"Halting Between Two Opinions":
Conversion and Apostasy in Early Islam

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Abstract

The phenomenon of individuals converting to Islam and later returning to their former religions is well attested in both narrative and documentary records from the early Islamic period. Such shifts in religious commitments posed social and legal problems for the communities to which their former members sought reentry. Specifically, legal authorities were faced with the challenge of assessing the trustworthiness of returning apostates, whether their return was wholehearted and sincere or, rather, opportunistic and deceitful. The present discussion offers the historical context and a comparative analysis of some of the legal mechanisms by which the Jewish ge'onim of Babylonia and Eastern Christian church leaders attempted to overcome this challenge.

The phenomenon of conversion to Islam in the first centuries following the Islamic conquest remains elusive. This fact has often been explained on the ground that "the great conversion experience,"[1] though it fundamentally changed the religious landscape of the region, occupies a relatively minor place in contemporary narratives. Yet perhaps an even greater hurdle to expanding our knowledge of this matter is the scarcity of data pertaining to individual converts. Such data would no doubt enrich our understanding of the circumstances in which people chose to embrace the new religion and

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[1] Richard W. Bulliet, *Conversion to Islam in the Medieval Period* (Cambridge, MA: Harvard University Press, 1979), 4.

of the process entailed by their choice. The absence of documented cases dealing with individual converts can be explained by the nature of the extant source material—mostly chronicles, geographical treatises, legendary tales, and similar texts. These seldom speak of individuals, preferring instead a generic tone and typically referring only in very general terms, almost in passing, to the Islamization of a certain land or group of people.

The principal premise of the following discussion is that these historiographic shortcomings can be partially overcome through a study of the rich legal literature left behind by both Muslims and non-Muslims, using religious regulations and opinions to illuminate the daily dilemmas, questions, and conflicts provoked by the conversion of individuals to Islam. After all, conversion was a source of great concern for leaders and jurists of diverse confessional affiliations, triggering a variety of problems in the realms of civil, criminal, and religious law, and the legal sources at our disposal demonstrate that in many if not most instances the concerns cut across confessional boundaries. These common preoccupations, I suggest, mirror actual cases prompted by real-life situations rather than merely theoretical legal deliberations. In the present discussion I address a particular sub-phenomenon of conversion: individuals who converted to Islam but subsequently reversed their conversion and returned to their original faith. By focusing on this recurring theme in the legal literatures composed in the early Islamic period by Christian and Jewish authorities I wish to bring to the fore some of the broader issues related to individual conversions, or—depending on one's point of view—apostasies.

Conversion and Repentance

A variety of accounts have been offered, over the past century or so, about the motives that prompted non-Muslims to embrace Islam, the circumstances in which the adoption of the new religion took place, and the chronological milestones of Islamization at large.[2] One such account that

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[2] For a summary of these arguments and a survey of modern historiography on conversion to Islam in the classical period, see Michael Morony, "The Age of Conversions," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands: Eight to Eighteenth Centuries*, eds. Michael Gervers and Ramzi J. Bikhazi (Toronto, ON: Pontifical Institute of Mediaeval Studies, 1990), 135-150; see also Thomas W. Arnold, *The Preaching of Islam* (London: Constable, 1913), 81-101; Daniel C. Dennett, *Conversion and the Poll Tax in Early Islam* (Cambridge, MA: Harvard University Press, 1950); Michael Brett, "The Spread of

seems to have held sway for some time centered on the issue of taxation, arguing that the imposition of the poll-tax (*jizya*) upon the protected non-Muslim subjects (*ahl al-dhimma*) under Islamic rule was one of the principal reasons for conversion. The motive of avoiding taxation went hand in hand with the idea that economic constraints in general often drew individuals and communities toward the state's religion. And indeed, as religious affiliations entailed social membership, it seems understandable that those who hoped to secure their employment, authority, and wealth should have chosen to join Islamic confessional ranks. For the slave who sought emancipation, the prisoner of war who was prepared to side with the new conquerors, or the bureaucrat hoping to retain his office, conversion to Islam may have held the promise of securing or sustaining a certain social standing. That said, sincere religious convictions or cultural adaptations should not be underestimated as factors in the process of the Islamization of the Near East and parts of the Mediterranean. The monotheistic message of Islam, channeled through such media as coinage, architecture, and charismatic religious leaders, genuinely succeeded in winning over large populations. The adoption of Arabic as a *lingua franca*, of Arabic names, and perhaps even of forms of social engagement such as the institution of clientage (*walāʾ*), in the abode of Islam have been seen in modern scholarship

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Islam in Egypt and North Africa," in *Northern Africa: Islam and Modernization*, ed. idem (London: Frank Cass, 1973), 1-12; Bulliet, *Conversion to Islam, passim*; Patricia Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980), 52; Gladys Frantz-Murphy, "Conversion in Early Islamic Egypt: The Economic Factor," in *Documents de l'Islam médiéval: Nouvelles perspectives de recherche*, ed. Yusuf Ragib (Textes arabes et études islamiques, 29, Cairo: Institut français d'archéologie orientale, 1991), 11-17; Jean M. Fiey, "Conversions à l'Islam de Juifs et de Chrétiens sous les Abbassides d'après les sources arabes et syriaques," in *Rapports entre Juifs, Chrétiens et Musulmans: Eine Sammlung von Forschungsbeiträgen*, ed. Johannes Irmscher (Amsterdam: A.M. Hakkert, 1995), 14-22; Robert Hoyland, *Seeing Islam as Others Saw it: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton, NJ: Darwin Press, 1997), 336-342; Arietta Papaconstantinou, "Between Umma and Dhimma: The Christians of the Middle East under the Umayyads," *Annales Islamologiques* 42 (2008), 151; Clive Foss, "Egypt under Muʿāwiya Part I: Flavius Papas and Upper Egypt," *Bulletin of the School of Oriental and African Studies* 71 (2009), 13; Stephen Humphreys, "Christian Communities in Early Islamic Syria and Northern Jazira: The Dynamics of Adaptation," in *Money, Power and Politics in Early Islamic Syria*, ed. John Haldon (Farnham: Ashgate, 2010), 54-55; David J. Wasserstein, "Conversion and the *Ahl al-Dhimma*," in *The New Cambridge History of Islam: Volume 4, Islamic Cultures and Societies to the End of the Eighteenth Century*, ed. Robert Irwin (Cambridge: Cambridge University Press, 2010), 184-208.

as crucial steps toward this religious transformation. Once Islamic rule had consolidated itself and the Muslim tribes of Arabia began settling, first in their garrison towns and later alongside indigenous populations, forced conversions appear to have occurred only sporadically, suggesting that conversion to Islam was, for the most part, a voluntary act.

While the motivation for conversion, as well as its rate and extent, varied across time and place, there can be little doubt about the significance of the phenomenon itself. This single act of adopting a new religion was perceived by some as a conversion and by others in terms of abandonment and a desertion—an apostasy. This dialectic nature of religious change may help us begin to understand some of its meanings for the convert himself and for his former and new coreligionists. Furthermore, the question of conversion, or the problem of apostasy, touches directly upon the very foundations of religious communities whose institutions and identities were highly, if not exclusively, dependent on the loyalty of their members. Thus, admonitions against apostasy and apostasy-inducing acts on the one hand, and attempts to regulate contact with former coreligionists on the other, should be considered within the broader context of relations between Muslim and non-Muslim populations.[3]

The Islamic conquests outside Arabia in the seventh century not only implied a significant territorial expansion but also marked the start of an extended process at the end of which an overwhelming Muslim majority would dominate the vast region between the Iranian Plateau and the Iberian Peninsula. In the course of this process, stricter definitions of confessional affiliation were gradually introduced. With new members of discrete ethnic, geographic, and confessional backgrounds joining its fold, the nascent Islamic community constantly redrew its contours.[4] One of the main concerns of early Muslim jurists was the sincerity of the new Muslims, particularly given the frequency with which individual conversions to Islam were followed by a change of heart and a reversion to the previous religion. A recurrent question was whether the penitence of apostates who repeatedly repented following their apostasy—a phenomenon aptly described by Yohanan Friedmann as a "cycle of apostasy"—should always

[3] See on the issue of violence, David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, NJ: Princeton University Press, 1996), 127.

