

JEWISH CHRISTIANITY AND
THE ORIGINS OF ISLAM

Judaïsme ancien et origines du christianisme

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JUDAEO-CHRISTIAN LEGAL CULTURE AND THE QUR'ĀN: THE CASE OF RITUAL SLAUGHTER AND THE CONSUMPTION OF ANIMAL BLOOD

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The term “Judaean-Christian legal culture” describes those strands within the Jesus movement that maintained a separation between Jewish and gentile ethnicity, and obliged gentiles to maintain those purity laws the Hebrew Bible had imposed on aliens residing in Israel. These purity laws include the avoidance of idol-meat, the unwarranted shedding of human blood, the consumption of blood or of improperly slaughtered animals, and the engagement in illicit sexual relations such as adultery, incest, or sexual relations during a woman’s menses. The slow development of these “gentile purity regulations,” the history of which forms the object of this article, can be traced from the Hebrew Bible, throughout Late Antiquity, and to the Qur’ān; they also form the basis of subsequent Islamic purity regulations.

At the example of the prohibition of the consumption of blood and of improperly slaughtered animals, the present contribution will illustrate how Judaean-Christian legal culture endured from the time of the Acts of the Apostles up to the time of the Qur’ān. The separation of Jewish and gentile ethnicity, though repeatedly questioned in various ways by many authors since the second century C.E., always remained a powerful hermeneutical paradigm in most forms of Christianity. The gentile purity observations, though partially softened or even questioned by a minority

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of church fathers since the fourth century, remained part of mainstream Christianity throughout Late Antiquity. Yet at the same time, some Christian authorities actually expanded the scope and the urgency of the gentile purity regulations, always in close dialogue with the Hebrew Bible and at times also with Encratitic forms of Christianity. Judaeo-Christian legal culture was thus never constitutive of a separate group. Instead, it formed the mainstream of early Christianity, and then likely prevailed at the margins, yet within Christian or even Jewish groups; it simultaneously prepared the legal culture that forms the Qur'ān's point of departure.

Previous scholarship (by others and myself) has recognized the link between Leviticus and the early Christian purity regulations,¹ their applicability throughout Late Antiquity,² as well as the continuity between Christian ritual observances and those promulgated for the Muslims in the Qur'ān.³ The novel contribution here presented is the illustration of the continuity with which those ritual laws the Hebrew Bible applied to non-Israelites were imposed on all of non-Jewish humanity from the first century of the Common Era to the seventh and beyond, often only in theory, sometimes also in practice. This hermeneutical continuity included a perpetual return to the gentile purity laws of the Hebrew Bible, the ongoing distinction between Jews and non-Jews, and the slow specification and expansion of the Levitical laws for non-Israelites which can be observed not only in early Christianity, but also throughout Late Antiquity and up to the Qur'ān. The following is part of my broader project of delineating a hitherto unnoticed continuity of the relevance of the Levitical laws for non-Israelites throughout early Christianity and rabbinic Judaism up to

1. See for example F. AVEMARIE, *Neues Testament und Frühabbinisches Judentum*, Tübingen, 2013, p. 773-800; P.J. TOMSON, "Jewish Purity Laws as Viewed by the Church Fathers and by the Early Followers of Jesus," in M. J.H.M. POORTHUIS & J. SCHWARTZ (ed.), *Purity and Holiness: The Heritage of Leviticus*, Leiden, 2000, p. 73-91; W. LOADER, *The Septuagint, Sexuality, and the New Testament. Case Studies on the Impact of the LXX in Philo and the New Testament*, Grand Rapids, 2004; M. BOCKMUEHL, *Jewish Law in Gentile Churches: Halakhah and the Beginning of Christian Public Ethics*, Edinburgh, 2000; and J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden: Studien zum historischen und theologischen Hintergrund des sogenannten Aposteldekrets*, Göttingen, 1997.

2. The classical study remains that of K. BÖCKENHOFF, *Das apostolische Speisegesetz in den ersten fünf Jahrhunderten: Ein Beitrag zum Verständnis der quasi-levitischen Satzungen in älteren kirchlichen Rechtsquellen*, Paderborn, 1903; Böckenhoff's derisive attitude towards purity laws is typical of much of the scholarship. A more helpful approach is displayed by D. M. FREIDENREICH, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law*, Berkeley, 2011.

3. See H. ZELLENTIN, *The Qur'ān's Legal Culture: The Didascalia Apostolorum as a Point of Departure*, Tübingen, 2013; cf. F. DE BLOIS "Naṣṣrānī (Ναζωραῖος) and ḥanīf (ἑθνητικός): Studies on the Religious Vocabulary of Christianity and of Islam," *Bulletin of the School of Oriental and African Studies* 65 (2002), p. 1-30.

the time of the Qur'ān; other works in progress present the ongoing relevance of the respective sexual laws along with the food laws, aiming for a broader synthesis of the material.⁴

I have introduced the concept of “Judaean-Christian legal culture” in the past; an argument for its relevance for both Late Antique and Qur'ānic studies necessitates a brief differentiation between this concept and the unstable term “Jewish Christianity.”⁵ An illustrative definition of “Jewish Christianity” of special relevance for the present topic can be found in Patricia Crone’s recent article arguing for the value of this difficult concept for the study of the Qur'ān. Crone proceeds, to a degree, carefully, and almost always comprehensively, yet her following definition of the term—based in turn on that of Edwin Broadhead—considers the “Jewish-Christian” *separation* of ethnicities only in a limited way:

“Jewish Christianity” is a modern term for the beliefs of those followers of Jesus who saw devotion to Jesus as part of God’s covenant with Israel, not as a transfer of God’s promise of salvation from the Jews to the gentiles. Some of them regarded Jesus as a prophet, others saw him as a heavenly power, but all retained their Jewish identity and continued to live by the law.⁶

This definition is not so much false as it is incomplete, for the understanding of what “the law” prescribed for Jews and for non-Jews was rather different. The “followers of Jesus” which Crone groups together by and large saw themselves *either* as Jews *or* as gentiles, and their ethnicity determined their respective pursuit of purity. From the onset of the Jesus movement, those who endorsed the gentile purity regulations applied the entirety of the Biblical commandments—or at least those of ongoing rel-

4. A first instalment of this work was my monograph *The Qur'ān's Legal Culture*; a second part is titled “Judaean-Christian Legal Culture and the Qur'ān: The Case of Incest and other Sexual Transgressions,” in H. ZELLENTIN (ed.), *The Qur'ān's Reformation of Judaism and Christianity*, Routledge Studies in the Quran, New York, forthcoming. I am equally preparing a monograph, *Law and Literature from the Bible to the Qur'ān*, which is under contract with Oxford University Press.

5. For my definition of “Judaean-Christian Legal Culture” see below. Notable recent works on “Jewish Christianity,” include E.K. BROADHEAD, *Jewish Ways of Following Jesus: Redrawing the Religious Map of Antiquity*, Tübingen, , 2010; M. JACKSON-MCCABE, *Jewish Christianity Reconsidered*, Minneapolis, 2007; and Ch.E. FONROBERT, “Jewish Christians, Judaizers, and Christian anti-Judaism,” in V. BURRUS (ed.), *Late Ancient Christianity*, Minneapolis, 2005, p. 234–54.

6. P. CRONE, “Jewish Christianity and the Qur'ān (Part One),” *Journal of Near Eastern Studies* 74 (2015), p. 225; see also *ead.*, “Jewish Christianity and the Qur'ān (Part Two),” *Journal of Near Eastern Studies* 75 (2016), p. 1-21; both essays are also published jointly in *ead.*, *The Qur'ānic Pagans and Related Matters: Collected Studies in Three Volumes*, Brill, 2015, Vol. 1, p. 225-276 and p. 277-314.

evance after the Temple's destruction—to Jews, and imposed only those Biblical purity laws pertaining to non-Israelites aliens found in Leviticus and Deuteronomy to gentiles —along with criminal and social laws often indistinguishable from those common throughout the Mediterranean and the Levant.⁷

Whereas Crone and others see “Jewish Christianity” as a religious movement separate from other forms of Judaism and Christianity, numerous scholars have dismissed the patristic evidence for such a separate group as historically doubtful; past the fourth century, it disappears in Western sources, and largely in the Eastern ones as well.⁸ Despite the likely absence of independent groups, I have argued that especially past the fourth century C.E. we have scant yet clear evidence of the ongoing development Judaeo-Christian legal culture within the mainstream of Judaism and Christianity.⁹ Such “Judaeo-Christian legal culture,” at the very least, included the dual endorsement of both the Torah and the Gospel, of Moses and of Jesus, as two religious symbols that do not diminish but complement each other—in their respective orientation towards either the Jews or towards the gentiles as two separate ethno-religious entities. The notion of a Judaeo-Christian legal culture, if understood as upholding rather than (con)fusing Jewish and gentile ethnicity, can indeed help us understand the discourse demanding a set of purity regulations for gentiles as different from those imposed on the Jews. The Qurʾān, in turn, endorses Judaeo-Christian positions as defined above, reforming them and ultimately seeking to supersede them along with Judaism and Christianity.

Pace Crone, we should thus not imagine Islam to have arisen out of “Jewish-Christian” communities. The ongoing differentiation of Jewish and gentile followers of Jesus will have made it difficult, if not impossible to allow for the creation or maintenance of such alleged separate groups, all the more so under the pressure of the rabbis’ and the churches’ increas-

7. On the broad overlap of late ancient law, the Bible, and the Qurʾān see H. ZELLENTIN, *The Qurʾān's Legal Culture*, p. 1-76.

8. See for example S. GRIFFITH, *The Bible in Arabic: The Scriptures of the “People of the Book” in the Language of Islam*, Princeton, esp. p. 36-40. On earlier evidence on Jewish Christianity and the historical value of heresiology see the useful (if overstated) remarks by D. BOYARIN, “Rethinking Jewish Christianity: An Argument for Dismantling a Dubious Category (to which is Appended a Correction of my Border Lines),” *Jewish Quarterly Review* 99 (2009), p. 7–36; see also E. IRICIN-SCHI & H. ZELLENTIN (ed.), *Heresy and Identity in Late Antiquity*, Tübingen, 2007; O. SKARSAUNE & R. HVALVIK (ed.), *Jewish Believers in Jesus: The Early Centuries*, Peabody MA, 2007, p. 649–653.

9. On the persistency of Judaeo-Christian legal thought see H. ZELLENTIN, “*Aḥbār* and *Rubbān*: Religious Leaders in the Qurʾān in Dialogue with Christian and Jewish Literature,” in A. NEUWIRTH & M. SELLS (ed.), *Qurʾānic Studies at the University of Chicago*, New York, 2016, p. 258-89; and H. ZELLENTIN, *The Qurʾān's Legal Culture*, esp. p. 175-202.

ing emphasis on a parting of the ways after the fourth century.¹⁰ Instead, I have argued and will now further illustrate, Judaeo-Christian legal culture permeated mainstream Christian groups, and we find echoes of it in parts of the rabbinic movement as well.¹¹ This legal culture informs the backdrop of the ritual laws with which the Qur'ān partially identifies, and which it partially seeks to supersede. I will attempt to prove my claims by way of illustrating the historical development that leads us from the double prohibition of blood to Noah in Genesis to that first in "Mecca" and then in "Medina."¹² The most efficient way to argue for the ongoing continuity of the gentile purity laws is to trace them historically. We will first turn, then, to the onset of the tradition of the gentile purity requirements, or at least to what is likely their earliest attestation, namely in the Covenant of Noah (I). This will be followed by a consideration how these requirements were extended to all of humanity, a turn attested to in the Acts of the Apostles (II). We will then further trace the development of the gentile purity regulations throughout Late Antiquity (III) and up to the Qur'ān (IV), concluding this essay with an evaluate of the evidence.

I. Gentile Ritual Purity Regulations from the Noahide Covenant to the Holiness Code

In its historical narrative, the Hebrew Bible places the laws pertaining to Israelites alone in the framework of a God's much older relationship with all of humanity. The purity laws given to Moses and viewed as binding to all Israelites, namely, were preceded by another covenant between God and Noah; it is this covenant that determined all later gentile purity regulations. After the flood, God explicitly allowed all humans to consume animals, yet He also required them simultaneously never to consume blood and not to spill human blood (Genesis 9):

10. Evidence for the largely rhetorical nature of the "parting of the ways" between Judaism and Christianity has been collected in the often-cited volume edited by A. BECKER and A. Yoshiko REED, *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, Minneapolis, 2007; cf. also D. BOYARIN, *Border Lines: The Partition of Judaeo-Christianity*, Philadelphia, 2004.

11. See H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 180-99; *id.*, *Rabbinic Parodies*, p. 51-94 and 137-227; see also Ph. ALEXANDER, "Jewish Believers in Early Rabbinic Literature (2d to 5th Centuries)," in O. SKARSAUNE & R. HVALVIK (ed.), *Jewish Believers in Jesus: The Early Centuries*, Peabody MA, 2007, p. 659-744.

12. On the usefulness of the Jewish evidence for establishing a chronology of the Qur'ān see H. ZELLENTIN, "The Synchronic and the Diachronic Qur'ān: *Sūrat Yā Sīn*, Lot's People, and the Rabbis," in A. HILALI (ed.), *The Fragment and the Whole: Approaching Religious Texts in a New Perspective, from Mesopotamia to Arabia*, Abingdon: Routledge, forthcoming. I argue for a spatial and chronological differentiation between these materials; the identification of "Mecca" and "Medina" with the actual places on the Arabian Peninsula is likely, yet not yet verified.

3. Every moving thing that lives shall be food for you; and just as I gave you the green plants, I give you everything.

4. Only, flesh with its soul, its blood (בשר בנפשו דמו), you (pl.) shall not eat

5. For your own soul-blood (pl., את דמכם לנפשתיכם) I will surely require a reckoning; from every animal I will require it and from human beings, each one for the blood of another, I will require a reckoning for the human soul (את נפש האדם).

6. Whoever sheds the blood of a human (שפך דם האדם), by a human shall that person's blood be shed (באדם דמו ישפך), for in His own image God made humankind.

Genesis here thematically associates two prohibitions which remain interdependent in later jurisprudence: the consumption of animal blood is here associated with the spilling of human blood.¹³ These two prohibitions, we will see, form the very basis of all later gentile purity regulations from those of the Bible to those of the Qur'ān. The language in Genesis, however, does not yet mention purity. This is not surprising, for overall, the Biblical purity regulations are generally focused on Israelites; in later Jewish thought, gentiles as such cannot, in general, be defiled or defiling—as the Talmud puts it quite correctly, “who has no purity law cannot contaminate.”¹⁴ Yet contrary to this general strand in Israelite and then Jewish thought, priestly sources including the Holiness Code—the passage comprising Leviticus 17–26 that most scholars see as redacted independently of the main body of Leviticus—came to understand the Noahide covenant to imply that the slaughter of animals to idols, the consumption of animal blood, the shedding of human blood as well as the touching of corpses and sexual contact with menstrual discharge, actually *defile* gentiles as well as Israelites.¹⁵

While it is not possible to give a detailed account of the central and manifold function of ritual purity in the cultures to be discussed in the following, it is clear enough that purity, in the Hebrew Bible, functioned

13. It is unclear whether the capital punishment for the spilling of human blood is to be administered by other humans (“by a human that person’s blood shall be shed,” as translated here and widely endorsed) or left to divine justice (“for a human that person’s blood shall be shed,” as argued by B. JACKSON, *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1-22:16*, Oxford, 2006, p. 146 note 145).

