-East have tried to understand the reasons for this partial adoption. Kaufhold, who has worked extensively on Syriac

²⁷ Most famously: Joseph Schacht, *On the Origins of Muhammadan Jurisprudence*, Oxford: Clarendon Press, 1950.

²⁸ The most important study is Kaufhold, *Syrische Texte zum islamischen Recht. Das dem nestorianischen Katholikos Johannes V. bar Abgārē zugeschriebene Rechtsbuch*, München, 1971, and the further studies by the same author: "Islamisches Erbrecht in christlicher-syrischer Überlieferung", *Oriens Christianus* 59 (1975), 19-35; "Über die Entstehung der syrischen Texte zum islamischen Recht", *Oriens Christianus* 69 (1985), 54-72.

²⁹ Arthur Vööbus, *The Synodicon in the West Syrian Tradition*, 2 vols, Louvain: Peeters, 1976, vol. 1, 64-81, 86-91 (Syriac), vol. 2, 68-86, 92-97.

texts containing Islamic laws of inheritance, has addressed the question with prudence. He drew attention to the simple explanation given in the East-Syrian Arabic encyclopaedic work *Kitāb al-Majdal*, in reference to a synod organized by Johannan bar Abgārē, Catholicos between the years 900-905. The Catholicos set down rules about inheritance that resembled those of the Muslims. The reason for this was "because we live under them and out of fear for them".³⁰ This is not much of an explanation, as Kaufhold already noted, since in principle Christians, and other *dhimmīs*, living under Muslim rule had judicial autonomy, as long as their legal cases did not involve Muslims. He draws attention to the fact that some Caliphs did not respect this autonomy, but he does not go as far as concluding that this was a major factor in the decision of Christians to borrow the Muslim laws. Was it perhaps because the Christians had a variety of law books and needed more uniformity? This is not convincing either, Kaufhold asserts, because the Church leaders could just as well have designated one of their own sources of law as authoritative.³¹ He also asks the most obvious question: is it possible that it was to prevent Christians from going to Muslim courts? After all, when family members had a conflict about a legacy, they would not get a benefit from going to a Muslim court, if the same laws were to be applied in their own community. Kaufhold is not convinced that there would have been many Christians bringing their cases to Muslim courts. Before being able to do that, all family members would have to agree on that step. This he finds very improbable, since at least one party would always be worse off by switching to the Islamic system.³² However, to my mind, this theory is pointing in the right direction. One did not need to convince all of one's family members to make that switch. Instead, one could provoke it by converting to Islam. In a brief but valuable presentation of the issue in his famous study of *dhimmah* regulations, Fattal demonstrates that this is not purely hypothetical.³³ First of all, the principle that was held by the four Muslim schools of law that a Muslim could not inherit from a non-Muslim (and vice-versa) was challenged by a number of Sunnī scholars. Moreover, Shi'īs decided that when

³⁰ Kaufhold, "Syrische Texte", p. 33; on p. 34 the author notes that the passage in question does not show whether this is an explanation of the Catholicos or of the twelfth century author describing the events.

³¹ Kaufhold, "Syrische Texte", p. 35.

³² Kaufhold, "Syrische Texte", p. 34.

³³ Antoine Fattal, *Le Statut légal des non-Musulmans en Pays d'Islam*, Beirut: Imprimerie Catholique 1958, 137-142.

a non-Muslim dies, who has only one Muslim among his family members, the Muslim will be the one who inherits everything.³⁴ Whereas the consequences of the latter extreme position would not be solved by applying Muslim law amongst Christians (because the rest of the family in any case would still miss out on their shares), in times and places where the rule that Muslims could not inherit from non-Muslims, was not enforced, the decision of the Church to adopt Muslim law makes perfect sense. That is because a person could convert, in order to receive a larger share as a result. One can think, for example, of the Qur'anic rule: "to the male, a portion equal to that of two females". A Christian could also go and inquire with Muslim jurists what one's share would be after conversion and use this to put pressure on one's family. The fact that the Islamic legal manuals discuss whether *dhimmīs* can receive an inheritance from a Muslim if they convert to Islam after this Muslim dies, tells us clearly that conversions for financial gain did occur.³⁵ Although the latter problem cannot be solved by applying Muslim regulations in the Church, in the case of the attempts to get a larger share, the application of Muslim laws by Christians is indeed a solution. It takes away the advantage of making the step to Islam.