[4] Fred M. Donner, "From Believers to Muslims: Confessional Self-Identity in the Early Islamic Community," *al-Abhath*, 50-51 (2002-2003), 12, 28.

be accepted.[5] Indeed, it has been argued that individuals who repeatedly changed their religion constituted the largest category of apostates in early Islamic history.[6]

The phenomenon of converts returning to their former religions is already mentioned in the Qur'ān. Thus, Sūra 2,109: "Many People of the Book wish they could restore you as unbelievers, after you have believed"; Sūra 3,86: "How shall God guide a people who have disbelieved after they believed"; and Sūra 4,137: "Those who believe, and then disbelieve, and then believe, and then disbelieve, and then increase in unbelief—God is not likely to forgive them, neither to guide them on any way".[7]

Seventh-century Christian sources attest to the phenomenon as well, most notably the legal opinions of the West Syrian bishop Jacob of Edessa (d. 708), discussed below, and the writings attributed to Anastasius of Sinai (d. c. 700), the Byzantine Orthodox abbot of St. Catherine's monastery in the Sinai. The latter, in his work the *Dièghèmata stèriktika*, mentions a certain Christian—Moses son of Azarias, from the vicinity of Clysma (northeast Egypt)—who repeatedly apostatized and returned to Christianity. Bernard Flusin suggests viewing the case of Moses of Clysma in the context of Islamic expansion and the reactions it triggered on the part of Christians in Syria and Palestine.[8] Another example is found in the eighth-century *Chronicle of Zuqnīn*, where a certain young Christian of questionable reputation is described as "an imposter who appeared in al-Jazīra around 769."[9] At first, the imposter "desired the virtuous life of monasticism," yet, shortly after, he began socializing with a reckless crowd and eventually apostatized. Realizing later that he had lost his fortune, he decided to join the hermits on the steppe of Sinjār in northwest Iraq. Once admitted into their

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[5] Yohanan Friedmann, *Tolerance and Coercion in Islam* (Cambridge: Cambridge University Press, 2003), 143.

[6] David Cook, "Apostasy from Islam: A Historical Perspective," *Jerusalem Studies in Arabic and Islam* 31 (2006), 256.

[7] For the commentary on Q 2:109 in later periods, see Michael Lecker, "Hudayfa b. al-Yaman and 'Ammar b. Yasir, Jewish converts to Islam," *Quaderni di Studi Arabi* 11 (1994), 149-151.

[8] Bernard Flusin, "Démons et Sarrasins: l'auteur et le propos des Dièghèmata stèriktika d'Anastase le Sinaïte," *Travaux et Mémoires* 11 (1991), 407; Hoyland, *Seeing Islam*, 100.

[9] *Chronique de Denys de Tell Maḥrē (Quatrième Partie)*, ed. Jean B. Chabot (Paris: É. Bouillon,, 1895), 140 (Syr.)/*The Chronicle of Zuqnīn: Parts III and IV, AD 488-775*, ed. Amir Harrak (Toronto, ON: Pontifical Institute of Mediaeval Studies, 1999), 249 (Eng.).

ranks he began assuming the burdensome way of life of a hermit, going on to gain the reputation of a holy man.

Abū Bakr al-Khallāl's (d. 923) *Kitāb al-jāmi' al-kabīr* contains the legal opinions, or responsa (*masā'il*), of Aḥmad ibn Ḥanbal (d. 855).[10] One of the surviving segments of the *Kitāb al-jāmi'* is a collection of responsa grouped under the heading *ahl al-milal wa-l-ridda wa-l-zanādiqa wa-tārik al-ṣalāt wa-al-farā'iḍ* ("the people of the sects, apostasy, and the heretics, and he who forsakes prayer and religious duties").[11] These responsa include Ibn Ḥanbal's opinions given in reply to questions by his disciples and followers regarding how Muslims should conduct their dealings with various groups of non-Muslims and heretics. Here, the question of apostasy and penance is highly attested through a variety of legal problems. In Ibn Ḥanbal's opinion, the death penalty for apostasy by a former non-Muslim was to be delayed: "The changing [of religion refers] to remaining in a state of polytheism, yet he who repented is not in a state of changing".[12] Penitence, however, was not unlimited. Asked whether an apostate who was born a non-Muslim should be called upon to repent, Ibn Ḥanbal's opinion noted that if he continued to apostatize repeatedly after repenting, there would be no escape from executing him: "He who changes his religion should repent and not return, for it is said: 'He should be called to perform

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[10] On Abū Bakr al-Khallāl, see Henri Laoust, "al-Khallāl," *Encyclopedia of Islam*, 2nd edn. (Leiden: Brill Online, 2012); see also Ibn Abī Ya'lā, *Ṭabaqāt al-ḥanābila*, 2 vols. (Cairo: Maṭba'at al-sunna al-Muḥammadīya, 1952), 2:12-15; Ziāuddin Aḥmad, "Abū Bakr al-Khallāl— The Compiler of the Teachings of Imām Aḥmad b. Ḥanbal," *Islamic Studies* 9 (1970), 245-254; Nimrod Hurvitz, *The Formation of Hanbalism: Piety into Power* (London: Routledge, 2002), 4-5; Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000), 78-90; Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th-10th Centuries* (Leiden: Brill, 1997), 137, 141, 143; on the *Kitāb al-jāmi'*, see Carl Brockelmann, *Geschichte der arabischen Litteratur*, 5 vols. (Leiden: Brill, 1943), Sup. 1:311; Fuat Sezgin, *Geschichte des arabischen Schrifttums* 9 vols. (Leiden: Brill, 1967-), 1:511-512.

[11] Abū Bakr al-Khallāl, *Ahl al-milal wa-l-ridda wa-l-zanādiqa wa-tārik al-ṣalāt wa-l-farā'iḍ min kitāb al-jāmi' li-l-Khallāl*, ed. Ibrāhīm ibn Ḥamad ibn Sulṭān, 2 vols. (Riyadh: Maktabat al-ma'ārif li-l-nashr w-al-Tawzī', 1996).

[12] *Ibid.*, 2:485 (no. 1194); cf. Ibn Abī Shayba, *Kitāb al-muṣannaf fī-l-aḥādīth wa-l-āthār*, ed. A.Kh. al-Afghānī, 15 vols. (n.p., n.d.), 12:272, (no. 12798); al-Sarakhsī, *Kitāb al-mabsūṭ* (no ed.), 30 vols. (Beirut: Dār al-ma'rifa, 1993), 10:108; al-Sarakhsī, *Sharḥ kitāb al-siyar al-kabīr li-Ḥasan al-Shaybānī*, ed. Ṣalāḥ al-Dīn al-Munajjid, 5 vols. (Cairo: Ma'had al-makhṭūṭāt bi-jāmi'at al-duwal al-'Arabīya, 1971), 1939 (no. 3883); al-Nazwī, *al-Muṣannaf*, eds. 'Abd al-Mun'im 'Āmir and Jād Allāh Aḥmad, 43 vols. (Oman: Wizārat al-Turāth al-qawmī wa-l-thaqāfa, 1979-1989), 11:191-192.

penance, yet if he persists in apostatizing he shall be killed.'"[13] And indeed, in the case of a man who had repeatedly apostatized and repented, Ibn Ḥanbal shows no tolerance: "I do not find this adequate; I cannot be sure that he is not playing tricks time after time with the Islamic faith; he should [therefore] be killed."[14] In one instance, brought before Ibn Ḥanbal, we hear about a group of men who apostatized and moved to a territory under Byzantine control, along with their wives and children. Sometime later, the territory was recovered by the Muslims, and those who had left the Muslim fold fell into the hands of the Muslim army. Ibn Ḥanbal ruled that the men should be put to death and the lives of their children spared. As for the women, those who had not apostatized along with their husbands were to be spared, while those who had apostatized should meet with the same fate as the men. The option of offering penitence was deemed relevant by Ibn Ḥanbal only if the apostates had refrained from fighting with the enemy: "If they move to the Abode of War and fight on their side, they shall be killed. If they do not fight and remain in the village, they shall be called upon to repent, [in which case,] if they repent, then fine, and if not they will not be killed."[15] By aiding the enemy, according to Ibn Ḥanbal, non-Muslims who converted to Islam and later apostatized rendered themselves ineligible for repentance.