14. See Babylonian Talmud *Nazir* 6a-b and note 22 below.

15. See Ch. HAYES, *Gentile Impurities and Jewish Identities: Inter-marriage and Conversion from the Bible to the Talmuds*, Oxford, 2002, p. 39. On the concept of the Holiness Code see especially J. MILGROM, *Leviticus 17-22: A New Translation with Introduction and Commentary*, Anchor Bible Commentary; New Haven, 2007; I. KNOHL, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, Winona Lakes, 2007.

mostly within the symbolical discourse based on the sanctuary. Late Antique purity discourse, we will see, first moves towards recontextualizing purity in the framework of demonology (in continuity cognizant of the Biblical association of idolatry with impurity). While the Meccan Qur'ān preserves reminiscences of identifying demons with impurity, the Medina Qur'ān, we will see, eventually returns to the Biblical paradigm of associating purity with a holy space and the pilgrimage, eventually declaring the gentile purity laws to be universally applicable. In a broader sense, the issue of gentile purity inherent to the Hebrew Bible explains much about the history of late antique religions: whereas the rabbis and some church fathers saw purity as never applicable to gentiles, Judaeo-Christian legal culture and the Islamic tradition did.¹⁶

In the Bible's priestly sources, food regulations are understood in the context of avoiding the pollution one incurs through idol worship, and the associative prohibition of improper slaughter and shedding human blood is reinforced as "defiling the land"—a term, we will see, used explicitly to proscribe bloodshed in Numbers to both Israelites and gentiles and evoked in Leviticus by associating blood spilled while sacrificing to demons with the blood of murder. Idol worship, to begin with, is prohibited to Israelite and resident alien alike also in Deuteronomy (Dtn. 29:10-29), and the prohibition of idol worship provides the frame narrative in which the gentile purity laws are presented in Leviticus 17 as well. After a short connotation of consuming properly slaughtered animals, this text likewise denounces the Israelite practice to "offer their sacrifices for goat-demons, to whom they prostitute themselves" (Lev. 17:7), and then extends *some* purity regulations not only to Israelites but also to the *gerim*, the non-Israelites that formed part of Israelite society.¹⁷ While these gentiles were required to follow certain ritual laws and enjoyed certain privileges, the Hebrew Bible allows for the circumcision of those aliens who wish to partake of the paschal feast, but it does not demand them to be circumcised in general terms (see Ex. 12:48-49 and Num. 9:14). In other words, even resident aliens remain separate from Israel, unless they undergo circumcision.

16. The continuity of the Judaeo-Christian legal culture and Islamic views of purity—Sunni as well as especially Shi'ite—remains under-theorized; see the helpful notes on the relationship of Biblical and Qur'ānic purity by M. H. KATZ, *Body of Text: The Emergence of the Sunnī Law of Ritual Purity*, Albany, 2002, esp. p. 29-58; and see now D.M. FREIDENREICH, "Holiness and impurity in the Torah and the Quran: Differences within a common typology," *Comparative Islamic Studies* 6 (2010), p. 5-22.

17. On the term *ger* in its Biblical context see for example J. MAYSHAR, "Who was the *"toshav"?*," in *Journal of Biblical Literature* 133 (2014), p. 225-246; see also S. OLYAN, *Rites and Rank: Hierarchy in Biblical Representations of Cult*, Princeton, 2000, p. 69-74.

In detail, Leviticus upholds the Noahide Covenant as binding; it therefore prohibits both Israelites and resident aliens to consume blood of any sort in clear terms. Yet Leviticus also specifies and expands the regulations concerning blood established in Genesis. It is the combination of law and legal narrative that marks the onset of the “legal culture” at the basis of the later Judaeo-Christian discourse. It is worthwhile recalling the remainder of the short chapter Leviticus 17 since it forms in several ways the legal basis of all later gentile purity regulations:

8. And you shall say to them (i.e. to “all the people of Israel), “Whoever there is of the house of Israel, or of the strangers who sojourn among you (הגר אשר יגור בתוכם), who offers a burnt offering or sacrifice,

9. And brings it not to the door of the Tent of Meeting, to offer it to the Lord; that man shall be cut off from among his people.”

10. And whoever there is of the house of Israel, or of the strangers who sojourn among you (pl., ומן הגר הגר בתוכם), who eats any kind of blood (כל דם); I will set my face against that soul who eats blood (את הדם), and will cut him off from among his people.

11. For the soul of the flesh is in the blood (כי נפש הבשר בדם); and I have given it to you upon the altar to make an atonement for your souls; for it is the blood that makes an atonement for the soul.

12. Therefore I said to the people of Israel, No soul of you shall eat blood, nor shall any stranger who sojourns among (pl., והגר הגר בתוכם) you eat blood.

13. And whoever there is of the people of Israel, or of the strangers who sojourn among you (ומן הגר הגר בתוכם), who hunts and catches (יצוד ציד) any beast or bird to be eaten: he shall spill its blood (ושפך את דמו), and cover it with dust.

14. For it is the soul of all flesh; the blood of it is for its soul; therefore I said to the people of Israel, “You shall not eat the blood of any kind of flesh; for the soul of all flesh is its blood; whoever eats it shall be cut off.”

15. And every soul who eats that which died of itself (נבלה), or that which was torn by beasts (וטרפה), whether he is one of your own country, or a stranger (וברגר), he shall both wash his clothes, and bathe himself in water, and be unclean (וטמא) until the evening; then shall he be clean.

16. But if he washes them not, nor bathe his flesh; then he shall bear his iniquity.

Leviticus here emphatically reiterates the idea already expressed in Genesis: the spilling of blood, even that of animals, requires atonement: it is for this reason that all animals killed must be brought to the altar. (The “secular” killing of animals in towns “too far” from the sanctuary, according to Dtn. 12:25-21, remains unaffected by the specific demand to present the meat to the altar; here, the spilling of the blood is sufficient.) The text does not explicitly state that the spilling of animal blood is tantamount to the spilling of human blood. Nevertheless, it states that “the man” who

fails to bring the killed animal to the altar “has shed blood” (לֹאִישׁ הָהוּא) דם שפך, Lev. 17:4), symbolically evoking the general prohibition of human bloodshed in Genesis, “whoever sheds the blood of a human” (שֹׁפֵךְ דָּם) הָאָדָם, Gen. 9:6). The wrongful shedding of human blood thus constitutes much more than a “crime” in the modern sense, as an injustice directed against an individual or society. Spilling human or animal blood in any circumstance other than those narrowly defined in the Bible—avenging a murderer or properly slaughtering an animal, in the Temple if possible, by draining its blood—constitutes an offence against God, akin to blasphemy, which Leviticus equally prohibits to Israelites and resident aliens, again in the context of prohibiting murder (see Lev. 24:16).

In this respect, Leviticus participates in a discourse attested throughout the Pentateuch, which considers the spilling of human blood as defiling, for “blood pollutes the land (כִּי הַדָּם הוּא יַחֲנִיף אֶת הָאָרֶץ)..... and you (sg.) shall not defile the land (וְלֹא תִטְמָא אֶת הָאָרֶץ)” (Nb. 35:33-4). The Biblical decree is categorical: a ransom is not acceptable for murderers, and even people merely guilty of unintentional manslaughter, Israelite and resident alien alike, must flee the Holy Land and cross the Jordan in order to find refuge. Only the shedding of their own blood would otherwise purify the blood they had unintentionally shed, just as the shedding of the blood of a murderer atones for the deed (see e.g. Numbers 35 and Deut. 35:15). According to Leviticus, the consumption of animal blood, as well as murder, equally came to be seen as defiling Israelites as well as gentiles alike—both in explicit law and in the legal narratives that develop along with the actual rules.¹⁸

The strict prohibition of the consumption of blood in Genesis required the adjacent adjudication of borderline cases, a natural legal tendency that is traceable in all legal cultures—including the gentile purity regulations from the Bible to the Qur'ān, as we will see. Leviticus, already specifying the general prohibition of blood in Genesis, clarifies three common cases in which the killing of an animal could not easily be conducted in a proper way: that of carrion (נִבְלָה), i.e. a naturally deceased animal, that of an animal torn by wild beasts (טֶרֶף), and that of hunting. In the case of hunting, Leviticus offers a simple dispensation: the hunter simply has to drain the blood of the animal after killing it; the covering of the blood with sand here takes the place of the ritual slaughter at the altar (see Lev. 17:13). The case of carrion or animals torn by wild beasts was more difficult. Here, the blood has obviously not been removed from the animal, and, due to the onset of cardiovascular decay, doing so has become impossible. The same ambiguity is also dealt with in Deuteronomy, which cat-

18. See Ch. HAYES, *Gentile Impurities*, p. 19-44, and J. MILGROM, *Leviticus 17-22*, passim. The consumption of blood, needless to say, is also prohibited to Israelites, see Dtn. 12:23

egorically prohibits the consumption of carrion precisely *not* to gentiles, but to all of Israel: instead, “you (pl.) will give it to the alien within your gates, and he will eat it” (לגר אשר בשעריך תתננה ואכלה) (Deut. 14:21). Pious resident aliens, in Deuteronomy, could be pure, but they were not holy.¹⁹

In Leviticus, however, only the priests and Levites were prohibited from eating carrion and animals torn by wild beasts (see Lev. 22:8 and 30). This reflects likely an older view than that of Deuteronomy, since it is also attested in Ezekiel 44:31 (cf. Ez. 4:14). In this older view, the consumption of such animals, while defiling common Israelites and resident aliens, is here not categorically prohibited. Instead, anyone, Israelite or resident alien alike, who consumes carrion simply contracts impurity, likely through contact with the corpse of the dead animal rather than by the actual ingestions (see Lev. 17:15-6 and already the similar law for Israelites in Lev. 11:39-40). Whoever touches such a dead animal, which one must do in order to consume it, must wash, an act which by the evening will have removed the impurity contracted.²⁰ According to Leviticus, eating a naturally deceased or mangled animal, for Israelites as well as for gentiles, thus forms a borderline case of a purely ritual defilement that can easily be removed—akin, for example, to that contracted by *Israelites* through regular marital intercourse, which is removed by washing and waiting until the evening (see. Lev. 15:18), an issue that will enter the gentile purity regulations eventually.

A discrepancy then prevails between the Israelite purity regulations of Deuteronomy and Leviticus regarding carrion; while the former prohibits the consumption of carrion to Israelites and allows it for gentiles, the latter does not prohibited to common Israelites, but renders it problematic to them as well as to the gentiles; both can eat it under the condition of subsequent purification. The underlying question leading to the divergence of law seems to be whether the prohibition of blood in the Noahide Covenant only concerns fresh blood flowing from an animal, as Leviticus seems to hold, or blood in general, as Deuteronomy seems to imply, yet only for Israelites. The issue forms the background of one of the few discrepancies between the respective gentile purity legislations in rabbinic law on the one hand, and in Christian and Islamic law on the other, eventually leading to the intriguing situation in which rabbinic gentile purity regulations, prohibiting only flowing blood to gentiles, were actually less



19. The juxtaposition between “holiness” and the “stranger” is emphasized e.g. in Ex. 29: 33 and Lev. 22:10.

20. The rabbis understood clearly that the actual eating rarely causes impurity; it is instead caused by touching the animal during consumption. See M. KISTER, “Law, Morality and Rhetoric in Some Sayings of Jesus,” in J. KUGEL (ed.), *Studies in Ancient Midrash*, Cambridge MA, 2001, p. 145-54.

strict than Christian and Muslim rules, prohibiting blood even in carrion and beasts torn by wild animals.

The rabbis understood the prohibition of “flesh with its soul, its blood” (דמו בנפשו בשר) in Genesis 9:4 as a double prohibition of a limb (“flesh”) and the blood of a *living* animal (“with its soul”). The rabbis thereby only prohibit “live” blood to gentiles, be it in the form of pure blood from a living animal or in the form of the consumption of the blood contained the flesh of an animal that was still alive at the time of the separation of its limb.²¹ They did, conversely, allow gentiles the consumption of carrion and of animals torn by wild animals, thereby understanding the law in Deuteronomy as effectively abrogating the more lenient attitude attested in Leviticus and Ezekiel. The rabbis’ lenient attitude towards gentile consumption of carrion clearly rests on Deuteronomy, but it equally relates to their increasingly strong “Pauline” idea that gentiles are not susceptible to impurity, in clear contrast to the mainstream of Christian teaching, as we will see.²² While we cannot consider these implications of this situation in all its details in the present article, it is clear that the rabbinic and the Christian tradition, as well as the nascent Muslim community, all found good reasons for their rules in the Hebrew Bible.

II. The Blood Prohibition at the Turn of the Second Century C.E.

Some late Biblical sources, especially after Ezra and Nehemiah, emphasize the impurity of non-Israelites, who are here associated with idol-worship.²³ Some Jewish texts written in the Second Temple period, such as Jubilees and the Damascus Document, consider regulations for gentiles, yet these texts do not come near to considering gentile purity.²⁴ Yet the preserved texts may represent minority positions, and it is possible that the mainstream Jewish attitude towards gentiles considered them pure, and that the applicability of the laws given to the strangers living in Israel, in Levit-

21. On the rabbinic Noahide Laws see most recently Y. KIEL, “Noahide Law and the Inclusiveness of Sexual Ethics: between Roman Palestine and Sasanian Babylonia,” *Jewish Law Annual* 21 (2015), p. 59-109; M. LAVEE, “The Noahide Laws: The Building Blocks of a Rabbinic Conceptual Framework in Qumran and the Book of Acts,” *Megillot: Studies in the Dead Sea Scrolls* 10 (2013), p. 73-114 [Hebrew]; and the classical study by D. NOVAK, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws*, New York, 1983; but see the pertinent comments on Novak by B.S. JACKSON, “The Jewish View of Natural Law,” *Journal of Jewish Studies* 52 (2001), p. 136-145.

22. On the rabbis’ view that gentiles cannot contract impurity see Ch. HAYES, *Gentile Impurities*, p. 107-45 and note 14 above; on the historical Paul see note 30 below.

23. See Ch. HAYES, *Gentile Impurities*, esp. p. 27-34.

24. For a useful recent discussion of the evidence see esp. M. LAVEE, “The Noahide Laws,” esp. p. 87-90.

icus 19-26, was simply assumed to be applicable.²⁵ Paul, for example, in his preserved letters, seems to endorse the separation of Jews and gentiles, and he discusses the consumption of idol meat by gentiles (see 1 Cor. 8 and 10), but not that of ritual slaughter or of the consumption of blood. While Paul thus participates in what I termed the Judaeo-Christian legal culture to a degree, and while he seems to apply prohibitions of “fornication” as defined by Leviticus 18 to gentiles, his lack of explicit discussion largely excludes him from the present consideration.²⁶ It is the Acts of the Apostles, redacted in the late first or early second century C.E., which give the fullest early picture of the discourse which helped pave the way for the Christian and Islamic relevance of the gentile purity regulations.