The question is how the two issues discussed above—the complex development of Islamic inheritance law and the use of it among Syriac-speaking Christians—tie in with the *Debate*. There are two questions that we need to address. *If* there is a connection between these points and the inclusion of the last question of the emir in the *Debate*, then we may ask what the purpose of the emir's question is and what this means for our dating and understanding of the text. First of all, I would like to draw attention to two possible covert apologetic twists to the reply of the Patriarch. In answering the emir's question of how Christians divide an inheritance, the Patriarch stresses that the Holy Gospel "teaches and imposes heavenly teachings and life-giving commandments" and that "it rejects sins and evils and teaches by itself virtue and righteousness" and that "the Christians have laws that are just and right and in agreement with the teachings and commandments of the Gospel and the Canons of the Apostles and the Laws of the Church". Reinink's interpretation of this passage focuses on the fact that the agreement of the Christian Laws with the Gospel is being emphasized: even though they may not be contained in one Scripture, their source and their spirit

³⁴ Fattal, *Le statut légal*, p. 138.

³⁵ Fattal, *Le statut légal*, p. 137.

is the same. This is certainly a dominant element in the Patriarch's answer. The answer is meant as a parallel then, according to Reinink, to the laws of Islam which are not equal to, but in any case are rooted in the Torah.³⁶ I doubt whether this is the precise point made here, since the Muslim laws of inheritance do not resemble the 'Old Law', and therefore the example would not have been very convincing. In that case one would rather expect the typical examples of the *lex talionis* or circumcision. It is more likely that the author has wanted to show the superiority of the Christian laws by drawing attention to Muslim laws that, as we have seen above, are remarkably complicated and of which, moreover, some crucial principles are not to be found in the Qur'an but only in the sayings of the Prophet and the early Caliphs.³⁷ Especially the way in which the question of the emir is phrased, seems to allude to this. Rather than simply asking what the inheritance rules are among the Christians, he gives a list of hypothetical family members: "When a man dies, and leaves sons or daughters, and a wife and a mother and a sister and a (paternal first) cousin; how does one properly divide his property amongst them?". The fact of the matter is that the cousin is not one of the 'sharers' mentioned in Q 4:12, but rather a relative in the category of *'aṣaba*. This means that in order to solve the emir's puzzle, one has to seek recourse to principles that are extra-Qur'anic. We may also note the Patriarch's description of his Laws as *triṣīn*, which means 'right' in the sense of 'upright' and 'orthodox' but also 'straight' and 'straightforward'; the latter two connotations reveal the contrast with Muslims laws on inheritance, which no one could realistically call 'straightforward'.

This brings us to the second, even more dominant, aspect of the Patriarch's answer, i.e. the *justice* of the laws of the Christians, which teach *virtue* and *righteousness*. Obviously, what is perceived as unjust or unethical often stands out in religious polemics as an important ground on which to reject another religion. For example, in early Christian anti-Muslim polemic polygamy and divorce are frequently criticized 'unethical' aspects of Islam. In the case of the *Debate*, it is less obvious why a question about inheritance should provoke a description of Christian laws as *just*. One possibility is that it has to do with the inequality of the shares between men and women. This would probably seem a modern feminist reading of the *Debate*, if it were not for the presence of this point of criticism in

³⁶ Reinink, "Beginnings", p. 181.

³⁷ For example, the regulations that limit bequests and the principle of *'awl*, mentioned above.

another Eastern Christian text dealing with Islam. The Arabic *Apocalypse of Peter*, also known as the *Book of the Rolls*, is a voluminous text that, at least from the late ninth century onwards, circulated in different recensions among Miaphysite Christians. In one recension the theme of inheritance appears in the middle of a venomous piece of anti-Muslim polemic, which Christ allegedly proclaimed to the apostle Peter:

“Know, O Peter, that the one-eyed Son of Perdition will depart from the straight path and command frequent marriages and make female and male slaves lawful [to marry] and allow men to marry the wives of their brother [...] and *he will treat the children unjustly with his law and let the males inherit more than the females* and he will agree the marriage between sisters and most of the followers of the one-eyed will depart from the straight path and deny their children.”³⁸

By means of this passage we can determine that at least one specific element of Islamic inheritance law was considered unjust by the Christians who were familiar with it: the unequal share of men and women. With this example in mind, the end of the *Debate* seems to make more sense: the readers who would have known about these peculiarities of Islamic law would have understood why the Patriarch's answer, which focused on Christian justice, was a logical reply to the emir's question – a question that was undoubtedly framed by the author precisely to make this point.

It is in all likelihood the last question of the emir in particular which made several scholars conclude that the text truly reflects the first phase of negotiations between the conquerors and the conquered. Fritsch already suggested that the primary goal of the emir would have been the forging of political alliances.³⁹ Similarly, Hoyland, although he does not assign the text as a whole to the seventh century, believes that the question whether Christians can govern themselves is the implicit agenda of the emir.⁴⁰ Nevo and Koren also focused on the political

³⁸ Translated from MS Par. Ar. 76, fol. 68b; in slightly different wording it is also to be found in A. Mingana, “The Apocalypse of Peter”, in: Mingana, *Woodbrooke Studies: Christian Documents in Syriac, Arabic, and Garshūni, edited and translated with a critical apparatus*, Cambridge: Heffer, 1927-1934, vol. 3, pp. 93-449, p. 322 [facsimile of a Karshuni manuscript] Mingana's translation on p. 253 is very imprecise.