An anecdote of a much later period is related by Ibn al-ʿArabī (d. 1240), portraying a Byzantine youth who was taken captive and grew up in the Umayyad court. As he matured, having been tempted by Satan, he returned to Christianity and left the abode of Islam for the land of the Byzantines, eventually becoming a patriarch.[16] It is perhaps in such contexts we should consider the prevalence of Byzantine abjuration procedures—a series of liturgical and practical steps which the Church prescribed to clergymen who apostatized and later sought reentry into the ecclesiastical fold. One such practice is attributed to the Byzantine official Niketas Choniates (d. ca. 1215), although currently dated by most historians to around the second half of the ninth century, perhaps once the Byzantines had begun

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[13] Al-Khallāl, *Ahl al-milal*, 2:485 (no. 1195).

[14] *Ibid.*, 492 (no. 1213).

[15] *Ibid.*, 508 (no. 1276).

[16] Ibn al-ʿArabī, *Kitāb muḥāḍarat al-abrār wa-musāmarat al-akhyār* (n.e.), 2 vols. (Damascus: Dār al-yaqẓa al-ʿArabīya, 1968), 1:242-243. I wish to thank Prof. Ella Landau Tasseron for drawing my attention to this passage.

winning back some of their former territories.[17] The Byzantine procedure that was prescribed in this case consisted of four stages required before the apostate, who was now considered an initiate, could be taken back. These included, first, a two-week period of the initiate's fasting and his instruction in the Lord's Prayer; second, the appearance of the initiate in front of the baptistery when he is formally pronounced a catechumen and is made to declare before other believers his wholehearted renunciation of Islam and embrace of Christianity; third, the period of the catechesis itself; and finally, in the fourth stage, baptism.[18] According to Leslie MacCoull, a similar abjuration procedure, known as the "Rite of Jar", instituted in Egypt in the second half of the fourteenth century, was meant to pave the way back into the Coptic Church for those who had been forced to adopt Islam around that time.[19] About three and a half centuries earlier, similar accommodations had to be made when Egyptian Jews and Christians who had been converted to Islam by force under the Fatimid caliph al-Ḥākim (r. 996-1021) wished to revert to their original religion; likewise in the case of Iberian and Maghrebi Jews following the fall of the Almohad dynasty at the beginning of the thirteenth century.[20]

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[17] The text is titled "Order to be followed for those of the Saracens who return to the pure and true faith of us Christians"; see Nicetas Choniates, "Taxis ginomenh epi tois apo Sarakhnon epistrefoysi pros thn kaqaran kai aahqh pistin hmwn twn Xristianwn," *Patrologia Graeca* 140 (1887), 124-136; on its dating, see Edouard Montet, "Un rituel d'abjuration des musulmans dans l'église greque," *Revue de l'histoire des religions* 53 (1906), 147; Patricia Crone and Michael Cook, *Hagarism: the Making of the Islamic World* (Cambridge: Cambridge University Press, 1977), 152, n. 6; D.J. Sahas, "Ritual of Conversion from Islam to the Byzantine Church," *Greek Orthodox Theological Review* 36 (1991), 59; Hoyland, *Seeing Islam*, 517.

[18] Sahas, "Ritual of Conversion," 59-61.

[19] Leslie S.B. MacCoull, "The Rite of the Jar: Apostasy and Reconciliation in the Medieval Coptic Orthodox Church," in *Peace and Negotiation: Strategies for Coexistence in the Middle Ages and the Renaissance*, ed. Diane Wolfthal (Turnhout: Brepols, 2000), 151. I wish to thank Professor MacCoull for kindly sending me her article.

[20] Ibn Taghrībirdī, *Tahdhīb al-nujūm al-zāhira fī mulūk Miṣr wa-l-Qāhira*, ed. Rajib Maḥmūd Ibrāhīm Najīb (al-Manṣūra: Maktabat al-aymān, 2009), 190; Yaakov Lev, "Persecutions and Conversions to Islam in Eleventh-Century Egypt," *Asian and African Studies* 22 (1988), 73-91; Mark Cohen, *Under Crescent and Cross: the Jews in the Middle Ages* (Princeton, NJ: Princeton University Press, 1994), 176; Mercedes García-Arenal, "Jewish Converts to Islam in the Muslim West," *Israel Oriental Studies* 17 (1999), 235; Menahem Ben-Sasson, "Memory and Forgetfulness of Religious Persecutions: A Comparative View" (in Hebrew), in *From Sages to Savants: Studies Presented to Avraham Grossman*, eds. Joseph Hacker, Yosef

Conversion and Repentance in Legal Sources

The trend of conversion and return, or apostasy and regret, is clearly attested in the sources and cannot be restricted to a particular historical moment or circumstance.[21] Where conversion to Islam was forced, a convert's return to his original faith is perhaps most comprehensible, yet the movement (often repeated) from one faith to another occurred for a variety of reasons. The life story of the ninth-century philosopher Dāwūd ibn Marwān al-Muqammiṣ, a Karaite Jew who converted to Christianity but eventually returned to Judaism, suggests that such movements occurred not only between Islam and other religions but also between Christianity and Judaism.[22]

　　Al-Muqammiṣ's shifting religious affiliations have been understood as a reflection of his profoundly serious engagement in theology.[23] But for the most part, our understanding of instances of religious movement, their causes and circumstances, is quite limited. It is here that legal sources, particularly legal regulations, can be of aid. The repetitive, generic, and sometimes abstract language of legal formulas, which often affords them a quality of timelessness, should not obscure their fundamental immediacy and concreteness given their function as *ad hoc* regulations designed to address particular exigencies of the moment. The legal preoccupations with apostates seeking reentry into their original confessional group and with "serial" converts, switching back and forth from one religion to another, appear to have been shared by jurists of different religious backgrounds.

Kaplan and B.Z. Kedar (Jerusalem: Merkaz Zalman Shazar le-toldot Yisra'el, 2009), 59; for a discussion of Islamic legal principles concerning people who were forced to convert under duress, see Friedmann, *Tolerance and Coercion*, 144-145. According to David Wasserstein, it was the political weakening of the Islamic regime under the Umayyad state in the Iberian Peninsula in the middle of the eighth century that prompted many Christians who had embraced Islam to revert to their former religion; see David J. Wasserstein, "A Fatwā on Conversion in Islamic Spain," in *Studies in Muslim-Jewish Relations*, ed. Ronald L. Nettler (Chur: Harwood Academic Publishers, 1993), 181.

[21] Cf. M. Eliav, "A Repentant Apostate Returns to his Old Ways (the affair of Shimʿon Rosenthal)" (in Hebrew), *Kathedra*, 61 (1991), 115: Shimʿon Rosenthal, a nineteenth-century Jew from Palestine, converted to Christianity and more than twenty years later changed his mind and reverted to Judaism. Nonetheless, he ended up dying as a Christian.

[22] Sarah Stroumsa, *Dāwūd ibn Marwān al-Muqammiṣ's Twenty Chapters (ʿIshrūn maqāla)* (Leiden: Brill, 1989), 16.

[23] Sarah Stroumsa, "Conversion among Jewish Intellectuals in the Middle Ages" (in Hebrew), *Peʿamim* 42 (1990), 70.

Their treatment of the problem allows us to regard these acts as a phenomenon of social significance.