Along with the Gospel of Matthew and Revelation, Acts is one of the texts within the New Testament canon that maintains a clear separation between Jews and gentiles along with a clear focus on ritual purity (even if its context of transmission within the Christian canon has been understood, un-historically, to dismiss such notions).²⁷ The emphasis on purity is emphasized explicitly by Acts itself, which portrays Paul as dismissing related slander against him. The slanderers alleged that Paul taught “all the Jews living among the Gentiles to forsake Moses” and “not to circumcise their children or observe the customs” (Acts 21:21), an idea that the text strongly dismisses. Acts portrays the apostles as dismissing such

25. In order to determine the ritual status of gentiles in the Jewish mainstream in Palestine and in the Diaspora, the best evidence may be archaeological; access to the Temple’s precinct for gentiles would be an especially interesting case, and Josephus and Philo allow for some inferences on gentile purity. Yet the greatest difficulty in determining Second Temple gentile purity regulations would remain a definition of “mainstream” or “common Judaism” (perhaps along with the underlying notion of “covenantal nomism” as first formulated by Ed Parish Sanders); see e.g. A. REINHARTZ & W. O. MCCREADY (ed.), *Common Judaism: Explorations in Second-Temple Judaism*, Minneapolis, 2011; S. SCHWARTZ, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.*, Princeton, 2001. It is crucial to remember that most of our historical records relate to sectarian groups, whose attitudes may have evolved in conscious delineation from a real or perceived majority or elite.

26. We will, however, discuss the way in which Paul shaped patristic thought, especially that of Origen and Augustine. On the issue of the laws of idol meat in Paul and his successors see e.g. D. FRANKFURTER, “Jews or not? Reconstructing the “Other” in Rev. 2:9 and 3:9,” *Harvard Theological Review* 94 (2001), p. 403-425; and A. T. CHEUNG, *Idol Food in Corinth: Jewish Background and Pauline Legacy*, Sheffield, 1999. On Paul’s ethnic identity politics see now the useful essays in M.D. NANOS & M. ZETTERHOLM (ed.), *Paul Within Judaism: Restoring the First-Century Context to the Apostle*, Minneapolis, 2015.

27. On law and ethnic identity in the Gospel of Matthew see H. ZELLENTIN, “Jesus and the Tradition of the Elders: Originalism and Traditionalism in Early Judean Legal Theory,” in L. JENOTT et al. (ed.), *Beyond the Gnostic Gospels: Studies Building on the Work of Elaine H. Pagels*, Tübingen, 2013, p. 379-403; on Revelation see note 26 above.

scandalous gossip; in Acts 21:26, Paul is portrayed as responding to it by endorsing ritual purity publicly and unapologetically, in word and in deed:

Then Paul took the men, and the next day, having purified himself, he entered the temple with them, making public (διαγγέλλων) the completion of the days of purification (τοῦ ἡγνισμοῦ) when the sacrifice would be made for each of them.

The text, far from enacting or demanding any actual form of the law's abrogation, enacts and demands of Jews to keep the law, and presents Paul as a fully observant Jew, having "in no way committed an offence against the law of the Jews" (Acts 25:6) until the end of his recorded ministry. The law, for Jews, includes the entirety of the Bible's purity regulations. With Acts—a text, nonetheless, that was fundamental in the shaping of the term "Christian"—Christianity thus contains a seed that, long after Jesus' death and the destruction of the Temple, still presupposed the *Jewish* observance of ritual purity.²⁸

Acts, likewise, does not contemplate the fusion of gentile and Jewish ethnicities. Instead, it maintains such a separation, and specifies certain purity requirements as binding for believing gentiles. In doing so, Acts orients itself towards the Noahide Covenant and the requirements for resident aliens spelled out in Leviticus. In order to dispel the impression that imposing these purity laws on the believers residing outside the Holy Land would constitute an innovation, the text emphasizes that the apostles were divinely guided, and that they followed the Law of Moses in doing so. The key passage, for our purposes, is the famous "Council of Jerusalem" in Acts 15, which illustrates the text's firm commitment to gentile purity. James, in his reported address to the gentiles, writes as follows (Acts 15:29):²⁹

28. A similar attitude towards the law can be found in the Gospel of Luke, see already S.G. WILSON, *Luke and the Law*, Cambridge, 1983, p. 56-7.

29. Note also the parallels in Acts 15:20, to be discussed below, and in Acts 21:25. For the manuscript evidence—and especially the case of the so-called "Western" tradition that lacks the references the "things strangled"—see J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden*, p. 21-106. The inclusion of "strangled" meat is clearly original; the omission occurs only in the Greek manuscript Cambridge University Library, Number 2.41 (the so-called "Codex Bezae"), and in the Latin Codex Gigas. The omission is likewise attested in Irenaeus, *Adversus Haereses* 3.12.17 (=3.12.14.20, only the Latin is preserved, see W.W. HARVEY, *Sancti Irenaei episcopi Lugdunensis Libros quinque adversus haereses*, Cambridge, 1857, vol. 2, 70; in Cyprian, *Treatise 12* (To Quirinius), 3.119, see W. HARTEL, *S. Thasci Caecili Cypriani Opera Omnia*, Corpus Scriptorum Ecclesiasticorum Latinorum 3.3, Vienna, 1871; ad loc., as well as in the fourth century pseudonymous commentary on *Galatians* attributed to Ambrosiaster (2:2), see H.J. VOGELS, *Ambrosiaster: In epistolam ad Galatas*, Vienna, 1966, ad loc., and See K. BÖCKENHOFF, *Das apostolische Speisegesetz*, p. 90-3. Despite its extremely poor

For it has seemed good to the Holy Spirit and to us not to impose on you (pl., μηδὲν ... ἐπιτίθεσθαι ὑμῖν) no further burden (βάρος) than these required ones: that you abstain from what has been sacrificed to idols (εἰδωλοθύτων) and from blood (αἵματος) and from what has been strangled (πνικτῶν) and from fornication (πορνείας).

The most important word in this passage is the plural “you.” The context makes it very clear that this so-called “decree of the Apostles,” issued by James, is directed to “the gentiles” (τοῖς ἀπὸ τῶν ἐθνῶν, Acts 15:19). In this decree, Acts does not broach the subject of the ways in which Jews who endorsed Jesus were to observe the Jewish law. As we have seen, full observance is taken for granted, and the allegation of aberration therefrom an insufferable insult. In line with its endorsement of the Israelite law, Acts even depicts Paul as commissioning the circumcision of one of his gentile acolytes “because of the Jews who were in those places” he intended to visit (see Acts 16:3). Difficult as it may be to square this act may with the thoughts expressed by the historical Paul, Acts text here does not advocate the idea that all gentiles should “be circumcised and ordered to keep the Law of Moses” (Acts 15:5, see also 15:1).³⁰ This is the view of the believing Pharisees, which Acts rejects, based on Peter’s dream that showing him that gentiles should not be called “profane or unclean” (Acts 10:28). The attitude of Acts, which allows individuals to be circumcised without demanding circumcision for all gentiles, rather, aligns itself with that of the Hebrew Bible towards its resident aliens, who require no circumcision even for Temple worship, yet are free to get circumcised should they want to.

Indeed, Acts follows the injunctions imposed on resident aliens in Leviticus very closely. While the text does not “cite” Leviticus in our sense of the word, it can be shown to take knowledge of the laws for granted, as scholars have long noted.³¹ Acts, when first iterating its decree, points

attestation and further signs of interpolation, this version has been eagerly accepted as the original form by some scholars; see the summary in J. WEHNERT, *Die Reinheit des ‘christlichen Gottesvolkes’ aus Juden und Heiden*, p. 26 note 8. Freidenreich suggests that Tertullian would be familiar with the decree in its “Western variant (omitting reference to “strangled meat”);” this is obviously not the case as we will see below; see D.M. FREIDENREICH, *Foreigners and their Food*, p. 253.

30. For the view of the historical Paul on circumcision see Galatians 2 and Romans 3-4; for a magisterial discussion of the evidence in Romance see S. STOWERS, *A Rereading of Romans: Justice, Jews, and Gentiles*, New Haven: Yale University Press, 1994.

31. The most complete work on the topic remains that of J. WEHNERT, *Die Reinheit des ‘christlichen Gottesvolkes’ aus Juden und Heiden*; Wehnert presents a helpful history of previous scholarship on p. 14-20. The first work to argue for the engagement of Leviticus 17 in the Decree of the Apostles may have been A. RITSCHL, “Das Verhältnis der Schriften des Lukas zu der Zeit ihrer Entstehung,”

both to the issue of ritual purity and to the Biblical source of its reasoning, as can be seen is Peter's statement in Acts 15:19-21:

Therefore I have reached the decision that we should not trouble those Gentiles who are turning to God, but we should write to them to abstain (τοῦ ἀπέχεσθαι) from the pollutions (τῶν ἀλισγημάτων) caused by idols (τῶν εἰδώλων) and by fornication (καὶ τῆς πορνείας) and by things strangled (καὶ τοῦ πνικτοῦ) and by blood (καὶ τοῦ αἵματος). For in every city, for generations past, Moses has had those who proclaim him, for he has been read aloud every Sabbath in the synagogues.

As Wehnert has shown, the term "strangled" meat, though rare in the first two centuries, occurs a handful of times in rabbinic and in other Jewish, and Christian sources to indicate improperly slaughtered meat.³² Acts, in its prohibition of the *pollutions* incurred through idol meat, through fornication, through things strangled and through blood, thus explicitly promulgates for all gentile followers of Jesus four of the injunctions that the Hebrew Bible had already imposed on resident aliens.³³ By prohibit-

Theologische Jahrbücher 6 (1847), p. 293-304; see also the influential work by S.G. WILSON, *Luke and the Law*.

32. The consumption of "strangled" (ἀποπνίγοντες) meat is discussed in Philo, *De specialibus legibus* 4:122, L. COHN, *Philonis Alexandrini opera quae supersunt*, Berlin, 1962, vol. 5, p. 237. Wehnert notes that Clement of Alexandria, in a discussion of Jewish laws in *Paedagogus* 2:1:17, equally speaks of the prohibition to touch "strangled" meat (ἀποπεπνιγμένα); for him, the use of the same Greek term suggests that both share the same technical vocabulary; see M. HARL et al. (ed.), *Clément d'Alexandrie. Le pédagogue*, Paris, 1976, I, ad loc and see J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden*, p. 228-30. More importantly however, is the rabbinic evidence. Wehnert persuasively argues that the Hebrew term נֶפֶשׁ can be shown to be a synonym of פֶּסֶל and נֶבֶלָה, i.e. of animals not properly slaughtered; the key passage is Mishna *Hullin* 1:2; cf. the parallel in Tosephta *Hullin* 1:7, and see J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden*, p. 221-232. We should also note that Julian, like Clement, summarizes the Jewish food laws as including a prohibition of "pork or any animal that has been strangled (πνικτοῦ) or had the life squeezed out of it (τοῦ ἀπολιβέντος)," see Julian, *Letter to Theodorus*, W.C. WRIGHT, *Julian the Apostate in Three Volumes*, London, 1923, p. 58-9. By using the term as a broad category for all improperly slaughtered food, Julian, who seemed well informed about details of Jewish law, gives us an important outside perspective; on Julian's knowledge of Jewish law see A. FINKELSTEIN, "The Use of Jews in Julian's Program: Ari Finkelstein The Use of Jews in Julian's Program 'Dying for the Law' in the Letter to Theodorus – A Case Study," in J. D. ROSENBLUM, N. DESROSIERS and L. VUONG (ed.), *Religious Competition in the Third Century CE: Jews, Christians, and the Greco-Roman World*, Göttingen, 2014, p. 169-70.

33. The verb ἀπέχεσθαι τινος determines the genitive of τῶν ἀλισγημάτων, "of the pollutions;" note that the ongoing genitival form of all nomina describing the four prohibited categories in turn indicates that pollution occurs through each of them; see already J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden*, p. 239-45.

ing “blood” it evokes the double prohibition against shedding and consuming blood already given in Genesis 9:6 and repeated in Leviticus. Leviticus 17 equally prohibits idol meat, improperly slaughtered meat, and fornication.³⁴

The philological analysis can be corroborated contextually. Acts evokes “the Law of Moses” in its decision, pointing to the origin of its rules in Leviticus.³⁵ By stating that his laws have been read “in every town,” it points to the applicability of the laws even outside the land of Israel, along for the identification of the *gerim* in Leviticus with *all gentiles* in the entire known world. Simultaneously, the text here evokes the gentile visitors of synagogues which it takes for granted (see e.g. Acts 14:1); since these gentiles already have heard the law, imposing the Mosaic purity laws for non-Israelites on them would not constitute an innovation at all. Peter had no authority to invent these laws: indeed, he clearly weighed the option proposed by his opponents, to require gentile believers in Jesus to convert to Judaism, against the requirements for resident aliens found in Leviticus. He chose the latter option; the pollutions to be avoided by the *gerim* dwelling among Israel thereby became the model for the gentile purity regulations in Acts, and these gentile purity regulations in Leviticus in turn became the dominant model for Judaism, Christianity and Islam.³⁶

III. The Gentile Purity Regulations Throughout Late Antiquity

In my view we can see that the reception of the Decree of the Apostles divides late antique religious groups into three broad traditions; without claiming a clear-cut taxonomy, these attitudes can be characterized as appreciative, dismissive, and expansive. Böckenhoff has long shown that the mainstream tradition in Late Antique Christianity, at least for the first four centuries of the Latin, the Greek and in the Syriac churches was the one I suggest calling appreciative; while his overview is not exhaustive,

34. See J. WEHNERT, *Die Reinheit des ‘christlichen Gottesvolkes’ aus Juden und Heiden*, p. 239-45.

35. It should be noted that the author of Acts acutely remembers the covenant with Abraham and the narratives of Genesis (see e.g. Act 3:25 and 7:8, cf. Luke 1:72 and 22:20); the prominence of the covenant with Noah and the laws given to the resident aliens do not, therefore, stand out thematically.

36. It seems that Acts simply dismisses the possibility, specified in Leviticus 17:15, to purify oneself by washing should one consume carrion or meat torn by wild animals, along with the general permission—to gentiles—to consume it in Deuteronomy. While this ruling, in Acts, effectively makes one of the legal “burden” on the gentiles more stringent, it actually simplifies the law and reduces its ambiguity in a way that proved effective through late antiquity and beyond, as we will see.

subsequent scholars have endorsed his overall sense that most Christians, by and large, simply followed "the law" for gentiles.³⁷ The doubly canonical origin of the Decree of the Apostles within the Christian Bible (i.e. in Leviticus and in Acts) was clear to all church fathers. The acknowledgment of the decree is thus not surprising, and a few examples easily illustrate how broadly the decree was officially endorsed in its entirety by the churches of East and West: the examples collected by Böckenhoff amount to an overwhelming sense that the synods, the church canons, the church historians and individual church fathers up to the time of the Qur'ān endorsed the gentile purity regulations almost unanimously; thereafter, many later testimonies suggest a general continuity with the endorsement of the decree.³⁸

The decree is confirmed by the Synod of Gangra in the fourth century C.E.,³⁹ and reconfirmed by the Second Council of Constantinople in the sixth century C.E.,⁴⁰ as well as by the Council in Trullo (i.e. the Quinisext Council) at the end of the seventh century.⁴¹ The Apostolic Constitutions, in the fourth century, endorse the decree and explicitly identify it with the laws given to Noah and other figures living before the law (6:12),⁴² and the decree is confirmed in the Latin as well as in the Syriac version of the *Didascalia Apostolorum* (chapter 24), to which we will return.⁴³ The

37. See K. BÖCKENHOFF, *Das apostolische Speisegesetz*.

38. See K. BÖCKENHOFF, *Das apostolische Speisegesetz* and *id.*, *Speisesatzungen mosaischer Art in Kirchenrechtsquellen des Morgen- und Abendlandes*, Münster, 1907.