³⁹ Erdmann Fritsch, *Islam und Christentum im Mittelalter. Beiträge zur Geschichte der muslimischen Polemik gegen das Christentum in arabischer Sprache*, Breslau: Müller & Seiffert, 1930, 1.

⁴⁰ Hoyland, *Seeing Islam*, 462.

dimension of the text and claimed that the fact that legal procedures are being negotiated, with an emphasis on the autonomy of the Christians, fits “within a few years of the establishment of a central authority over al-Šām – within the first few years of Mu‘āwiya’s taking control with the official title of governor.”⁴¹ They interpret the statements regarding Christian unity and solidarity as something that suits both the new rulers and the Christian communities; the former on practical grounds, the latter in order to prevent creating the impression that the Christians were too divided to enjoy some sort of judicial autonomy.⁴² Even though they make part of a wider discourse that is founded on a rather dubious positivistic methodology, the comments of Nevo and Koren in themselves make sense. Such an exchange of words – a negotiation more than a religious disputation – fits in the period immediately after the collapse of Byzantine rule. The fact that it is the Patriarch of Antioch who is being approached by the new rulers and that he gets a chance to speak on behalf of all Christians, does not need to be a fiction either, considering the fact that this would have taken place just after the collapse of Byzantine rule in Syria. Even the fact that the Chalcedonians are portrayed as praying for the Patriarch could well be part of an attempt of the Miaphysites to attract more followers and increase their sphere of influence after the collapse of state support for the Chalcedonians. The fact that the text contains these propagandistic and apologetic elements does not mean that it cannot be contemporary to the events.

However, the subtle polemical points in the final question of the *Debate*, which I have discussed above, are hard to overlook. They form a compelling reason not to date the text to the seventh century. It is unimaginable that this issue, which came up among the Syriac-speaking Christians in the late ninth century when they felt pressured by Islamic culture and domination to adapt their own laws, would have been of any relevance in the year 644.⁴³ Moreover, it is not even possible that the Qur’anic inheritance system was so distinctive in 644 that the difference between Christian laws and the Muslim system was conspicuous to the

⁴¹ Nevo and Koren, *Crossroads to Islam*, 226-227.

⁴² Reinink also believes that there is a strong emphasis on the need for Christian unity in the text, but to him this means that the text was written at a later date when the permanent challenge of Islam had become clear: Reinink, “Beginning”, 181-185.

⁴³ In his search for the earliest sign of Christians borrowing these laws, Kaufhold considers Yoḥannan bar Abgare the first clear case, but there could be some echoes in earlier works. See Kaufhold, *Syrische Texte*, p. 33.

extent that it needed to be brought up in a contemporary debate. Of course we are incapable of determining precisely what the regulations among the Muslims would have been at the time. There is no scholarly consensus on the state of Islamic law at the time; some will describe it as a derivative of Talmudic law, others as midway between Near Eastern offshoots of Roman law and Arabian tribal law, and again, some others as a mixture of Qur'anic law and Arabian tribal law. One could of course claim that, even if Islamic law evolved from a variety of different systems, this does not mean that there were no clear guidelines in the nascent Muslim community as to how divide an estate. However, if this were the case, it is inexplicable why so many difficulties developed later, which meant that Muslim scholars needed more than a century and a half to formulate a more or less full-blown system that had consistent answers to all intricate family situations.

At this point it should be clear that I cannot subscribe to the scholars who have assigned the text to the seventh century. At least the final question is closer in time to the production of the manuscript, the year 874, than to the lifetime of Patriarch John Sedra. Crone and Cook, as I indicated above, assumed that the final question did not originally belong to the text. The question is what there is left, if one puts that question in parentheses. The rest of the text, as we have seen, is hard to characterize. It hints at *dhimmah* negotiations and contains Christian, and also specifically West-Syrian, apologetics in a rather primitive form. The text does not show clearly how one can answer the critical questions of Muslims. Most of the issues that appear in Muslim-Christian debates of the eighth and ninth centuries are lacking. There is no hint at 'God's Word and His Spirit', the Qur'anic quasi-quote that played such a prominent role in Christian-Muslim debates. There is no mention of the direction of prayer, veneration of icons and of the cross, circumcision, abrogation, Muḥammad's prophethood, polygamy and divorce, or the miracles of Christ and Muḥammad. In this respect the *Debatè* is distinct from the many literary Muslim-Christian debates that have come down to us from the eighth century onwards, which do bring up all these burning issues and teach its readers how to respond to critical questions. If larger part of the *Debate* were composed in the 640s, or at some later point in the seventh century, then that fact could explain the difference between our text and the famous Christian-Muslim debates that do treat all these topics. Be this as it may, the question on inheritance makes it highly unlikely that the text as a whole was written in the aftermath of the Islamic conquest of Syria.