The Legal Corpora

The legal sources selected for the present analysis derive from three legal enterprises: geonic responsa, questions and answers attributed to the West Syrian bishop Jacob of Edessa, and East Syrian legal regulations.[24]

  (1) Geonic responsa—the answers of the supreme legal authorities of the rabbinic world during the classical Islamic period, the ge'onim of Babylonia. Formulated in the geonic academies in Iraq, these responsa were

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  [24] It should be noted that the theme of apostasy in general and of repenting renegades in particular demanded the attention of additional jurists whose rulings shall remain at the margins of the present discussion. The same region and period in which Islamic principles, geonic responsa and Eastern Christian regulations were formulated also contained the legal traditions of the Zoroastrian communities, best known in the form of *rivāyat*. These include numerous references to members of the Zoroastrian religion who converted to Islam and later sought to return to their original religion; for more on this, see Jean de Menasce, "Problèmes des mazdéens dans l'Iran musulman," in *Festschrift für Wilhelm Eilers*, ed. Gernot Wiessener (Wiesbaden: Herrassowitz, 1967), 220-230 (also in English: "Questions concerning the Mazdaeans of Muslim Iran," in *Muslims and Others in Early Islamic Society*, ed. Robert Hoyland (Aldershot: Ashgate, 2004), 331-341); Jamsheed K. Choksy, "Women in Sasanian and Early Islamic Times," in *Women in Iran from the Rise of Islam to 1800*, eds. Guity Nashat and Lois Beck (Urbana, IL: University of Illinois Press, 2003), 48-67; see also *Rivāyat-i Hēmīt-i Ašawahistān: a Study in Zoroastrian Law*, ed. and trans. Nezhat Safa-Isfehani, 2 vols. (Cambridge, MA: Department of Near Eastern Languages and Civilizations, Harvard University, 1980), 2:questions 4:2,3,7; 26:2-8; Manūščihr, *Dādestān-ī Dēnīg*, part I: *Transcription, translation and commentary* (no ed.) (Paris: Association pour l'avancement des études iraniennes, 1998), questions 40:5,6,8. In Europe, medieval Rabbanite leaders grappled with problems similar to those of their contemporaries in the Islamic world. The legal writings of such authorities as the Ragmah (Gershom ben Judah of Mainz, known as Rabbeinu Gershom me'or ha-Gola; d. 1028), Rashi (Rabbi Shlomo ben Yitzhak; d. 1105), and the tosafists in Ashkenaz attest to this fact and serve as an instructive parallel; see Ephraim Kanarfogel, "Rabbinic Attitudes toward Nonobservance in the Medieval Period," in *Jewish Tradition and the Nontraditional Jew*, ed. Jacob J. Schacter (Northvale, NJ: Jason Aronson, 1992), 3-36; Edward Fram, "Perception and Reception of Repentant Apostates in Medieval Ashkenaz and Premodern Poland," *Association of Jewish Studies Review* 21 (1996), 299-339; Avraham Grossman, *The Early Sages of Ashkenaz: Their Lives, Leadership and Works* (in Hebrew) (Jerusalem: Magnes Press, 2001), 122-127; David Malkiel, "Jews and Apostates in Medieval Europe—Boundaries Real and Imagined," *Past and Present* 194 (2007), 3-34; Micha Perry, *Tradition and Transformation: Knowledge Transmission among European Jews in the Middle Ages* (in Hebrew) (Jerusalem: ha-Kibbuẓ ha-me'uḥad, 2011), 117, 127-128, 132-133, 140, 158, 182, 185.

issued in reply to legal questions sent in from various parts of the medieval Jewish world. The majority of surviving responsa are those given to Jewish communities in North Africa and the Iberian Peninsula. They cover a wide range of legal topics, including questions of ritual, civil law, and communal administration, and, as such, provide a useful mirror of the Jewish life of their time.[25] Typically, the ge'onim tried to adhere as closely as possible to early rabbinic sources when formulating their opinions. As heirs to a chain of Rabbanite authorities beginning with the Palestinian sages of the Mishnah and continuing with those of the Babylonian Talmud, the ge'onim relied in their opinions on principles laid down by their predecessors.[26]

(2) Jacob of Edessa's questions and answers constitute a significant part of the surviving juridical activities of this renowned bishop of the West Syrian Church.[27] They touch upon matters of liturgy, theology, ecclesiastical

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[25] On the contribution of geonic *responsa* to the historical study of medieval Jewry under Islam, see Jacob Mann, "The Responsa of the Babylonian Ge'onim as a Source of Jewish History," *Jewish Quarterly Review*, n.s. 7.4 (1917), 457-490; Simha Assaf, *The Geonic period and its literature* (in Hebrew) (Jerusalem: Mosad ha-rav Quq, 1955); Moshe Gil, *Jews in Islamic Countries in the Middle Ages* (Leiden: Brill, 2004), nos. 101-135; Gideon Libson, "Halakhah and Reality in the Gaonic Period: Taqqanah, Minhag, Tradition and Consensus—Some Observations," *The Jews of Medieval Islam: Community, Society and Identity*, ed. Daniel Frank (Leiden: Brill, 1995), 67-99; Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven, CT: Yale University Press, 1943).

[26] See Libson, "Halakhah"; according to Libson, the ge'onim possessed "tools" for adapting the law to new circumstances, "while still maintaining the formal halakhic framework." These tools he classified as: *qabbala* (tradition), *taqqana* (enactment), *minhag* (custom, usage), *midrash* (exegesis or interpretation), *sevara* (legal logic), and precedent.

[27] On the history of the Eastern Churches after the Muslim conquest, see Michael Morony, *Iraq after the Muslim Conquest* (Princeton, NJ: Princeton University Press, 1984), chapter 12; Andrew Palmer (ed.), *The Seventh Century in the West-Syrian Chronicles* (Liverpool: Liverpool University Press, 1993); Jean-Marie Mayeur, Gilbert Dagron and Christian Hannick (eds.), *Evêques, moines et empereurs (610-1054) Histoire du Christianisme: Des origines à nos jours* (Paris: Desclée, 1993); Alain Ducellier, *Chrétiens d'Orient et Islam au Moyen Age: VIIe-XVe siècle.* (Paris: A. Colin, 1996); Anne-Marie Eddé, Françoise Micheau and Christophe Picard (eds.), *Communautés chrétiennes en pays d'Islam, du début du VIIe siècle au milieu du XIe siècle* (Paris: SEDES, 1997); Wolfgang Hage, "Die Kirche "des Ostens": Kirchliche Selbstständigkeit und kirchliche Gemeinsamkeit im fünften Jahrhundert," in *After Bardaisan: Studies on Continuity and Change in Syriac Christianity in Honour of Professor Han J. W. Drijvers*, eds. Gerrit J. Reinink and Alexander C. Klugkist (Leuven: Peeters, 1999), 141-148; Wilhelm Baum and Dietmar W. Winkler, *The Church of the East: A Concise History* (London: Routledge, 2003). On Jacob of Edessa and his various literary enterprises, see Anton Baumstark, *Geschichte der syrischen Literatur mit Ausschluss der christlich-palästinensischen Texte* (Bonn: De Gruyter, 1968), 248-254; and more recently the collection of essays in Bas Ter Haar

and monastic authority, inter-confessional and inter-denominational rela-
tions, and more. Despite its separate classification, there seems to be a
measure of ambiguity in the distinction between the legal genre of ques-
tions and answers and that of canon laws.[28] Nonetheless, Jacob's answers
to his different petitioners appear to reflect his personal opinions and to
address actual problems.[29]

(3) The legal regulations of East Syrian jurists refer back to ecclesiastical
legislation as early as the first ecumenical councils of the fourth century,
carrying through to recording of synodical acts and legal compilations as
late as the beginning of the fourteenth century.[30] But though these later
legal collections rely on early synodical acts, they also include many regula-
tions designed to address present-time needs and exigencies.[31]

Romeny, *Jacob of Edessa and the Syriac Culture of his Day* (Leiden: Brill, 2008); on his juridi-
cal activity, see François Nau, "Les résolutions canoniques de Jacques d'Édesse," *Le Canon-
iste contemporain* xxvii (1904), 256-276, 366-376, 468-477, 562-572; Hoyland, *Seeing Islam*,
161-163, 344, 601 ff.; Herman G. B. Teule, "Jacob of Edessa and Canon Law," in *Jacob of Edessa
and the Syriac Culture of His Day*, ed. Robert Bas ter Haar Romeny (Leiden: Brill, 2008),
83-100.