39. Synod of Gangra, Canon II, see J.-P. MIGNE (ed.), *Dionysii Exigui justi, facundi opera omnia. Patrologia Latina* 67, Paris, 1848, c. 55–6; the observance is reaffirmed in the epitome, *ad loc.*, see also K. BÖCKENHOFF, *Das apostolische Speisegesetz*, p. 78–9.

40. See R. PRICE, *The Acts of the Council of Constantinople of 553: With Related Texts on the Three Chapters Controversy*, Liverpool, 2009, 111.

41. Council of Trullo, 692, canon 67, see E. SCHWARTZ et al. (ed.), *Acta conciliorum oecumenicorum, Series Secunda II, Pars 4: Concilium Constantinopolitanum a. 691/2 in Trullo habitum*, Berlin, 2013, *ad loc.*; see also K. BÖCKENHOFF, *Speisesatzungen mosaischer Art*, p. 4.

42. See J.B.F. PITRA, *Juris ecc. Graecorum historia et monumenta*, Rome, 1864, vol. I, *ad loc.* see also K. BÖCKENHOFF, *Speisesatzungen Mosaischer Art*, p. 81.

43. See R. H. CONNOLLY, *Didascalia Apostolorum: The Syriac Version Translated and Accompanied by the Verona Latin Fragments*, Oxford, 1929, p. 209; A. VÖÖBUS, *The Didascalia Apostolorum in Syriac II*, *Corpus Scriptorum Christianorum Orientalium* 408, Louvain, 1979, p. 237. See also *id.*, "Further canons of Jacob of Edessa" in A. VÖÖBUS, *The Synodicon in the West Syrian Tradition*, *Corpus Scriptorum Christianorum Orientalium*, Louvain, 1975; as well as Athanasius of Balad, *Letter*, F. NAU, "Littérature canonique syriaque inédite," *Revue de l'Orient Chrétien* 14 (1909), p. 128–30, on Athanasius also R.G. HOYLAND, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam*, Princeton: Darwin 1997, p. 148 and H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 5–17.

Canons of the Apostles, likely at the turn of the sixth century C.E. prohibit “flesh with the blood of the life thereof, or anything killed by beasts, or that dies of itself,” clearly understanding the prohibition of “strangled meat” in light of both Genesis 9:6 and Leviticus 17:15.⁴⁴ The Decree is of course equally endorsed by prominent church historians such as Socrates Scholasticus;⁴⁵ among the church fathers that clearly endorse the Decree—many of whom duly noted by Böckenhoff—it suffices to mention Clement of Alexandria, who disgustingly accuses the Arab nomads to drink the blood of their camels even when they do so in order to escape death,⁴⁶ Jerome, who, following Ezekiel, includes “that what dies of itself and what is captured by wild animals” (*omne morticinum et captum a bestia*) under “strangled” meat,⁴⁷ and notably Cyril of Jerusalem, who emphasizes that the Decree is “universal from the Holy Ghost.”⁴⁸ Cyril depicts as savage those who “living like dogs, both lap up blood, in imitation of the manner of the fiercest beasts, and greedily devour things strangled.”⁴⁹

The punishment of the deliberate transgression of the gentile purity regulations was usually excommunication (in conscious parallel to the punishment of being “cut off” from the people in Leviticus); yet Böckenhoff lists a number of cases in which both Eastern and Western church fathers who explicitly permitted the consumption of foodstuff normally

44. Canon LXIII, see J.B.F. PITRA, *Juris ecc. Græcorum historia et monumenta*, Rome 1864, vol. I, 2:57; see also K. BÖCKENHOFF, *Speisesatzungen mosaischer Art*, p. 37-8.

45. Socrates Scholasticus, Church History 5:22, P. PÉRICHON et al. (ed.), *Socrate de Constantinople, Histoire ecclésiastique* (Livres IV–VI), Paris, 2006, ad loc.

46. See Clément of Alexandria, *Paedagogus* 2:7 and esp. 3:3, in M. HARL et al. eds., *Clément d'Alexandrie. Le pédagogue*, Paris, 1976, I, ad loc.; see also *Stromata* 4:15:97, in L. FRÜCHTEL et al. (ed.), *Clemens Alexandrinus*, Berlin, 1960, ad loc., and see K. BÖCKENHOFF, *Das Apostolische Speisegesetz*, p. 41-4.

47. Jerome understands the prohibition in Ezekiel 44:31 to apply to all Christians; the passage reflects the milder prohibition of carrion and animals torn by wild beast found in Leviticus 17:15; see Jerome, *In Ezechielem Liber XIII, Caput XLIV*, J.-P. MIGNE (ed.), *S. Eusebii Hieronymi, Opera Omnia. Patrologia Latina* 26, Paris: 1845, c. 444; see also Jerome, *Against Jovinianus*, I:34, see J.-P. MIGNE (ed.), *S. Eusebii Hieronymi, Opera Omnia. Patrologia Latina* 23; Paris, 1848, c. 268; and see K. BÖCKENHOFF, *Das Apostolische Speisegesetz*, p. 95-7.

48. Cyril of Jerusalem, *Catechetical Lecture* 17:29, see W. K. REISCHL and J. RUPP, *S. Patris nostrii Cyrilli, hiërosolymorum archiepiscopi. Opera, que supersunt omnia*, Hildesheim, 1967 [1848], volume 1, ad loc., translation according to P. MCCAULEY & A.A. STEPHENSON, *The works of Saint Cyril of Jerusalem*, Washington DC, 1969–1970, ad loc., see also K. BÖCKENHOFF, *Das Apostolische Speisegesetz*, p. 75-7.

49. Cyril of Jerusalem, *Catechetical Lecture* 4:28, see W.K. REISCHL & J. RUPP, *S. Patris nostril Cyrilli*, volume 1, ad loc., translation according to P. MCCAULEY & A.A. STEPHENSON, *The works of Saint Cyril of Jerusalem*, p. 133.

prohibited under duress (a ruling we will equally find in the Qur'ān).⁵⁰ While church fathers such as Clement (and, as we will see, Origen and Tertullian) subscribed to a more expansive attitude towards the Decree of the Apostles, the vast majority of Christians simply upheld it without expanding or even explaining its provisions. We can therefore define the appreciative attitude towards the gentile purity regulations as constituting the mainstream in the late Antique Christianity.

The tradition dismissive of gentile purity regulations can be shown in both Latin and Greek forms of Christianity from the fourth century onwards. While of secondary concern for the present inquiry, it should be noted that the dismissive attitudes proved dominant in Latin and later in Protestant forms of Christianity—yet not in the Greek Orthodox Church.⁵¹ More importantly, however, even the testimony of church fathers dismissive of the gentile purity regulations attests to their prevalence among their contemporaries, and to the fact that the church fathers were keenly aware of the Levitical basis of the Decree of the Apostles. It seems that the turn away from gentile purity in parts of the Greek and the Latin and Greek, despite the canonical prohibitions, began to develop in the fourth century C.E., as a brief look at two prominent church fathers illustrates: John Chrysostom and Augustine.⁵²

Chrysostom, to begin with, undermines the applicability of the gentile purity regulations in the Decree of the Apostles that “these things the New Testament did not severely ordain (δισταύτετο), we nowhere find that Christ discoursed about these matters; but these things they (i.e. the apostles) take from the Law.”⁵³ Chrysostom nominally gives a nod to the claim, in Acts, that the Apostles were guided by the Holy Spirit, to which John’s contemporary Cyril had pointed so emphatically. John, however, by indicating the decrees scriptural origin, effectively calls for the decree’s supersession along with that of the Torah. John thus follows a double strategy of downplaying the importance of the Decree as well as “Judaizing” it—incidentally showing that he was fully aware of how deeply rooted the Decree really is in Leviticus. At the same time, Chrysostom completely

50. See K. BÖCKENHOFF, *Speisesatzungen mosaischer Art*, p. 1-10; see also the incidents of forceful consumption under Julian described in *id.*, *Das Apostolische Speisegesetz*, p. 74-5.

51. See K. BÖCKENHOFF, *Speisesatzungen mosaischer Art*.

52. It should be noted that a few New Testament texts did not accept the gentile purity regulations stipulated in Acts; on Paul, see above, see further e.g. 1 Timothy 4:3 and Hebrews; and see D. WEISS & H. ZELLENTIN, “Impurity and the West,” in R. DUSCHINSKY et al. (ed.), *Purity & Impurity Across Anthropology, Psychology & Religious Studies: Contaminating Disciplines*, Cambridge (forthcoming).

53. John Chrysostom *Homilia XXXI*, 32-33, J.-P. MIGNÉ (ed.), *Joannis Chrysostomi Opera Omnia. Patrologiae Graeca* 60, Paris, 1860, c. 240.32-3, see also K. BÖCKENHOFF, *Speisesatzungen mosaischer Art*, p. 84-5.

rejects any implication of ritual purity inherent to the decree, interpreting both the prohibition of “things strangled” of “blood” as mere prohibitions of “murder”—an interpretation that incidentally heeds the hermeneutics behind the Noahide association of the double prohibition of spilling blood only in order partially to dislodge it.⁵⁴ Chrysostom represents one of the most restrictive interpreters of the Decree. In his downplaying of the decree, which the Byzantine church did not of course endorse, John falls in line with the scribe of the one manuscript that simply excised the prohibition of strangled animals—and thereby the strict prohibition of non-flowing forms of blood—from his manuscript altogether.⁵⁵

Both of Chrysostom’s hermeneutical strategies, of undermining and reinterpreting the decree, are equally present, and even more fully spelled out in Augustine. The Latin father, just like the Greek one, dismisses any ritual aspect of the Decree of the Apostles, as Böckenhoff has duly noted.⁵⁶ Citing the historical Paul, Augustine begins with the prohibition of idol meat, and then moves to blood and carrion, writing as follows:

Again, if you ask why, of all the kinds of food prohibited in the former typical dispensation, we abstain only from what dies of itself (*morticino*) and from food offered to idols (*immolatio*), you shall hear, if for once you will prefer the truth to idle calumnies. The reason why it is not expedient for a Christian to eat food offered to idols is given by the apostle: “I would not,” he says, “that you should have fellowship with demons” (1 Corinthians 10:20)... If the nature of the sacrificial flesh were unclean (*esset immunda*), it would necessarily pollute (*contaminaret*) even when eaten in ignorance. But the reason for not partaking knowingly is not in the nature of the food, but, for conscience sake, not to seem to have fellowship with demons.⁵⁷

54. Chrysostom *Homilia XXXI*, 32–33, see J.-P. MIGNÉ (ed.), *Joannis Chrysostomi Opera Omnia*, 240. c. 32–3, see also Chrysostom’s *Homily 46* on the Acts of the Apostles, in *Homily 74* on Matthew, Chrysostom correctly identifies the dual prohibition of shedding and consuming blood as deriving from Genesis 9:5. On the prohibition of “blood” as “murder” see the testimony of Tertullian and the Clementine Homilies below.

55. See note 29 above.

56. See K. BÖCKENHOFF, *Das Apostolische Speisegesetz*, p. 98–103. Böckenhoff here points out that Augustine’s discussion of the purity laws should be understood in the context of his anti-Manichean polemics; see also D.M. FREIDENREICH, *For-eigners and their Food*, p. 116–7.

57. Augustine, *Contra Faustum XXXII*, 13, J.-P. MIGNÉ, *Sancti Aurelii Augustini, Hipponensis Episcopi, Opera Omnia. Patrologia Latina* 42, Paris, 1865, c. 404; modified translation according to R. TESKE & B. RAMSEY, *The Works of St Augustine. Answer to Faustus, a Manichean*, Hyde Park NY, 2007, p. 415–6, see also Augustine, *Epistle 82* (to Jerome) 2:9, J.-P. MIGNÉ (ed.), *Sancti Aurelii Augustini, Hipponensis Episcopi, Opera Omnia. Patrologia Latina* 33, Paris 1865, c. 279.

The prohibition of idol meat, for Augustine, has nothing to do with the sacrificial meat itself, but is valid only “for conscience sake, not to seem to have fellowship with demons,” as he understands Paul’s words.⁵⁸ Yet Augustine also speaks of the prohibition of carrion, of “what dies of itself,” which Augustine lists as the only other Christian food requirement whose observation he condones. Carrion, of course, is not part of the explicit list in Acts, yet in line with the correct understanding of the term “strangled” as a summary category for carrion—explicated equally in several other witnesses—it had become common Christian practice to understand “things strangled” to include it. Augustine reluctantly endorses the prohibition; for him, however, it has nothing to do with purity, it is merely a matter of health: “I suppose the reason why such food was prohibited was that the flesh of animals which have died of themselves is diseased, and is not likely to be wholesome, which is the chief thing in food.”⁵⁹ Augustine therefore attests to decree’s prevalence in his own time, even as he dismisses it.

Augustine also mentions the prohibition of blood, but, like Chrysostom, he also dismisses it either simply as a prohibition of murder, or as a symbolical reminder of the covenant of Noah. He argues that it is merely a relic of the early church, whose pertinence has disappeared along with the presence of practicing Jews in the church he knows:

Now that the Church has become so entirely Gentile (*gentium*) that none who are outwardly Israelites (*Israelita carnalis*) are to be found in it, no Christian feels bound to abstain from thrushes or small birds because their blood has not been poured out (*nisi quarum sanguis effusus est*), or from hares because they are killed by a stroke on the neck without shedding their blood (*nullo cruento vulnere occisus est*). Any who still are afraid to touch these things are laughed at by the rest (*a ceteris irridentur*).⁶⁰

Augustine’s testimony here is again instructive. Fully dismissive of the notion of purity, the church father shows how well-versed he is in the laws of Leviticus. The cases of improperly slaughtered animals Augustine presents as examples, the bird and the hare, fall precisely under the categories outlined in Leviticus 17:13 discussed above, describing a gentile “who hunts and catches any beast or bird that may be eaten; he shall pour out its blood.” Augustine, like Chrysostom, thus again implicitly confirms how clearly the Decree of the Apostles is rooted not only in the Noahide Covenant but also in Leviticus; “strangled meat,” for Augustine, thus

58. Augustine, *Contra Faustum* XXXII.13.

59. Augustine, *Contra Faustum* XXXII.13.

60. Augustine, *Contra Faustum* XXXII.13; intriguingly, the Babylonian Talmud likewise rules that fowl would in theory not need to be slaughtered according to Scripture, see e.g. *Nazir* 29a and *Kiddushin* 71a.

includes not only carrion but also any improperly slaughtered animal, as it does for almost every other Christian authority that specified the term (with the exception of those who excised or reinterpreted the term, such as Codex Bezae and Chrysostom). In his ridicule of the observation of these laws within his gentile community, Augustine gives an important testimony to the ongoing observance of what long constituted the Christian mainstream opinion. The medieval Latin church, of course, maintained aspects of the prohibition of blood, and the positions of Augustine and Chrysostom gained popularity only very slowly, if at all.⁶¹

Chrysostom and Augustine, in their own ways, thus equally attest to the fact that even in their time, Christians still did abstain from carrion, “that which dies of itself,” and from improperly slaughtered animals, even though this prohibition is one of those left implicit in Acts, whose pertinence can *only* be understood if reading Acts alongside Leviticus, as both church fathers seem to do. Augustine, finally, also attests that some Christians in his time continued to drain the blood of birds and hares, exactly as they are instructed in Leviticus 17:13, and again, only a Christian culture that understood and lived the Decree of the Apostles in light of Leviticus would explain the practices that Augustine rationalizes or dismisses. It should be noted that some recent scholars, in line with Chrysostom’s and Augustine’s understanding of “blood” as “murder” alone, have likewise argued for an alternative explanation of the Decree: that the prohibition of blood in Acts would only refer to the shedding of human blood, or that the purity rules in Acts were “simply” invented to ease Jewish-gentile relations, as Augustine suggests—perhaps in the same way that Paul, in Acts, has a gentile circumcised “because of the Jews,” or in the same way that the historical Paul suggested that one should not eat idol meat in order to “give no offence to the Jews” (1 Corinthians 10:32).⁶² There is of course no way to disprove such alleged pragmatism, which may or may not have played a role even in a text as uncompromising as Acts, yet the underlying motivation in such arguments seems to be to downplay the sticky and enduring notion of ritual purity at the heart of Late Antique Christian discourse that emerges from the majority position sketched above—which is the appreciative one.

61. See note 38 above. Note that K. BÖCKENHOFF also counts Cyril of Alexandria as an “opponent” of the decree of the Apostles; in his case, however, the evidence is not as clear-cut, see K. Böckenhoff, *Das Apostolische Speisegesetz*, p. 103-7.

62. See 1 Corinthians 10:23-33, and 1 Corinthians 8 and 9, where Paul argues that one should abstain from idol meat in order to prevent the conscience of “weak believers” from being “defiled.” For a thorough consideration of the evidence from this perspective see R. DEINES, “Das Aposteldekret – Halacha für Heidenchristen oder christliche Rücksichtnahme auf jüdische Tabus?” in J. FREY et al. (ed.), *Jewish Identity in the Greco-Roman World*, Leiden, 2007, p. 323–95.

Moreover, an interpretive direction opposite to that of Augustine and Chrysostom, expanding the urgency and applicability of the Decree of the Apostles, had been taken by some of the early fathers, such as Clemens, Origen, and Tertullian. It is these fathers who most fully maintained the Decree's emphasis on ritual purity—an emphasis that proved central for the later expansive development of gentile purity regulations in the Clementine Homilies and in the Qur'ān. It is also Clement, Origen and Tertullian who emphasize the novel ethnic identity of Christianity, as Denise Kimber Buell has nicely illustrated.⁶³ Yet Buell's finding can be augmented by considering that these two authors also were among the first to emphasize the importance of gentile purity. Tertullian, in his apology, written in the summer of 197 C.E., most likely in Carthage, addresses his gentile audience—whom it accuses of devouring blood, and even human blood, as follows:

Blush for your vile ways before the Christians, who have not even the blood of animals at their meals of simple and natural food; who abstain from things strangled and that die a natural death (*qui propterea suffocatis quoque et morticinis abstinemus*), for no other reason than that they may not be contaminated (*contaminemur*), so much as from blood secreted in the viscera. To clench the matter with a single example, you tempt Christians with sausages of blood, just because you are perfectly aware that the thing by which you thus try to get them to transgress they hold illicit (*illicitum*).⁶⁴

Tertullian, like Augustine would later do, attests to the expansive reading of the Decree of the Apostles in light of Leviticus, including the strict prohibition of carrion—to which he, unlike his famous Latin successor, wholeheartedly adhered. By pointing to the “blood secreted in the viscera” of animals that are strangled or “die a natural death,” Tertullian furthermore continues the discourse that already typified the relationship of Leviticus to Genesis and of Acts to Leviticus: he is part of the long process of legal explanation and specification of the gentile purity regulations, which lasted well into the seventh century C.E. and beyond. Even

63. See D. K. BUELL, *Why This New Race: Ethnic Reasoning in Early Christianity*, New York, 2005, esp. p. 70-75.

64. Tertullian, Apology 9.13, see T.R. GLOVER, *Tertullian: Apology; De spectaculis*, London, 1931, p. 50-3. Tertullian, despite endorsing the prohibition of the consumption of blood, states that *interdictum enim sanguinis multo magis humani intellegemus*, clearly understanding the prohibition of murder in line with Genesis 9:6, see Tertullian, *De Pudicitia* 12.4-5, C. MICHAELLI & C. MUNIER (ed.), *La pudicité*, Paris, 1993, ad loc., as observed already by D.M. FREIDENREICH, *Foreigners and their Food*, p. 253 note 17. On the consumption of human blood in ancient Rome see e.g. A. KARENBERG, “Between Horror and Hope: Gladiator's Blood as a Cure for Epileptics in Ancient Medicine,” *Journal of the History of Neurosciences* 12 (2003), p. 137-43.

more impressively than Augustine, Tertullian fully confirms the suggested critical understanding of the prohibition, in Acts, of “strangled” meat as a general specification of the prohibition of blood in all animals that were improperly slaughtered, for only through proper slaughter and the shedding of all blood can one avoid the blood secreting from the viscera. Just as importantly, Tertullian also describes the observance in terms of purity and law: contracting “pollution,” for him, has nothing to do with purity of the mind alone, or with the presence or absence of Jews; it would simply “contaminate” and be “illicit.”

The development of a legal narrative of purity rules, alongside the actual laws, can be appreciated in Tertullian’s contemporary, Origen, who wrote at the opposite eastern end of North Africa, in Alexandria. Origen cared deeply about menstrual purity, and the Alexandria church, in general, maintained a special focus on ritual purity;⁶⁵ many of the canons prohibiting women from partaking of the Eucharist during their menses, for example, come from Egypt.⁶⁶ Origen, in his *Commentary on Matthew*, dismisses the *Israelite* food laws given “in Leviticus and Deuteronomy” explicitly, yet at the same time he teaches us about the importance of the gentile purity regulations. Teaching us about the affinity between impurity, blood, sacrifice, and demons, Origen, like Augustine will do later, bases his views on Paul’s teachings in 1 Corinthians 10. And just like Augustine, Origen not only considers the case of idol meat, but also that of blood and “strangled things,” the consumption of which he prohibits in no unclear terms:

But as for us who know that some things are used by demons (δαιμονίους), or if we do not know, but suspect, and are in doubt about it, if we use such things, we have used them not “to the glory of God” (1. Cor. 10:31) nor in the name of Christ; for not only does the suspicion that things have been sacrificed to idols (εἰδωλόθυτα) condemn him who eats, but even the doubt concerning this.... He then eats in faith who believes that that which is eaten has not been sacrificed in the temples of idols (μὴ ἐν εἰδωλείοις τεθυσθαι), and that it is not strangled (πνιχτὸν) nor blood (αἷμα); but he eats not of faith who is in doubt about any of these things. And the man who knowing that they have been sacrificed to demons

65. See G. ROUWHORST, “Leviticus 12-15 in early Christianity,” in M.J.H.M. POORTHUIS & J. SCHWARTZ (ed.), *Purity and Holiness. The Heritage of Leviticus*, Leiden - Boston - Köln, 2000, p. 181-193.

66. See S. COHEN, “Menstruants and the Sacred in Judaism and Christianity,” in S. B. POMEROY, *Women’s History and Ancient History*, Chapel Hill, 1991, p. 287-90; D. WENDEBOURG, “Die alttestamentlichen Reinheitsgesetze in der frühen Kirche,” *Zeitschrift für Kirchengeschichte* 95 (1984), p. 149-170; V. LARIN, “Ritual Impurity,” *St Vladimir’s Theological Quarterly* 52 (2008) p. 275-92; P.J. Tomson, “Jewish Purity Laws,” p.v73-91; and H. Zellentin, *The Qur’ān’s Legal Culture*, p. 93 note 23, and note 73 below.

(δαιμονίοις τεθύσθαι) nevertheless uses them, becomes a communicant with demons (κοινωνὸς δὲ τῶν δαιμονίων), while at the same time, his imagination is polluted with reference to demons participating in the sacrifice (μετὰ μεμολυσμένης τῆς περὶ τῶν δαιμονίων κοινωνησάντων τῷ θύματι φαντασίας).⁶⁷

For Origen, the consumption of blood was not only as detrimental as idol worship, as it is for Tertullian; for Origen, the consumption *amounts* to idol worship, since demons participated in the human consumption of blood.⁶⁸ Origen here understands Paul's letters in the line of the theory about demonic spirits of Clement, whose rigorous prohibition of blood we saw above, yet Origen goes further than both of his contemporaries.⁶⁹ By equating the consumption of improperly strangled meat and blood with idol worship, Origen created a powerful new paradigm for the hermeneutical contextualization of the Decree of the Apostles, which was subsequently adopted and further developed by the Clementine Homilies.

The Clementine Homilies, whose preserved text was edited in the fourth or fifth century C.E., combine the early Christian focus on the danger of demons with several specifications of the gentile purity requirements. The Homilies were written in the narrative form of a Late Antique romance that form the framework of its extensive apostolic teachings, usually given in form of theological-philosophical dialogues—the name “homilies” is as ill-fitting as their secondary attribution to Clement of Rome and therefore their common moniker as pseudepigraphical.⁷⁰ As in the case of the New Testament documents we have briefly considered, the Homilies' ethnic

67. Origen, *Commentary on the Gospel of Matthew, Book XI*, 12.48-63, R. GIROD, *Origène. Commentaire sur l'évangile selon Matthieu*, vol. 1, Paris, 1970, ad loc. See also Origen, *Contra Celsus* 8:30, M. BORRET, *Origène. Contre Celse*, Paris, 1969, vol. IV, ad loc. See also J. WEHNERT, *Die Reinheit des 'christlichen Gottesvolkes' aus Juden und Heiden*, p. 215 note 17.

68. In his argument, Origen makes both a legal and a theological case that is well worth unpacking. On the legal side, he specifies that the meat one consumes must be of traceable origin: it is upon the believer to erase not only a founded “suspicion” about the meat's origin. The merest “doubt” disqualifies it from consumption—taking a view on due diligence in case of uncertainty that evokes Paul's own reasoning in 1 Corinthians 8:7 and 10:27 (which Origen clearly had in mind, since he cites not only 1 Cor. 10: 31 but also 8:8 as well as Rom. 14:23), all the while reaching a far stricter conclusion than Augustine and perhaps even Paul envisioned.

69. On Clement's view of demons see *Paedagogus* 2:1, in M. HARL et al. (ed.) *Clément d'Alexandrie. Le pédagogue*, Paris: Éditions du Cerf 1976, I, ad loc, and see K. Böckenhoff, *Das Apostolische Speisegesetz*, p. 41-4.

70. A collection of useful study of the Clementine Homilies is S.F. JONES, *Pseudoclementina Elchasaiticaque inter judaeochristiana: collected studies*, Leuven, 2012. For a lucid presentation of the text see also A. Y. REED, “Heresiology and the (Jewish-)Christian Novel: Narrativized Polemics in the Pseudo-Clementines,” in E. IRICINSCHI & H. ZELLENTIN (ed.), *Heresy and Identity in Late Antiquity*, Tübingen, 2008, p. 273-98.

considerations parallel their approach to Israelite and gentile purity. The text clearly stipulates what seems to underlie at least the legal reasoning of Acts, namely that there are two distinct ways to salvation. Jews need to obey the Mosaic Law, gentiles need to follow the teaching and the laws given by Jesus, the true prophet. The Clementine Homilies thus explicitly formulates the framework of ethnic separation and concomitant endorsement of Judaism and “Christianity” that we saw at work in the Acts of the Apostles and other earlier texts; I suggest designating this ethnic framework as Judaeo-Christian. While the Homilies are rather conservative in their approach to the gentile purity regulations, they spell out a theological position not explicated in any other text belonging to the Jesus-movement: Jews, at least in theory, do not need Jesus, the gentiles, at least in practice, do not need Moses.⁷¹ In this, the Homilies spell out the theological model of the ethnic separation between Jews and gentiles akin to the one that was largely self-understood for the authors of Acts and other earlier texts. Accordingly, the Homilies summarize God’s commandments to the gentiles in the words of the apostle Peter, as follows:

And this is the service He has defined:

To worship Him only, and believe only in the prophet of truth (τῷ τῆς ἀληθείας μόνῳ πιστεύειν προφήτῃ),
 and to be immersed (βαπτισθῆναι) for the remission of sins (εἰς ἄφεσιν ἁμαρτιῶν),
 and thus by this pure dye (τῆς ἀγνοτάτης βαφῆς) to be born again unto God by saving water (διὰ τοῦ σώζοντος ὕδατος);
 to abstain from the table of demons (τραπέζης δαιμόνων), that is, from food offered to idols (εἰδωλοθύτων),
 from carrion (νεκρῶν),
 meat strangled (πνικτῶν) or caught by wild beasts (θηριαλώτων),
 and from blood (αἷματος);
 not to live any longer impurely (μὴ ἀκαθάρτως βιοῦν);

71. The text states the following: “Neither, therefore, are the Hebrews (Ἑβραῖοι) condemned on account of their ignorance of Jesus, by reason of Him who has concealed him, if, doing the things commanded by Moses, they do not hate him whom they do not know (ὃν ἡγνόησαν μὴ μισήσωσιν). Neither are those from among the nations (οἱ ἀπὸ ἐθνῶν) condemned, who know not Moses on account of Him who has concealed him, provided that these also, doing the things spoken by Jesus, do not hate him whom they do not know (μὴ μισήσωσιν ὃν ἡγνόησαν),” Clementine Homilies 8:7; B. REHM, *Die Pseudoklementinen I: Homilien*, Berlin, 1969, ad loc, translation according to A. ROBERTS & J. DONALDSON, *Ante-Nicene Christian Library, Volume XVII: The Clementine Homilies*, Edinburgh, 1870, ad loc; see H. ZELLENTIN, *The Qur’ān’s Legal Culture*, p. 23-4. Note that the Clementine *Recognitions* do not maintain a similar separation of Jewish and gentile ethnicity, instead constructing Christians as Israelites; see BUELL, *Why this New Race*, p. 71-3.

to wash after lying with a woman (ἀπὸ κοίτης γυναικὸς λούεσθαι);
 that they (i.e. the women) observe the menses (ἄφεδρον φυλάσσειν);
 that all should be sober-minded,
 given to good works (εἰς ποιεῖν),
 refraining from wrongdoing (μὴ ἀδικεῖν),
 looking for eternal life from the all-powerful God,
 and asking with prayer and continual supplication that they may win it.”⁷²

This list of observances, like that in Leviticus, is mainly addressed to men, but a side-note about menstruation also addresses women.⁷³ The teaching of Jesus as portrayed in the Clementine Homilies, we will see, constitutes a somewhat ecumenical summary of Christian, rabbinic, and Judaeo-Christian understandings of gentile purity regulations. While one should never reduce a text to the sum of its elements, the precise identification of antecedents to both the concepts and the language used in the Homilies shows how deeply the text is immersed in a broad tradition:

1. Peter's speech in the Clementine Homilies is partially modelled on the one Peter gives during the Pentecost in Acts 2; the call here to the audience to immerse (βαπτισθήτω) for the “remission of your sins” (εἰς ἄφεσιν τῶν ἁμαρτιῶν ὑμῶν) follows the text quite closely—save, of course, the reference to immersion in the name of Jesus Christ in Acts, which the Homilies replace by a baptism unto God.⁷⁴
2. The Homilies' imagery of “saving water” had been phrased similarly already by Origen and Cyprian of Carthage.⁷⁵
3. The Homilies require washing after sexual intercourse, and, as indicated elsewhere, before prayer, stands in line with the injunction to do so given to Israelites—but not to gentiles—in Leviticus 15:18. Gentiles, of course, are required to wash after contracting impurity according to Leviticus 17:15, and the practice seems to have been widespread in early Christianity. Tertullian, likewise, requires Christians to wash their hands after sexual intercourse, and both the Latin and the Syriac Didascalia elaborately dismiss the practice, thereby attesting to its continuity among its congregation. Despite the qualms about the prac-

72. Clementine Homilies 7:8; see also 7:4 and 8:19.

73. On the importance of the issue of menstrual purity see Ch.E. FONROBERT, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender*, Stanford, 2000, H. ZELLENTIN, *The Qur'an's Legal Culture*, esp. p. 90-3, and note 66 above.