[28] *Ibid.*, 86.

[29] Robert Hoyland, "Jacob of Edessa on Islam," in *After Bardaisan*, 153.

[30] For a survey of East Syrian legal literature, see Victor Aptowitzer, "Rechtsbücher der
syrischen patriarchen und ihre quellen," *Wiener Zeitschrift für die Kunde des Morgenlandes*
24 (1910), 180-224; Hubert Kaufhold, ed. and trans., *Die Rechtssammlung des Gabriel von
Başra und ihr Verhaltnis zu den anderen juristischen Sammelwerken der Nestorianer* (Berlin:
Schweitzer, 1976), 5-39; Walter Selb, *Orientalisches Kirchenrecht: Die Geschichte des Kirchen-
rechts der Westsyrer* (*von den Anfängen bis zur Mongolenzeit*), 2 vols. (Vienna: Verlag der
Österreichischen Akademie der Wissenschaften, 1981-1989), 1:57-79.

[31] The ecclesiastical juridical literature of the majority of the oriental churches brings
together elements from a variety of sources, drawing most prominently on those Greek can-
ons of the first synods of the imperial church that were unified within a single collection—
namely, the canons of the ecumenical synods of Nicaea, Constantinople, Ephesus and
Chalcedon—as well as on a few local synods (Ancyra, Neocaesarea, Gangra, Antioch, Laod-
icea). According to Hubert Kaufhold, however, pseudo-canonical texts play a relatively
minor role among the East Syrians as compared with the West Syrians. The *Didascalia Apos-
tolorum* was not known to them, nor was the *Testament of our Lord*. While the canons are
often applied and cited rather freely, Kaufhold cautions that the history of the East Syrian
legal tradition is not definite and clear, and so cannot support a full account of the transmis-
sion of ancient Greek and eastern Christian literatures into later compilations; see Hubert
Kaufhold, "La litérature pseudo canonique syriaque," in *Les Apocryphes syriaques*, eds Muriel
Debié et al. (Paris: Geuthner, 2005), 147-167.

Terminology and Basic Principles

Notwithstanding their disparate legal backgrounds, the sources discussed here exhibit a common interest in apostates, including the particular phenomenon at hand of apostasy and repentance. Before we delve into the sources themselves, some clarifications are in order regarding definitions, terminologies, and precedents that pertain to apostasy in general and repenting apostates in particular in the rabbinic and Eastern Christian legal traditions.

During the time of the Second Commonwealth (530 BCE-c. 70 CE), Jews who converted to another religion were referred to as individuals who had changed their religion, i.e. *mumarim*, but following the persecutions under the Roman emperor Hadrian (r. 117-138 CE), a period known as "the time of destruction" (*sheʿat ha-shmad*), a Jew who was forced to convert was called *meshummad*, while a Jew who voluntarily apostatized was still called a *mumar*. Whereas in geonic responsa the term employed is *meshummad*, medieval Ashkenazi sources refer interchangeably to an apostate as both *meshummad* and *mumar*.[32]

The Babylonian Talmud distinguishes four types of apostates: "a limited apostate" (*le-davar eḥad*), "a comprehensive apostate" (*le-kol ha-Torah kula*), "a pleasure-seeking apostate" (*le-teʾavon*), and "a defiant apostate" (*le-hakhʿis*).[33] A limited apostate might be considered a Jew in all respects but one, namely the transgression for which he was declared an apostate, such as eating forbidden foods, desecrating the Sabbath, or decircumcising.[34] A comprehensive apostate is one who performs idolatrous worship (*ʿavoda zara*) and/or transgresses the entire set of religious duties.[35] Unlike the comprehensive apostate, the apostate who has been charged on the grounds of a single transgression is not entirely excluded from participat-

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[32] On the interchangeability of the terms in Ashkenaz, see Malkiel, "Jews and Apostates," 10.

[33] See Stanley M. Wagner, "Meshumad and Mumar in Talmudic Literature," in *The Jacob Dolnitzky Memorial Volume*, ed. Morris C. Katz (Skokie, IL: Hebrew Theological College, 1982), 198-227; Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden: Brill, 1994), 106; Jakob J. Petuchowski, "The Mumar: A Study in Rabbinic Psychology," in *Studies in Modern Jewish Theology and Prayer*, eds. Elizabeth R. Petuchowski and Aaron M. Petuchowski (Philadelphia, P: Jewish Publication Society, 1998), 25-36.

[34] BT Horayot 11a.

[35] BT Ḥullin 4b-5a; ʿEruvin 69a-b.

ing in Jewish life and can continue to be trusted in those aspects of Jewish law of which he is found observant.[36] The last two categories of apostasy—the pleasure-seeking and the defiant—relate to the apostate's motivation. Whereas pleasure-seeking apostasy is considered a matter of convenience, the defiant apostate is regarded as moved by conviction,[37] hence his ties with Jewish life "are extremely tenuous, if not altogether broken."[38] According to the Babylonian Talmud, however, a defiant apostate can, under certain circumstances, be considered reliable for purposes of legal testimony, but not so an apostate for convenience, since he is always motivated by self-indulgence.[39]

Unlike the rabbinic law of antiquity, which devotes little attention to the question of apostates in general and next to none to repenting apostates, medieval rabbinic law is far more elaborate.[40] The most fundamental principle underlying the medieval treatment of returning apostates is the idea that a Jew can never truly be excluded from Judaism.[41] At the center of medieval legal positions lies a strong preoccupation with the sincerity of repenting apostates and an even greater interest in safeguarding the Jewish identity of those individuals who were bound to them or dependent on them at the time of their apostasy, most notably their offspring.

In Syriac literature, the verb *praq*, "to break" (Acts of the Apostles 21, 21,) and the substantive *mārūdūtā*, "rebellion" (2 Thessalonians 2, 3), denote

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[36] BT Ḥullin 4a, cited in Petuchowski, "The Mumar," 27; see Gerald Blidstein, "Who is Not a Jew?—the Medieval Discussion," *Israel Law Review* 11 (1976), 372-373.

[37] BT ʿAvoda Zara 26b; Horayot 11a; Ḥullin 4a.

[38] Petuchowski, "The Mumar," 33.

[39] BT Sanhedrin 27a.

[40] See Shaye J.D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley, CA: University of California Press, 1999), 343-344.

[41] The principle, attested in BT, Sanhedrin 44a, was famously developed by Rashi; see Solomon ben Isaac, *Responsa Rashi*. I. Elfenbein, ed. (New York, NY: Shulsinger, 1943), 196-197, no. 175; see also Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (Oxford: Oxford University Press, 1951), 70; Blidstein, "Who is Not a Jew?," 374. Maimonides in his epistle to the Jews of the Maghreb expressed his opinion that since conversion to Islam is merely a nominal act, manifested through the uttering of the *shahāda*, it does not constitute idolatry; see Maimonides, "Epistle of Martyrdom," in *Iggerot ha-Rambam*. Yitzhak Shilat, ed. 2 vols. (Jerusalem: Maʿaliyot Publishing, 1987), 1:52-53; see also Mordechai A. Friedman, *Maimonides: the Yemenite Messiah and Apostasy* (Jerusalem: Yad Ben-Zvi, 2002), 28, 103.

the act of religious renunciation.[42] The first ecumenical councils make reference to those Christians who relapsed into a non-Christian religion, most notably in the context of Roman persecutions. Thus, Canon 8 of the Council of Ancyra in 314 reads: "Let those who have twice or thrice sacrificed under compulsion, be prostrators four years, and communicate without oblation two years, and the seventh year they shall be received to full communion."[43] Elsewhere, however, in Canon 11 of the Council of Nicaea we read of Christians who renounced their faith freely: "Concerning those who have fallen without compulsion, without the spoiling of their property, without danger or the like, as happened during the tyranny of Licinius, the Synod declares that, though they have deserved no clemency, they shall be dealt with mercifully."[44]

The prospect of reverting to Christianity following apostasy is mentioned already in the New Testament. Thus, Hebrews 6:4-6:

> [. . .] it is impossible to restore again to repentance those who have once been enlightened, and have tasted the heavenly gift, and have shared in the Holy Spirit, (5) and have tasted the goodness of the word of God and the powers of the age to come, (6) and then have fallen away, since on their own they are crucifying again the Son of God and are holding him up to contempt.