74. The precise phrase “for the remission of sins” (εἰς ἄφεσιν ἁμαρτιῶν) is also used in the New Testament in order to institute the Eucharist, see Matthew 26:28, see also Mark 1:4, Luke 1:77, 3:3, and 24:47.

75. Origen, Commentary on John 13:176, C. BLANC, *Origène. Commentaire sur saint Jean*, Paris, 1975, ad loc.; see also Cyprian of Carthage, *Epistle LXXII* (To Jubaianus) 1, W. HARTEL, *S. Thasci Caecili Cypriani Opera Omnia*, Corpus Scriptorum Ecclesiasticorum Latinorum 3.3, Vienna, 1871; ad loc.

tice by some authorities, hence, the regular washing of hands before prayer, especially after intercourse, seems to have persisted in many churches.⁷⁶

4. The Homilies present the problematic nature of idol meat in line with the views originally expressed by Paul, further developed by Origen as discussed above, as food pertaining to the “table of the demons” (τραπέζης δαιμονίων, see 1. Corinthians 10:22).
5. The text then presents the teaching of Jesus and his disciples, as preserved by the apostles, as containing the clear and unequivocal endorsement of the purity observances known from Acts: the prohibition of meat sacrificed to idols, of blood, and of strangled meat, using the very wording used in the Acts of the Apostles (see e.g. Acts 21:25, “that they may guard themselves from idol meat and blood and strangled meat and fornication,” φυλάσσεσθαι αὐτοὺς τὸ τε εἰδωλόθυτον καὶ αἷμα καὶ πνικτὸν καὶ πορνείαν). The gentile purity laws in the Homilies focus on ritual purity, yet instead of using the term we found in Acts, “fornication”—prohibition of which is of course taken for granted—the Homilies only specify one aspect of “the uncovering of nakedness” found in Leviticus: the abstinence from intercourse during a woman’s menses, as specified in Leviticus 18:19.⁷⁷
6. Moreover, the Homilies intersperse the items originally listed in Acts with two prohibitions based on two categories of meat problematic for gentiles that are also found in Leviticus 17: after the prohibition of idol meat, the Homilies explicate the prohibition of carrion (νεκρῶν); after the prohibition of strangled meat, the Homilies explicate the prohibition of animals called by killed by wild beasts, using the same term we find in the Septuagint’s rendering of the Leviticus (θηριόλωτον, Lev. 17:15). The same understanding of “strangled” meat, we have seen, was found in Jerome and in the Canons of the Apostles, and likely shared by Augustine most Christian authorities.

The Clementine Homilies continue the long Christian return to Leviticus. After the prohibition of “blood,” the Homilies stipulate the necessity not to live impurely, repeatedly emphasizing the ritual framework of their prohibitions. The Clementine Homilies thus explicate their understanding of the Decree of the Apostles in light of Leviticus 17, and in light of the

76. Tertullian, *On Prayer* 13, defends washing after sexual intercourse (*conversationalis humanae*), in E. EVANS, *Tertullian’s Tract on the Prayer: The Latin Text, with Critical Notes, an English Translation, an Introduction and Explanatory Observations*, London, 1953, p. 18-9; see also J. ZELLINGER, *Bad und Bäder in der altchristlichen Kirche. Eine Studie über Christentum und Antike*, München, 1928, 101-4; on washing before prayer in the Clementine Homilies and the Didascalia see H. ZELLENTIN, *The Qur’ān’s Legal Culture*, p. 86-105, and D. WENDEBOURG, “Die alttestamentlichen Reinheitsgesetze,” p. 164.

77. The Clementine Homilies, of course, denounce adultery in general, see e.g. 3:49 and esp. 4:20.

way in which it has been understood in previous Christian tradition, adding, just as Jerome and the Canons of the Apostles, the two types of meat which had been problematized in Leviticus 17:15 as נבלה and וטרפה in the Hebrew and as θνησιμαῖον and θηριάλωτον in the Greek of the Septuagint. The Clementine Homilies, it seems, explicate the two categories which had been included under “strangled meat” for centuries by church fathers who endorsed them as well as by those who dismissed them. The text’s “expansive” attitude, hence, manifests itself first and foremost by explicating laws previously implied and by the stringency of the observation of the gentile purity regulations.

In a later passage, the Homilies rephrase these food prohibitions in ways that again evoke the language of Leviticus, as well as the way in which the rabbis had understood these laws. Here, God is portrayed as explaining to the demons directly a list of the actions He prohibits to the gentiles, including the following:

Worshipping you and sacrificing and pouring libations (καὶ θύων καὶ σπένδων),
 and partaking of your (i.e. the demons’) table,
 or accomplishing anything else that they ought not,
 or shedding blood (ἢ αἵμα χέων),
 or tasting dead flesh (σαρκῶν νεκρῶν γευόμενος),
 or filling themselves with a piece left by a beast of prey (θηρίου λειψάνου),
 or that which is separated (τμητοῦ),
 or that which is strangled (πνικτοῦ),
 or anything else that is unclean (ἄκαθάρτου)...

In line with Tertullian, Clement, and especially Origen, the Homilies understand purity in terms of the danger of demons.⁷⁸ They thus transform the Biblical understanding of gentile purity, which, as part of the Israelite collective purity system, focused on the Sanctuary (the instructions regarding which the Homilies do not consider to be part of the Torah in the first place) into a system of purity that focuses on the individual.⁷⁹ Purity becomes necessary in order to fend off the evil spirits, who are allowed to attack only once someone willingly brings impurity over him or herself. The dangers of pollution in the Clementine Homilies include language and concepts also found in precisely the Biblical and post-biblical sources we have discussed so far, including the rabbinic ones:

78. See already See K. BÖCKENHOFF, *Das apostolische Speisegesetz*, p. 61-3.

79. The Clementine Homilies, for example in its third chapter, consider commandments concerning sacrifice a satanic interpolation of Scripture, see e.g. D.H. CARLSTON, *Jewish-Christian Interpretation of the Pentateuch in the Pseudo-Clementine Homilies*, Minneapolis, 2013, p. 51-77; see already K.M. VACCARELLA, *Shaping Christian Identity: The False Scripture Argument in Early Christian Literature*, PhD Dissertation, Tallahassee FL: Florida State University 2007.

1. the association of idol worship and the table of the demons, we have seen above, goes back to the historical Paul and to Origen's teachings;
2. prohibition of shedding blood (ἡ αἵμα χέων), as causing impurity goes back to the Noahide Covenant (see Genesis 9:6, "whoever sheds the blood of a human being," ὁ ἐκχέων αἷμα ἀνθρώπου), pointing to the ongoing relevance of the double prohibition of shedding human blood and consuming animal blood;
3. the prohibition of dead flesh, or of a piece left by a beast of prey, we have seen above, and of adultery, comes from Leviticus 17 and was likely part of Christian practice more broadly;
4. the prohibition of "that which is separated" from an animal reflects the rabbinic understanding of the gentile purity regulations in Leviticus 17 according to the Tosephta and later rabbinic sources, which prohibit "the blood" as well as "the limb of a living being" specifically to all gentiles.⁸⁰
4. the prohibition of tasting that which is strangled (πνικτοῦ), finally, goes back to the way in which the Decree of the Apostles understands the general prohibition of blood in Leviticus, as we have seen above.

The Clementine Homilies, thus, even if often perceived as a marginal text, integrate the entirety of the gentile purity regulations promulgated from the times of the Bible to the rise of Christianity, equally including aspects found in the rabbinic understanding of Leviticus.⁸¹

The development of the gentile purity regulations which Acts based on Leviticus can thus be traced throughout Late Antiquity. Some church fathers abandoned or at least de-emphasized the observances, the Eastern churches generally maintained them quietly, and one legal strand of the Jesus movement—unlikely to be embodied in a separate community, yet intellectually traceable from Origen and Tertullian to the Clementine Homilies—expanded them and began to elaborate them ever more emphatically at the same time that these observances came under pressure from some church fathers. The evidence for Judaeo-Christian legal culture up to the fourth century, C.E. is thus relatively clear from the point of

80. See note 21 above.

81. It may be precisely the Homilies' inclusiveness of both Christian and Jewish traits which depicts its "Judaeo-Christian" character, for neither the Christian nor the rabbinic orthodoxies would suffer such a heresy as combining—and therefore seeking to transcend—elements of a tradition the church fathers as well as the rabbis colluded to construct, mutually exclusively, as either Judaism or Christianity. Rabbis and church fathers created a rift on which the orthodox dogma increasingly rested on both sides of the divide. Depicting a combination of Judaism and Christianity as "syncretistic," in turn, constitutes nothing but a reiteration of patristic and rabbinic heresiology, especially when ignoring the ongoing ethnic and legal separation of Jews and gentiles within Judaeo-Christianity; cf. D. BOYARIN, "Rethinking Jewish Christianity."

view of its content, and it is clearly geographically widespread. The evidence past the fourth century C.E., by contrast, is restricted to text such as the Clementine Homilies and a few others, which can be located geographically in Western Asia through a handful of geographical markers.

A few outside texts which denounce many of the gentile purity laws embraced by the Clementine Homilies give some minimal guidance. Epiphanius of Salamis, writing in the late fourth century C.E., denounces practices very much akin to those endorsed in the Clementine Homilies and attributes them to the Ebionites of Palestine, a place he knew intimately.⁸² Despite Epiphanius' fanciful elaborations and his dependence on previous authorities, we cannot dismiss the likelihood that some of the practices he describes were actually followed in Palestine—albeit not necessarily in separate “Ebionite” or “Nazarene” communities, as he wants us to believe. Likewise, the Latin and the Syriac version of the Didascalia, dated to the very late fifth and the early eighth century C.E., respectively, denounces similar practices *within* its community that resemble those of the Clementine Homilies acutely.⁸³ As I have previously illustrated, this text—which of course endorses the Decree of the Apostles—rejects a list of expansive—in its view, Jewish and Encratitic—practices within its community that corresponds quite closely to those endorsed in the Clementine Homilies: the prohibition pork and wine, to which the Homilies are gravitating, the necessity of ritual washing after sexual intercourse and before prayer, which the Homilies advocate, and the abstinence from intercourse during a woman's menses, which is again a central prohibition in the Homilies, yet eventually rejected in the Didascalia.⁸⁴ While the testimony of Epiphanius may reflect a group that disappeared after the fourth century, that of the Didascalia—especially if read alongside the Clementine Homilies—shows the persistence of the expansive understanding of the gentile purity regulations, whose origin can be traced back to the second or third century C.E. regulations, at least into the fifth or sixth century. Yet the full relevance of these regulations, and their attestation in the early seventh century C.E., only comes to the fore if we admit the Qur'ān itself not only as an object of study, but as historical testimony of late antique practice.

82. See e.g. P. CRONE, “Jewish Christianity and the Qur'ān (Part One);” *ead.*, “Jewish Christianity and the Qur'ān (Part Two);” A. EKENBERG, “Evidence for Jewish Believers in ‘Church Orders’ and Liturgical Texts,” in O. SKARSAUNE and R. HVALVIK (ed.), *Jewish Believers in Jesus: The Early Centuries*, Peabody MA, 2007, p. 649–653; and A.F.J. KLIJN and G.J. REININK, *Patristic Evidence for Jewish-Christian Sects*, Leiden, 1973.

83. See H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 41–53 (on the chronological and geographical origins of the Didascalia) and p. 175–202 (on the triangular evidence in the Didascalia, the Clementine Homilies, and the Qur'ān).

84. See H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 77–126.

The Didascalia circulated widely across several socio-linguistic boundaries, its testimony therefore does not allow us precisely where to place those followers of Jesus who continued to endorse and even expand the gentile purity regulations.⁸⁵ Yet the double attestation of the expansive view of the gentile purity regulations in Palestine and in the Syriac speaking church—which jibes well with the greater role these regulations continued to play in Eastern Christian discourse—allows us to locate the expansive tradition of understanding the Decree of the Apostles in Western Asia, and thereby within the immediate network of the Arabian trade routes. The admittedly vague geographical and chronological data is sufficient, however, to set the stage for an understanding how the Qurʾān came to be the only text that reflects a further endorsement and even a further development of precisely the rules we find attested in the Clementine Homilies and in the Didascalia Apostolorum—especially since the Qurʾān continued to consider the gentile purity regulations in dialogue with Leviticus, thus sharing the same scriptural hermeneutics prevalent throughout late antique Christianity.

IV. The Gentile Purity Regulations in the Qurʾān

The Qurʾān can be argued to endorse aspects of Judaeo-Christian legal culture in as far as it constitutes part of the Jesus-movement, recognizes Jews and Christians as separate groups, and continues to impose the expansive tradition of the gentile purity regulations to non-Israelites. Yet at the same time, the Qurʾān clearly departs from its Judaeo-Christian predecessors in several clear ways. In line with Syriac churches that saw themselves not only as the spiritual or the true but as the ethnic Israel—constituted of “the people” and “the peoples”—the Qurʾān recasts both Jews and Christians as two factions among the one people of Israel.⁸⁶ The ethnic fusion of Jews and Christians as two groups of Israel includes the Qurʾān’s reconstitution of its own Muslim community as the truly “gentile” alternative to both Israelite sub-groups, preparing its claim to return to the original “Abrahamic” purity laws.⁸⁷ This original law, in the Qurʾān’s view, predates the punitive purity laws given to Israel as a

85. See note 83 above.

86. See H. ZELLENTIN, “*Aḥbār and Rubbān*,” p. 287, note 12, P. CRONE, “Jewish Christianity and the Qurʾān (Part One),” p. 230, and H. ZELLENTIN, *The Qurʾān’s Legal Culture*, p. 163-4.

87. In a forthcoming publication, I argue that the Qurʾān formulates a theological narrative meant to supersede the erroneous “Israelite” particularism it associates with each of the two “groups among the sons of Israel (*ṭāʾ ifatun min banī ʾisrāʾīla*, see Q 61:14),” see H. ZELLENTIN, “Triological Anthropology: The Qurʾān on Adam and Iblis in View of Rabbinic and Christian Discourse,” in R. BRAUN & H. ÇİÇEK (ed.), *The Quest for Humanity – Contemporary Approaches to Human Dignity in*

result of their sins such as that of the Golden Calf; these punitive laws were in turn abrogated by Jesus (a view shared with the Didascalia Apostolorum). While endorsing the ethnic distinctiveness of Israel, the Qur'ān thus equally undermines this distinctness as historically contingent. The Qur'ān equally erodes the borders between Jewish, Christian, and Muslim food regulations. Practically, this constitutes the abrogation of most Jewish food laws (the legal intervention which it attributes to Jesus) and the expansion of Christian food laws in the Medinan period; the Qur'ān therefore shares the expansive tradition of the gentile purity regulations and decries the dismissive one discussed above.⁸⁸ We can thus consider the Qur'ān to be a turning point and an end-marker of the Judaeo-Christian legal culture, at least in the way it has manifested itself throughout late antiquity.

At the same time, we can trace a clear development from the (earlier) Meccan to the (later) Medinan formulation of the Qur'ān's gentile purity regulations, which allows us to understand their initial affinity with Genesis and Leviticus, and their later expansion in demonstrable dialogue with the Hebrew Bible and with expansive tradition of the Decree of the Apostles. The Meccan passage Q6 *Sūrat al-An'ām* 145-6 differentiates between Jewish and gentile purity regulations in the following way:

145. Say, 'I do not find in what has been revealed to me that anyone be forbidden to eat anything except (*mā ... 'alā ṭā'imīn yaṭ'amuhū*) carrion (*maitatan*) or spilt blood (*daman masfūḥan*), or the flesh of swine (*lahma binzīrin*) —for that is indeed unclean (*riḡsun*)— or an impiety (*fiṣqan*) offered (*uhilla*) to other than God.' But should someone be compelled, without being rebellious or aggressive, indeed your Lord is all-forgiving, all-merciful. 146. To the Jews We forbade every animal having an undivided hoof, and of oxen and sheep, We forbade them their fat, except what is borne by their backs or the entrails or what is attached to the bones. We required them with that for their rebelliousness, and We indeed speak the truth.

The "Jewish" laws indicate in verse 146 serve as an exemplary summary of the entirety of the Jewish food laws given in the Torah without fully

the Context of the Qur'ānic Anthropology, Cambridge: Cambridge Scholars Press, in preparation. On the Qur'ān's concept of the Muslims as "gentiles" see note 3 above.

88. On the legal implications of the Qur'ān's return to the religion of Abraham see e.g. H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 155-74 and J. WITZTUM, *The Syriac Milieu of the Quran: The Recasting of Biblical Narratives*, PhD Dissertation. Princeton: Princeton University 2010, p. 277. The "prophetology" of the Qur'ān, as exemplified most clearly in *Sūrat ash-Shu'arā'* (Q26), has recently been discussed by S. Griffith, *The Bible in Arabic*, p. 54-96. On the food laws of the Qur'ān see also J.J. RIVLIN, *Gesetz im Koran: Kultus und Ritus*, Jerusalem, 1934, p. 64-70.

expounding them.⁸⁹ The passage illustrates that the Jews were ordered to keep laws that go beyond those imposed upon the gentiles. The Meccan Qur'ān thereby positively endorses the "Judaico-Christian" separation of Jewish and gentile ethnicity (which the Medinan Qur'ān will later undermine by fusing Jewish, Christian, and Islamic food laws). The gentile laws, by contrast, are those given in verse 145, which partially overlap with those that Genesis, Leviticus, the Acts of the Apostles, and the Christian tradition imposed on non-Israelites:

1. the prohibition of "blood" recalls the prohibition of blood in the covenant with Noah in Genesis, the term *daman masfūhan*, "spilled blood," especially reminds us of the requirement "to spill its blood" (ושפך את דמו), i.e. that of the killed animal, in Leviticus 17:13. While the Arabic verb *sīn fā ḥā* in the sense used here constitutes a *hapax legomenon* in the Qur'ānic corpus, the Medinan passage Q2:84 uses the related verb *sīn fā kāf* to indicate God's prohibition of bloodshed, here using a cognate to Hebrew, Aramaic and Syriac *š-p-k*, "to spill" or "to pour." The Qur'ān thus endorses the double prohibition of the unwarranted shedding of human blood and the consumption of animal blood found in Genesis 9:6, whose wording it evokes.
2. The Qur'ān, however, does not only forbid "flowing blood," as the rabbis understood the gentile prohibition, but also "carrion," thereby dismissing the permission given in Deuteronomy and in the Tosephta and siding with Leviticus, Acts, and the Christian majority view. "Carrion" rather than "strangled" meat here constitutes the chief category, departing from the terminology—but not the actual law—found in the Decree of the Apostles. The Qur'ān thus returns to the usage of the term "carrion" as the chief category also used in the Hebrew Bible, which had also been used by some of the Christian writers we have discussed above. This change in terminology makes clear that the Meccan formulation of the gentile purity regulations reflects broad Christian terminology and practice without necessarily standing in a direct literary conversation with the wording of the Decree of the Apostles—whose wording, we will see, plays a central role the Medinan Qur'ān.⁹⁰
3. The prohibition to eat the "flesh of swine (*lahma ḥinzīrin*)"—for that is indeed unclean (*riḡsun*)" recalls phrasing (but not all the lexemes) of

89. On the nature of the cited laws as a summary for the entirety of the punitive food regulations given to Israel see H. Zellentin, *The Qur'ān's Legal Culture*, p. 164-5, see also D. M. Freidenreich, *Foreigners and their Food*, p. 134 and 274.

90. On carrion and purity in mature Islam see e.g. M.H. KATZ, *Body of Text*, p. 2-10, and M.H. BENKHEIRA, "Chairs illicites en Islam. Essai d'interprétation anthropologique de la notion de *mayta*," *Studia Islamica* 84 (1996), p. 5-33; and M. COOK, "Early Islamic Dietary Law," *Jerusalem Studies in Arabic and Islam* 7 (1986), p. 217-77.

the prohibition of pork in Leviticus 11:7 ("and the pig.... it is unclean for you... their flesh you shall not eat" (וְאֵת הַחֲזִיר ... טֶמֶא הוּא לָכֵם) (מִבְשָׂרָם לֹא תֹאכְלוּ). As I have argued previously, proponents of the expansive tradition of understanding the Decree of the Apostles had likely included pork among the prohibitions of the gentile purity regulations for centuries.⁹¹

4. Finally, in its prohibition of "an impiety offered (*'uhilla*) to other than God," the Meccan Qur'ān equally follows the central prohibition of idol meat in the Decree of the Apostles. The verb *hā lām lām*, moreover, a cognate of Hebrew, Aramaic, and Syriac *h-l-l*, occurs exclusively in the four Qur'ānic passages repeating the gentile purity regulations as indicated here; it thus constituting another topical *hapax legomenon*.

Already in its Meccan iteration, the Qur'ān's gentile purity regulations can thus be associated with the gentile purity regulations first formulated in Leviticus, which equally prohibit blood, carrion, and idol meat. The inclusion of pork points to the prevalence of the expansive tradition of understanding these laws; the Qur'ān's eventual prohibition of wine—equally associated with demons in the Clementine Homilies and forbidden by proponents of the expansive attitude towards the decree of the Apostles attested by the Didascalia—follows the same pattern.⁹² The recurrent presence of *hapax legomena* in this passage, moreover, indicates affinity with extra-Qur'ānic culturemes, especially given that the Arabic terms here used tend to have a special affinity to their Hebrew, Aramaic and Syriac cognates. Yet the formulation of the Decree of the Apostles itself, which had shaped Christian formulations of the gentile purity regulations for centuries, does not seem especially relevant for the Meccan Qur'ān: while the three prohibitions of idol meat, blood, and carrion correspond to the decree very closely, the usage of the term "carrion" rather than "strangled" is noteworthy. Moreover, while the Qur'ān of course prohibits sexual misconduct in a way that stands in the tradition of the laws given to gentiles in Leviticus 18, it does not mention this prohibition here at all.⁹³ It thus seems that the Meccan Qur'ān's formulation of the gentile purity laws orients itself less towards the Decree of the Apostles, and more towards the Hebrew Bible, or perhaps to its likely oral Arabic rendering.⁹⁴ At the same

91. On the prohibition of wine and pork in the Clementine Homilies, the Didascalia, and the Qur'ān see H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 110-25. On the prohibition of pork in late Islamic law see e.g. R.A. LOBBAN, "Pigs and their Prohibition," *International Journal of Middle East Studies* 26 (1994), p. 57-75.

92. See note 83 above.

93. On fornication in the Qur'ān see note 4 above.

94. On the likely oral circulation of translations of the Bible into Arabic see, S. GRIFFITH, *The Bible in Arabic*, p. 7-126 and R. G. HOYLAND, "Mount Nebo, Jabal Ramm, and the Status of Christian Palestinian Aramaic and Old Arabic in Late

time, we can safely replace the idea of “Jewish influence” on the Qur’ān’s ritual laws with a much broader category of the Qur’ān’s engagement of the gentile purity regulations as found in Leviticus and expansively understood first by the Christian tradition, and only secondarily so by the rabbinic one.⁹⁵

At the same time, the Qur’ān does not share the stringency regarding the gentile purity regulations that we can find in the Clementine Homilies and in the rabbinic tradition. As we have seen above, Origen associates the consumption of blood with idolatry, and the result of transgressing the regulations in the Homilies is near-irreversible harm to the soul.⁹⁶ Later Christian authorities, we have seen, did allow for much more lenience in times of crises, just as the Qur’ān allows for the consumption of any foodstuff under duress, “should one be compelled.”⁹⁷ The Qur’ān’s purity laws are thus consistently more lenient than the proponents of the expansive tradition of understanding the gentile purity regulations; elsewhere, it even warns against too expansive a view of these laws. In *Sūrat al-Nahl*, a Meccan text, the Qur’ān repeats the prohibitions and the dispensation (under duress) given in Q6:145; it then specifies that God has “forbidden only” (*‘innamā ḥarrama*) the four items named above (i.e. carrion, blood, pork, and idol meat), and warns against expanding or dismissing the gentile purity regulations, “asserting falsely with your tongues, ‘This is lawful, and this is unlawful,’ to fabricate lies against God” (Q16:115). In short, the Meccan Qur’ān can be said to follow its very own version of the gentile purity regulations, situated between the appreciative and the expansive view, that include a general dispensation under duress and a clear prohibition of further expansions along with a direct focus on the Biblical laws.

Roman Palestine and Arabia,” *Proceedings of the Seminar for Arabian Studies* 40 (2010), p. 29-45. On the Qur’ān’s participation in oral culture see H. ZELLENTIN, *The Qur’ān’s Legal Culture*, p. 14-5 and p. 49-50 note 59.

95. The inadequate equation of the Qur’ān’s affinity with Hebrew with its alleged “dependence” on Judaism can be found most clearly in some classical works as e.g. A. JEFFERY, *The Foreign Vocabulary of the Qur’ān*, Leiden, 2007 [1938]; J. HOROVITZ, “Jewish Proper Names and Derivatives in the Qur’an,” *Hebrew Union College Annual* (1925/2), p. 145-228; W. RUDOLPH, *Die Abhängigkeit des Qorans von Judentum und Christentum*, Stuttgart, 1922; and A. GEIGER, *Was hat Mohammed aus dem Judenthume aufgenommen?*, Bonn, 1833. Important corrections to this paradigm have been offered by C. PENNACCHIO, “Lexical Borrowing in the Qur’ān,” *Bulletin du Centre de recherche français à Jérusalem* 22 (2011), online (<http://bcrfj.revues.org/6643>); J. WITZTUM, *The Syriac Milieu of the Quran*, and G.S. REYNOLDS, *The Qur’ān and Its Biblical Subtext*, London, 2010.

96. Note that the rabbis demand the penalty of death for the transgression of the Noahide laws (without showing any intent or possibility of enforcing it), see e.g. Babylonian Talmud, *Sanhedrin* 56a, see also B.S. JACKSON, “The Jewish View of Natural Law.”

97. See note 50 above.

The Medinan Qur'ān, of course, endorses the Meccan gentile purity regulations, but it also adds a list of specifications that reflect the expansive tradition of the Decree of the Apostles already noticeable in the Meccan inclusion of pork. The Medinan passage Q2 *Sūrat al-Baqarah* 173, to begin with, indicates the inner-Qur'ānic continuity of the gentile purity regulations. It equally repeats that God has “only forbidden” four items to gentiles: “carrion, blood, the flesh of swine, and that which has been offered to other than God,” followed by the same dispensation should one act under duress we have already seen in Q6:145 and in Q16:115). Both the list and the dispensation are repeated, slightly differently, in the Medinan *Sūrat al-Mā'idā*, whose opening with legal matters is rather unique in the Qur'ān.⁹⁸ The surah's opening passages have rightly been identified as a foundational speech to the nascent Muslim community that recreate the foundation of the Israelite community as portrayed, for example, in Deuteronomy 5:1.⁹⁹ The surah's actual laws, in turn, reflect the gentile purity regulations of the Hebrew (or Arabic) Bible and the Judaeo-Christian legal culture as much as they reflect the Qur'ān's unique Arabian context, notably the laws of hunting and of the pilgrimage.

In *Sūrat al-Mā'idā*, namely, the same list of observances already found in the passages discussed so far is presented within the context of laws pertaining to hunting (*al-ṣayd*) and purity during the holy months and the Hajj (see Q5:1-2 and 4).¹⁰⁰ The “hunting” (Ṭ) of animals, is equally allowed to gentiles in Leviticus 17:13, as long as the animals' blood is properly spilled. The actual law regarding hunting in the Qur'ān expands

98. A similar opening of a surah with legal, in this case contractual obligations towards hostile religious groups during and after the sacred months, can be equally found in the Medinan *Sūrat al-Tauba*. Sh.D. GOITEIN stipulated that increased contact with rabbis in Medina led Muhammad to formulate an independent lawcode; see id., “The Birth-Hour of Muslim Law,” *The Muslim World* 50 (1960), p. 27; while this is not impossible, it overlooks the importance of Biblical and Christian law-codes.

99. In Deuteronomy 5:3, Moses recites “the statutes and ordinances that I am addressing to you today (*ha-yom*),” just as God has His prophet announce that “today I have perfected your religion” (*al-yauma 'akmaltu lakum dīnakum*) in Q 5:3; both passages describe the affirmation of communal identity by establishing a specific code of law. This view is also reflected in Q 5:48, which states “a code of law and a custom” (*ṣir'atan wa-minhāḡan*) has been appointed to each “community” (*umma*, Q 5:48). The word *minhāj* constitutes another hapax legomenon; W. HALLAQ aptly notes that the Qur'ān repeatedly stresses “that believers must judge by what was revealed to them It is noteworthy here that the ‘normative way’ is represented by the term *minhāj*, a cognate of the Hebraic word *minhāḡ* [custom]. The creation of an Islamic parallel here speaks for itself,” id., *The Origins and Evolution of Islamic Law*, Cambridge, 2005, p. 21; see also H. ZELLENTIN, *The Qur'ān's Legal Culture*, p. 171-2.