A different approach is expressed in the second-century work *The Shepherd of Hermas*. Unlike the New Testament, which denies Christians a second chance, here apostates are welcomed back to Christianity provided they repent before the end of the present world:

> Forgiveness will be granted to all the saints who have sinned even to the present day, if they repent with all their heart, and drive all doubts from their minds. For the Lord has sworn by His glory, in regard to His elect, that if any one of them sin after a certain day which has been fixed, he shall not be saved. For the repentance of the righteous has limits. . . . For the Lord hath sworn by His Son, that those who denied their Lord have abandoned their life in despair, for even now these are to deny Him in the days that are

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[42] See H. Kaufhold, "Häresie, Schisma und Apostasie in den Kirchenrechtsquellen der orientalischen kirchen" *Journal of Eastern Christian Studies* 60 (2008), 313-332; Stern, *Jewish Identity*, 105.

[43] *The Seven Ecumenical Councils of the Undivided Church: Their Canons and Dogmatic Decrees*, ed. Henry R. Percival, (*A Select Library of Nicene and Post-Nicene Fathers*, ser. 2; Grand Rapids, MI: Eerdmans, 1979, xiv), 66.

[44] *Ibid.*, 24.

coming. To those who denied in earlier times, God became gracious, on account of His exceeding tender mercy.[45]

Numerous canons of the early councils attest to the fact that ecclesiastical leniency toward apostates seeking to return to the Church gradually replaced the harsh stance expressed in the New Testament. The new approach, however, was qualified by concerns over the motivation and sincerity of returning apostates. Thus, for example, Canon 12 of the Council of Nicaea allows those who apostatized to return "after they have passed the space of three years as hearers [and] ten years [as] prostrators. But in all these cases it is necessary to examine well into their purpose and what their repentance appears to be like."[46]

Apostasy among Confessional Leadership

The apostasy of individuals who held key roles in the religious lives of their communities receives special attention in Christian and Jewish legal sources from the early Islamic period. The Byzantine and Coptic abjuration procedures mentioned above suggest that the trend of communal officials apostatizing and returning was anything but sporadic. Unlike lay apostates, ecclesiastical officials and Jews of priestly lineage who apostatized and reverted raised questions not only of their acceptance back into the community but also of their return to positions within it.[47]

Regulation 117 in the legal collection of the East Syrian catholicos Išōʿ bar Nūn (d. 828) reads as follows:

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[45] *The Shepherd of Hermas*, trans. Frederick Crombie (*A Select Library of Nicene and Post-Nicene Fathers*, ser. 2; Peabody, MA: Hendrickson, 1995, ii), 11.

[46] *The Seven Ecumenical Councils*, 27; see also *ibid.*, Canons 13, 14; of the Council of Ancyra (314), Canons 1,2, 68; of the *Canons of the Holy Apostles*, Canons 52, 62, and the *Didascalia Apostolorum*, ed. and trans. Hugh Connolly (Oxford: Clarendon Press, 1929), Chapter 25.

[47] See Katz, *Exclusiveness*, 69: "In a strictly halakhic sense the question of returning apostates concerned only those of priestly origin who retained some prerogatives." Admittedly, unlike Christian clergy, the *kohanim*'s position in Jewish congregations was not institutionalized to the degree of a formal office. Nonetheless, the period following the destruction of the Second Temple witnessed a gradual rise in the position of *kohanim* and the influence they exerted in their communities. See Oded Irshai, "The Priesthood in Jewish Society of Late Antiquity," [in Hebrew] in *Continuity and Renewal: Jews and Judaism in Byzantine-Palestine*, ed. Lee I. Levine (Jerusalem: Merkaz Dinur le-ḥeqer toldot Yisraʾel; Yad Ben-Zvi; Jewish Theological Seminary of America, 2004), 67-106.

> If a priest or deacon renounced Jesus Christ and afterwards he repented and returned, [he should] perform penitence for a long time. And after he repents and is accepted, he may not serve [in] his rank of ministry, but rather be as the laity. And if it is seen that he repents with all his might he shall be appointed once more by the bishop.[48]

With regard to the question of clergy who apostatized and returned, the eleventh-century Arabic collection of East Syrian law *Fiqh al-Naṣrānīya*, compiled by Ibn al-Ṭayyib (d. 1043), cites the above regulation of Išōʿ bar Nūn and also mentions a relevant epistle from the East Syrian catholicos Timothy I (d. 823) to India. According to Timothy, a deacon who renounced Christianity and repented for a period of twelve years without serving in his rank does not require the laying on of the hands or baptism but a sign of the cross by the bishop.[49] Thus, whereas Išōʿ bar Nūn requires a new ordination, Timothy makes do with a sign of the cross.

Concern with the issue of clergymen holding office after having previously renounced their Christian belief can be found already in the Council of Nicaea, in which Canon 10 stipulates the deposing of anyone who was ordained after having apostatized.[50] Similarly, Canon 62 of the fourth-century *Apostolic Canons* stipulates that a clergyman who denies the name of Christ is to be suspended, and should he repent, received as one of the laity.[51] Some idea about the reasoning behind these stipulations may be gleaned from regulation 97 in the same legal collection of Išōʿ bar Nūn, which states that any member of the clergy who adheres to a "perverse confession and conceals his heretical disposition," shall be deposed from his priestly office "lest he corrupt many," since it is "better that [only one] member [of the body] be lost rather than that the entire ecclesiastical body be corrupted."[52] Admittedly, the regulation is concerned with a clergy-

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[48] Eduard Sachau, ed. and trans., *Syrische Rechtsbücher*, 3 vols. (Berlin: G. Reimer, 1907-1914), 2:170 (Syr.)/171 (Ger.).

[49] Abū al-Faraj ʿAbdallāh ibn al-Ṭayyib, *Fiqh al-Naṣrānīya*, eds. and trans. Wilhelm Hoenerbach and Otto Spies, 4 vols. (Leuven: Peeters, 1956-1957), 167:149-150 (Ar.)/clxviii, 152 (Ger.) (no. 59).

[50] *The Seven Ecumenical Councils*, 24.

[51] *Ibid.*, 598; the *Apostolic Canons* constitute the last chapter of the eighth book of the fourth-century comprehensive church order, the *Apostolic Constitutions*, which comprises earlier church orders such as the *Didascalia*, the *Didache*, and the *Apostolic Tradition*. For a source analysis of the various church orders, see Paul F. Bradshaw, *The Search for the Origins of Christian Worship: Sources and Methods for the Study of Early Liturgy* (Oxford: Oxford University Press, 1992), 80-110.

[52] *Syrische Rechtsbücher*, 2:160 (Syr.)/161 (Ger.).

man who hides his heretical views and not an apostate. Yet it stands to reason that the principle in both cases would be the same: a clergyman who has defiled himself by embracing a different religion or heretical views must not maintain his position lest he defile others in the capacity of his sacred office. This idea echoes earlier ecclesiastical regulations, such as Canon One of the Council of Ancyra, which forbids presbyters returning to Christianity to make oblation, preach, or perform any act of sacerdotal function, and Canon Two, which similarly decrees that returning deacons should abstain from every sacred ministry, "neither bringing forth the bread and the cup, nor making proclamations."[53] What appears to be at stake, then, is not whether a clergyman who apostatized can return to Christianity, or even to his post, but rather the duration of the waiting period he must endure as a layman before he can reassume his clerical office without compromising its sacredness.