100. Note that the root *ṣād yā dā* occurs only in this surah and is a cognate of Hebrew, Aramaic, and Syriac *ṣ-w-d* and *ṣ-y-d*, see Q 5:1-2 and 94-6.

that of the Bible. In Q5:4, in line with Q22:34, which specifies that one must “mention God’s name over it” (*li-yaḏkuru sma llāhi*), i.e. over the victim during slaughter, we now learn that the hunter must mention God’s name over the victim after its death, a law unique to the Qur’ān. The necessity of the spilling of the blood of the hunted animal after its death, as prescribed by the Bible, is likely implied, as this would consider the hunted animal—and especially that hunted with the help of trained animals—tantamount to an animal mangled by a beast of prey, on which more below.¹⁰¹ Likewise, it is important to note that the main context of the Qur’ānic purity regulations in this surah are the holy months and the Hajj. Judaeo-Christian legal culture had largely ignored if not outright rejected the Sanctuary and the festivals requiring pilgrimage (אָפּ) as legislated in the Hebrew Bible.¹⁰² The Qur’ān’s Medinan laws, by contrast, as well as its legal narrative, reach back not only to the laws given to the *gerim* in Leviticus, but also to the understanding that these form part of the purity provisions for entering the sanctuary, here in *Sūrat al-Mā’ida* as well as in *sūrat al-Ḥaḡḡ*. The Medinan Qur’ān then introduces not only a sanctuary for gentiles and a pilgrimage, but also identifies the respective laws governing gentile holiness during its performance.¹⁰³

It is within this framework that the Qur’ān presents the bulk of its prohibitions, which expand those given in the Meccan surahs by specifying them in dialogue with the same understanding of Leviticus 17 and of the Decree of the Apostle that marked the expansive tradition of the gentile purity regulations. In its first verse, *Sūrat al-Mā’ida* specifies that “you (pl.) are permitted animals of grazing livestock (*baḥīmatu l-’an’āmi*), except what is announced to you.”¹⁰⁴ The actual regulations, sandwiched in between the hunting laws, are given in Q5:3 and phrased as follows:

You are prohibited carrion (*al-maitatu*),
Blood (*al-dam*),

101. On the context of the Qur’ānic legislation see E. GRÄF, *Jagdbeute und Schlachttier im islamischen Recht. Eine Untersuchung zur Entwicklung der islamischen Jurisprudenz*, Bonn, 1959, p. 8-66, and now also A. AL-AZMEH, *The Emergence of Islam in Late Antiquity: Allah and His People*, Oxford, 2013, p. 412 note 340.

102. Judaeo-Christian legal culture of course developed after the Temple’s destruction, yet so did rabbinic culture, which maintained a clear focus on the pilgrimage; see H. ZELLENTIN, *The Qur’ān’s Legal Culture*, 131-2. On the Biblical context of the three pilgrimage festivals see e.g. C. MEYERS, “The Function of Feasts: An Anthropological Perspective on Israelite Religious Festivals,” see S. OLYAN ed., *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect*, Atlanta, p. 141-68.

103. On the Hajj in the Qur’ān see F.E. PETERS, *The Hajj: The Muslim Pilgrimage to Mecca and the Holy Places*, Princeton, 1994, p. 3-59 and J.J. RIVLIN, *Gesetz im Koran*, p. 21-49.

104. Cf. also Q 22:30; the term *baḥīma*, which only occurs here and in Q 22:28 and 34, is a close cognate of Hebrew בְּהֵמָה, “cattle,” and has likely the same meaning, see A. JEFFERY, *The Foreign Vocabulary of the Qur’ān*, p. 34-5.

the flesh of swine (*al-ḥinzīr*),
 And what has been offered to other than God.
 And the animal strangled (*al-munḥaniqatun*)
 or beaten to death,
 And that which dies by falling
 or is gored to death,
 And that which is eaten by a beast of prey (*al-sabū'u*)
 – barring that which you may purify (*'illā mā ḍakkaitum*)–
 And what is sacrificed on stone altars (*mā ḍubiḥa 'ala l-nuṣubī*),
 And that you should divide with arrows (*wa-'an tastaqsimū bi-l-'azlāmi*).
 All that is transgression.

The Medinan Qur'ān here first repeats those prohibitions of blood, carrion, pork, and of “what has been offered to other than God,” we have already seen in the Meccan surahs and in Q2:173. These prohibitions, we have seen, stood in close relationship to the gentile purity regulations in Genesis and Leviticus as understood by their expansive tradition. At the same time, it was clear that the Meccan formulation of the gentile purity regulations did not reflect the language of the Decree of the Apostles as preserved either in the New Testament or in any of its later renderings, but reflected more direct engagement with Leviticus—as it also had in previous Christian iterations of the decree. The Medinan specifications of the earlier rules, by contrast, maintain the focus on the Bible, yet equally engage the wording of the Decree of the Apostle directly—yet again by following the expansive tradition of understanding it, to whose oral and living development it likewise attests:

1. The prohibition of the chief category of “carrion” is now specified by using a list of several technical terms that are unique to this surah. The first one of these specifications, unsurprisingly, is “strangled” meat (*al-munḥaniqatun*), the term that throughout late antiquity had functioned as the chief category designating “carrion.” By reintroducing “strangled” meat as the first subcategory of “carrion,” the Qur'ān effectively regularizes the unique terminology of Acts, the Tosephta, and several patristic authors which had dominated Christian—but not later rabbinic—discourse throughout Late Antiquity. Since the term *al-munḥaniqatun* is a *hapax legomenon* that constitutes a cognate to the Hebrew, Aramaic and Syriac term *ḥ-n-q*, it seems likely that the Qur'ān here reflects the pervasive Syriac and possibly Arabic rendering of the Decree of the Apostles, which, in the Peshitta of Acts 15:29, equally prohibits *ḥnyq'*, “things strangled,” as we have seen above.
2. The Qur'ān then specifies carrion further by including animals that were “beaten” to death (*al-mauqūdatu*), that “fell” to death (*al-mutaraddiyatu*) or that were “gored” to death (*al-naṭīḥatu*). The first and the third term are equally unique in Qur'ānic terminology, making it likely that the Qur'ān here engages an existing law code.

Indeed, it seems that the Qurʾān engages and expands Leviticus 17 by turning to Exodus 21, the *locus classicus* of Biblical tort law: here, we learn about how to deal with the restitution of animals that died because they “fell” (וּנְפַל) into a pit, that were “beaten” to death (יִגַּף) or were “gored” (נִגַּח) to death (Ex. 21:31-6). The presence of all three concepts, “beating,” “falling,” and “goring” in both corpora can hardly be coincidental (even though they use different roots).¹⁰⁵ Yet the Qurʾānic prohibition of the meat of such animals is far stricter than that in Exodus. Exodus, namely, seems to reflect the older, more lenient understanding of the Biblical laws of carrion equally displayed in Leviticus 17, and only prohibits the consumption of the meat of an Oxen that has killed a human being and is subsequently stoned to death (Ex 21:28). This implies that the meat of the other dead animals in Exodus—whose carcass the person making restitution “may keep” (Ex. 21:34 and 36)—were not originally prohibited, or even classified as carrion. While the rabbis equally prohibited the consumption of such animals to Jews, following the stricter attitude towards carrion in Deuteronomy, but allowed such meat for gentiles, the Qurʾān here again stands closest to the Christian tradition which, as we have seen above, largely observed the prohibition of carrion for gentiles formulated in Leviticus 17:15.

3. Animals mangled by beasts of prey, the next item on the Qurʾān’s list, constitutes part of the tradition expanding the gentile purity items we have already encountered in Jerome, in the Canons of the Apostles, and in the Clementine Homilies, which equally prohibit “a piece left by a beast of prey (θηρίου λειψάνου)” explicitly. The Homilies dismissed the more lenient attitude regarding the permissibility of such meat for gentiles in Deuteronomy and, following the problematization of such meat in Leviticus 17:15, prohibit it altogether (corresponding to the majority of Christian practice in Late Antiquity). For the Qurʾān, likewise, animals mangled by beasts of prey are generally prohibited, the term “wild animal” (*al-sabūʾ*) in this meaning constitutes yet another *hapax legomenon*.
4. The Qurʾān then offers an exemption for forms of carrion “which you may purify” (*mā ḍakkaitum*); while the formulation leaves open the possibility that this exemption extends to all forms of carrion, it seems likely that it specifies only the one item immediately preceding

105. It is not unlikely that the Qurʾān here engages with an existing (likely oral) translation of the Hebrew Bible into Arabic; see note 94 above. It is evident that in this case, all three terms used to designate “to beat,” “to fall,” and “to gore,” used in Exodus 21 in the Hebrew Bible (as well as its Aramaic and Syriac translations) are different from the ones used in the Qurʾān. Note Mishna equally turns to Exodus 22 in order to establish legal categories; unlike the Qurʾān, however, it uses “the ox” and “the pit” rather than “goring” and “falling,” see e.g. Mishna *Bava Qamma* 1.1 and the commentary in both Talmudim.

it, animals mangled by beast of prey, and even among those only the ones on the verge of death, as tradition relates on the verse.¹⁰⁶ The actual method of purification for such meat, in addition to mentioning God's name as specified above, seems to be the one detailed in Leviticus 17:13, that of the removal of the blood by a form of secondary slaughter. Intriguingly, the Qur'ān here also evokes the wording of the exemption formulated in Leviticus 17:15. There, following the permission given for hunted animals, we learn that a gentile "who eats carrion, or that which was torn by beasts (ובללה וטרפה), must wash himself and his clothing; he then remains unclean (וטמא) until the evening; then shall he be clean (טהר)." The term "clean," describing the purity of the eater in the Hebrew Bible, is rendered as *d-k-y* in the Aramaic and Syriac translations of the Bible. This term, in turn, constitutes a clear cognate to the Arabic term "to purify," *dhāl kāf wāw*, which, in Q5:3, constitutes yet another *hapax legomenon*.¹⁰⁷ The Qur'ān, like the Leviticus, thus enables gentiles to consume meat mangled by a beast of prey in some circumstances, and uses the same root to describe the required purity. Yet whereas according to Leviticus, the gentile who ate the meat needs to be purified after the consumption, it is the meat itself that is in need of purification prior to its consumption in the Qur'ān.¹⁰⁸

The Medinan Qur'ān, we can thus summarize, specifies what is already prohibited in the Meccan Qur'ān, and does so in intimate dialogue with the expansive tradition of the gentile purity laws and with the Bible itself, and especially with Leviticus 17, to which the expansive tradition had previously turned. The laws given to the non-Israelites in the Bible thus form the framework not only of the Christian and rabbinic understanding of gentile purity laws, but also that of Judaeo-Christian legal culture—which the Qur'ān partially affirms at the same time as seeking to transcend it. When the sequel of *Sūrat al-Mā'ida*, famously, equates the food permissible to Muslims to the same as the food permissible for "those who were given the book"—i.e. Jews and Christians—the Qur'ān removes one of the main markers of ethnic difference. At the moment it sets the early Muslim community on equal terms with the ancient Israelites, the Qur'ān thereby abrogates part of the laws that distinguished between Israelites and gen-

106. See note 101 above. Note that the rabbis, in the tractate *Hulin* 3 of the Mishna and in its Talmudic commentaries, take a comparable approach and appraise each mangled animal according to the wounds it sustained, declaring some fit for consumption by Jews while declaring others *terefah*.

107. The Hebrew term *z-k-h*, as well as its Aramaic and Syriac cognate *d-k-y*, equally denote restoration to Levitical purity; see A. JEFFERY, *The Foreign Vocabulary of the Qur'ān*, p. 135.

108. On the cases of stone altars and that which is divided by arrows see H. ZEL-LENTIN, *The Qur'ān's Legal Culture*, p. 77-8 and p. 120-1.

tiles, and in a way repeats, in its very own context, the fusion of Jewish and gentile ethnicities endorsed by Latin, Greek, and Syriac churches in their own way.¹⁰⁹ It is thus clear that the Medinan Qurʾān, while endorsing much of Judaeo-Christian legal culture throughout the Meccan and Medinan period, eventually seeks to transcend and to supercede it.

Conclusion

Considering the way in which the prohibition of blood and carrion to non-Israelites developed throughout the centuries is a most rewarding enterprise, teaching us as much about Late Antiquity as it does about the Qurʾān. The broader tradition that emerges from the way in which the Decree of the Apostles first implements the purity regulations for non-Israelites found in Leviticus to the way in which the Qurʾān eventually “completes” this project allows us to see a firm “canonical” bracket around the Judaeo-Christian legal culture—a bracket which, it must be admitted, it not known to most current members of the two traditions that lay claim the two Scriptures. Considering late antiquity from the point of view of the development of the gentile purity regulations, regardless, allows us to see three phenomena that have not been duly considered in previous scholarship.

First and foremost, we have to come to terms with the ways in which the heritage of the gentile purity regulations formulated in Leviticus 17 shaped Christianity, Judaism, and Islam throughout Late Antiquity. The evidence here presented amounts to less than half of this continuity—as mentioned above, I am currently preparing a parallel study on the laws on sexual misconduct that will reinforce the evidence discussed above. The legal relevance of Leviticus for Acts of the Apostles had been well established by Wehnert and others, and its importance for the rabbis and for the church fathers may not surprise. Yet it is quite remarkable that Leviticus is also invoked even by those church fathers who seek to dismiss the provisions of the Decree of the Apostles, and it is of the greatest importance for the emergent field of Late Antique Qurʾānic studies how intimately the nascent Muslim community engaged the Hebrew, or perhaps even the Arabic Bible.

Secondly, a longitudinal study of the three divergent traditions of understanding the Decree of the Apostles—what I have termed the appreciative, the dismissive, and the expansive tradition—shows that Augustine and Chrysostom argued a minority position. While previous studies were well aware that the gentile purity regulations were widely obeyed through-

109. The Qurʾān, in other words, expands the gentile purity regulations to Jews and gentiles alike, returning to the idealized state of the law before the Golden calf; H. ZELLENTIN, *The Qurʾān's Legal Culture*, p. 155-74.

out Late Antiquity and of course remained legally binding throughout much of the Middle Ages, their importance for the formation of late antique Jewish and Christian identity emerged clearly in the present study. The neglect, if not the factual abrogation of the Decree of the Apostles by parts of the Latin, Greek, and even the Syriac church past the fourth century can now be seen in a starker contrast to the earlier Christian mainstream attitudes, which in turn stand closest to that of Islam.

Finally and perhaps most importantly, we can see that the precise continuity of the legal tradition of understanding the Decree of the Apostles in an expansive way. While textual evidence based on three main sources—the Clementine Homilies, the Didascalia Apostolorum, and the Qur'ān—should rightly be scrutinized as being minimally sufficient, we are nevertheless dealing with three texts that show the most detailed affinities not only regarding their actual rulings on the gentile purity laws, but also regarding the wider laws and legal narratives. Yet it is the broad legal consensus with which the Christian majority endorsed the appreciative view of the Decree of the Apostles as deriving from Leviticus that allows us safely to state that the continuity of the Judaeo-Christian legal culture can only be explained by the fact that it must have been endorsed by members of the Jesus-movement from the fourth to the seventh century. The legal affinities discussed cannot be explained either by literary dependency, which is minimal, or by the existence of a “Jewish-Christian” community separate from church or synagogue, for which we would have, *pace* Crone, no evidence after the fourth century of the Common Era. Rather, it seems that the gentile purity regulations were accurately transmitted to the nascent Muslim community. The Qur'ān, in turn, show signs that these laws were further developed through the same hermeneutical—i.e. Biblical—principles that marked earlier specifications and expansions. In the absence of literary influence or the existence of a separate group, the combination of legal and hermeneutical continuity means most likely that the expansive attitude of understanding the Decree of the Apostles part of the living culture at the turn of the seventh century not only in the Syriac world but also in Arabia. Judaeo-Christian legal culture thus constituted the mainstream of nascent Christianity, and was recast in the particular context of early Islam.

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