Rather strikingly, similar apprehensions appear in medieval rabbinic sources with regard to Jews of priestly lineage (*kohanim*) who apostatized and then sought reentry to their Jewish communities. The guiding principle in such cases is articulated in the Mishnah, where it is stated that "*kohanim* who served in Onias' house shall not serve in the temple in Jerusalem."[54] During the second century BCE, the High Priest Onias IV collaborated with the Ptolemies and built a temple designed to replace the one in Jerusalem. Here, two versions of a responsum attributed to the head of the rabbinic academy of Sura Rav Naṭronai bar Rav Hilai Ga'on (d. 866) deserve consideration. The question referred to Naṭronai reads as follows:

> A *kohen* who apostatizes and changes his mind, may not raise his hands (to bless the people) and is not to read [the Torah first, being] a *kohen*; what is the reason for this?[55]

Naṭronai's position, broken down below into separate arguments, is that a *kohen* who apostatized and reverted to Judaism may not proclaim the priestly benediction or be the first to read the Torah in the synagogue:

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[53] *The Seven Ecumenical Councils*, 63.

[54] Mishnah, Menaḥot, 13:10. According to the second-century tanna Rabbi Me'ir, those who served in Onias' temple were considered idolators, akin to blemished priests; as such, they were not permitted to serve in the Temple in Jerusalem. An opposing view is that of Rabbi Yehuda, who regarded these priests as serving God.

[55] For the various versions of the responsum, see *Teshuvot rav Naṭronai bar Hilai ga'on*, ed. Robert Brody, 2 vols. (Jerusalem: Ofeq, 1994), 2:140 (no. 35), n. 1; *Oṣar ha-ge'onim*, ed. Benjamin M. Lewin, 13 vols. (Jerusalem: n.p., 1941), Giṭṭin, 132 (no. 8).

(a) For a distinctive sign was given to us from heaven, when he remains in his sanctity, as it is written[56] (BT, Mo'ed Qaṭan 28b) "And thou shalt sanctify him . . . in every matter pertaining to holy things, to be first to begin [reading the Torah], first to say grace . . ."; yet this one had already desecrated his sanctity.

(b) Whoever spreads his hands [to bless the people] ought to be firm in his ways and ought to excel in his manners, for we need to seal the blessing from heaven through him; as it is said (BT, Ḥullin 49a) "the *kohanim* bless Israel and God seals [the blessing] through them." And that one, since he desecrated his sanctity, what benefit is there in his raising of the hands and how can he bless "Who hast sanctified us with the sanctity of Aaron" [i.e. the blessing made by the priests before raising their hands], while he has desecrated his sanctity.

(c) Also to be called [to read the Torah first as] a *kohen*, when an elevation was decreed for him by the sages, it was only in the interests of peace in the world, as it has been taught (Mishnah, Giṭṭin 5:8): "The following rules were laid down in the interests of peace. A *kohen* is called up first to read"—if he had held to his original sanctity he is to read first, yet now, once he has been deposed he must remain deposed.

(d) We have found *kohanim* who differ [from the norm] who call upon an Israelite to read before them and this is fine, as Rav read before the *kohanim* and Rav Huna read before the *kohanim* instead of Rav Ammi and Rav Assi (cf. BT, Megilla 22a).

(e) And from whence do we know what is said about [the sanctity of] a *kohen* that "once he has been deposed he must remain deposed"?[57] For it has been taught (Mishnah, Menaḥot 13:10): "*kohanim* who served in Onias' house shall not serve in the temple in Jerusalem," not to mention another matter, for it is said (2 Kings 23:9): "The *kohanim* of the high places, however, did not come up to the altar of the Lord in Jerusalem, but ate unleavened bread among their kindred." They are like blemished ones and they share their food but do not offer sacrifice. They may eat the [priestly] cakes, as is the case of a blemished *kohen*.

Let us summarize the basic principles in Naṭronai's position. A *kohen* owes his special standing to his sanctity. So long as a *kohen* maintains his sanctity, he may serve as such, yet once he has apostatized, his sanctity is blemished and remains so even after he returns to the Jewish faith. In order to raise his hands—that is, to proclaim the priestly blessing—a *kohen*'s conduct must be faultless, as he acts on God's behalf. But apostasy permanently stains a *kohen*'s name. Once he loses his privilege to read the Torah first, because of his apostasy, he no longer can reclaim it: his "original sanctity" has been removed, like that of the *kohanim* who served in Onias' temple.

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[56] *Teshuvot Rav Naṭronai*, 1:141 (no. 35), n. 3: the passage quoted is an exegesis of Lev. 21:8: "And you shall treat them (i.e., the priests) as holy, since they offer the food of your God; they shall be holy to you, for I the LORD, I who sanctify you, am holy."

[57] *Teshuvot Rav Naṭronai*, 1:143 (no. 35), n. 10: yet this source deals with a priest who not only apostatized but also served as a priest in idolatrous work, hence the ga'on did not restrict himself to this argument.

The second version of the same responsum is not only shorter and differently formulated, but also reveals a slightly different line of reasoning:

> As to what you asked regarding a *kohen* who apostatizes and changes his mind: Does he go up to the podium [to bless the people] and is he first to read the Torah or not?
>
> Thus is our opinion:
>
> (a) If he changes his mind, it suffices to consider him as the rest of Israel (or as a blemished *kohen*), but for going up to the podium and reading the Torah first—for this elevation was decreed by the sages when there is sanctity, as it is written: "And thou shalt sanctify him . . . in every matter pertaining to holy things, to be first to read and first to say grace, . . .", since he must bless (BT, Soṭa 39a): "Who hast sanctified us with the sanctity of Aaron [and hast commanded us to bless Thy people Israel]," and this one has already desecrated the sanctity of Aaron.
>
> (b) In reading the Torah first there is a desecration of the Torah in this, for Israelites might say: "We stand firm in our position, observing the commandments, and this one has withdrawn and acted wantonly and removed himself from the collective, now that he has changed his mind, does it not suffice that he be like us?"[58]
>
> (c) Furthermore, it is said "that *kohanim* who served in Onias' house shall not serve in the temple in Jerusalem, not to mention another matter." [What does it mean "not to mention another matter"? it means needless to say that whoever] apostatized and served idolatry must not serve in the sacred, for it is said: "The *kohanim* of the high places, however, did not come up to the altar of the Lord in Jerusalem." But he may eat the [priestly] cakes nowadays, just like blemished *kohanim*, who are unfit to perform ritual service but eat priestly gifts.

When juxtaposed with the first version of Naṭronai's responsum, this second version presents two points of interest. The latter version argues, first, that a *kohen*'s apostasy desecrates not only his own sanctity but also, in returning to his original standing within the community, the sanctity of the Torah; and second, that allowing an apostate *kohen* to resume his position sets a negative example for the rest of the community.

Naṭronai's position has been regarded in modern scholarship as strict, particularly relative to contemporary and later positions in Ashkenaz.[59] Addressing the same question of an apostate *kohen*, Ashkenazi Rabbanite

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[58] *Teshuvot Rav Naṭronai*, 1:142 (no. 35 [b]), n. 9: Herein lies the main difference between the two versions of the responsum. According to this version, the primary reason for disallowing a priest who repented to go up first to read the Torah is the reaction of the community—a consideration that is absent from the parallel version. It therefore appears that version A of the responsum is earlier due to its compatibility, in terms of language and argumentation, with the rest of the responsum.

[59] See especially Oded Irshai, "The Apostate as an Inheritor in Responsa of the Ge'onim: Foundations of the Ruling and Parallels in Gentile Law," [in Hebrew] *Shenaton ha-mishpaṭ ha-ʿivri*, 11-12 (1984-1986), 459-460.

authorities, most notably Ragmah, ruled that once he had repented, the *kohen* could be the first to read the Torah and could resume his liturgical position[60]—though Ragmah's position, as Avraham Grossman notes, pertained to a *kohen* who had been forcibly converted.[61] Naṭronai's position, however, stems from his fundamental view that once a *kohen*'s sanctity has been removed "he must remain deposed," for which he draws support from the case of the *kohanim* who served in Onias' temple. The argument from the risk of desecrating the Torah, advanced in the second version, has been understood to be based on the premise that a community's doubts regarding the good name of a *kohen* would ultimately compromise the Torah's sanctity.[62]

Penitence and Readmission

The question of apostate priests, whether Christian or Jewish, resuming their liturgical posts presupposes that these individuals have already passed through a stage of penitence and readmission into their original religious communities. Our sources underscore the fact that the sincere penitence of reverting apostates was indeed a legal prerequisite that received considerable attention from legal authorities of discrete confessional affiliations. This section considers the various procedural issues designed to verify the sincerity of repenting apostates and their proper reentry into the religion they had temporarily renounced.

In a question referred to Jacob of Edessa, the stylite John of Litarb asks:

> When a person becomes a Muslim (*nehgar*) or turns pagan and after some time returns and repents and comes back from his paganism, is it then right that he be baptized

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[60] For a comprehensive treatment of Ragmah's position and a comparison to that of Naṭronai, see Perry, *Tradition and Change*, *passim*.

[61] Grossman, *Early Sages*, 125-126; see also Shlomo Eidelberg, "An Unknown Responsum from Rabbeynu Gershom Me'or ha-Golah" (in Hebrew), *Talpiot* 6 (1953), 153-155; Rashi, however, allowed a *kohen* who repented to resume his liturgical standing without qualification, see Malkiel, "Jews and Apostates," 14.

[62] Nachum Rakover, "The Standing of a Kohen who Transgressed and Repented" (in Hebrew), in *Sefer Rephael: Papers and Studies in the Torah and Jewish Studies in Memory of Dr. Isaac Raphael*, Yosef E. Levi Movshovitz (Jerusalem: Mosad ha-rav Quq, 2000), 522.

or not? I wish to learn: is he deprived of the grace of baptism because he had become a Muslim?[63]

Jacob opposes the idea of a second baptism on the grounds that the individual in question has already been "born again from water and the Spirit," but he does stipulate a prayer by the chief of the priests and "a certain time of repentance," after which returning apostates would be permitted to partake in communion. Jacob then clarifies his opposition to a second baptism thus:

> Those things of which God is the giver it is not ours to say whether they have been accepted or, indeed, deprived from those who receive them or not. This is God's only, and He expects their returning and their repentance because He wants not the death of the sinner but that he return back and be saved in this place, indeed, in this world, and in the present life He does not take from him His mercy. But there, in the last day of resurrection, He will deprive him of mercy and He will take away from him the talent just as from that evil servant and throw him into eternal fire.[64]

According to Jacob, it is not for humans to decide whether a fellow-Christian who apostatized may return to the Christian faith; instead, God will judge the apostate in the afterlife. As far as Jacob is concerned, the apostate never left Christianity, and therefore his return is not to the religion but to its fold. In order to assure the apostate's proper reintegration and to safeguard the Christian community from contact with non-believers, the returning apostate should undergo a period of constant penitence, thus demonstrating the sincerity of his intentions.

The idea that apostasy does not strip a person of his Christianity is echoed in Jacob's ruling in the case of a Muslim who, on his deathbed, sought pardon from a priest. Rather than rejecting the possibility that a priest would listen to the Muslim's confession, he merely advised that, should the Muslim live, he be brought before a bishop who "shall impose upon him a regulation according to his knowledge in accordance with what he is able to bear."[65] Nonetheless, it appears that Jacob hoped to see

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[63] Arthur Vööbus, ed. and trans., *The Synodicon in the West Syrian Tradition*, 4 vols. (*CSCO* 367-368, 375-376 *Scr. Syri.* clxi-clxii; Louvain: Peeters, 1975-1976), 367, 253 (Syr.)/368, 231-232 (Eng.) (no. 15); translation slightly modified from Vööbus's original.

[64] *Ibid.*

[65] *Synodicon in the West Syrian Tradition*, 367, 261 (Syr.)/368, 238 (Eng.) (no. 21).

apostates perform penitence in their lifetime and thus seek forgiveness in the afterlife. Accordingly, in reply to the question, "To whom among the dead are the offerings useful and to whom are they not?," Jacob's position was that "those who are with the unbelievers (*kāfūrē*, also "apostates") or those who are considered as orthodox but are not, or who are numbered among the Christians but are unbelievers and pagans, . . . the offerings and prayers in their behalf are of no help."[66]

It should be noted that the idea of penitence and readmission as articulated by Jacob of Edessa appears less innovative when considered in the context of early ecclesiastical legislation. We have already seen, in Canon 12 of the Council of Nicaea, that apostates were permitted to return to the Christian fold following a period of "three years as hearers" and "ten years [as] prostrators," the goal of which is to test "their purpose and what their repentance appears to be like."[67] Likewise, Jacob's consent to a priestly pardon for a dying Muslim has clear affinities with Canon 13 of the same council:

> Concerning the departing, the ancient canonical law is still to be maintained, to wit, that, if any man be at the point of death, he must not be deprived of the last and most indispensable Viaticum. But, if any one should be restored to health again who has received the communion when his life was despaired of, let him remain among those who communicate in prayers only. But in general, and in the case of any dying person whatsoever asking to receive the Eucharist, let the Bishop, after examination made, give it him.[68]

Two basic principles, then, can be extracted from Jacob's positions and their ecclesiastical antecedents, concerning, respectively, the personal and the communal aspect of Christian life. On the personal level, apostasy does not entail an irreversible departure. Indeed, it would appear that, once baptized, a Christian cannot shake off his religion. On a communal level, however, returning apostates must prove their sincerity before being accepted back into the fold of the church. During this trial period the returning apostate is expected to perform penitence and only gradually resume his position as a full participant in liturgical proceedings.

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[66] Ibid., 239-240 (Syr.)/220-22 (Eng.) (no. 15).

[67] *The Seven Ecumenical Councils*, 27.

[68] Ibid., 29; the Viaticum denoted not only the Eucharist but also reconciliation and penitence; see Van Espen's commentary there.

In the geonic sources, the question of penitence and readmission comes up in a variety of contexts—among them, slavery. An anonymous ga'on was asked about a slave who was circumcised by his Jewish master but later returned to his former confession and was sold by his master; later still, the slave chose to become a Jew again, whereupon he was taken in by his former Jewish master once more. The question put to the ga'on is whether the slave should undergo a second circumcision: "Should the blood of the covenant be caused to flow from him a second time or, rather an immersion can suffice?"[69] The ga'on's response throws light on the broader question of returning apostates:

> . . . Even though he (i.e., the slave) returned to his gentile origin he did not return to his initial uncircumcised condition, but is like an apostate Israelite, for any Israelite who has apostatized, once he repents, does not require immersion, and all the more so circumcision [and how do we know that it is so, for it is said in the matter of a proselyte who proselytized (BT, Yebamoth 49b): "When he comes up after his immersion he is deemed to be an Israelite in all respects"]. So [it] is in the case of this slave: since he returned as an Israelite and [his master] accepted him, there is no need to cause blood of the covenant to flow from him or to immerse him once more, rather he is as an Israelite apostate who repented.

According to the ga'on, the return of an apostate Jew to Judaism does not entail any particular measure but the performance of penitence.

A different approach is articulated in a responsum attributed to either Rav 'Amram Ga'on (ga'on of Sura d. 875) or Naṭronai bar Rav Hilai.[70] The question posed to the ga'on deals with an apostate who wished to repent, but in a different country from the one in which he had apostatized, perhaps hinting at the death penalty imposed upon apostates in Islamic law. The ga'on is asked if this individual is to be flogged and whether he requires immersion. The petitioner expresses his concern that the repenting apostate will act in a deceptive manner and "defile," through his presence and such actions as eating and drinking, those who are religiously fit (*ksherim*). By accepting flogging, the petitioner suggests, the apostate might demonstrate the sincerity of his penitence, while his immersion would serve to

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[69] *Oṣar ha-ge'onim*, Shabbat, 128 (no. 395).

[70] Haim Moda'i, ed., *Sefer sha'arei ṣedeq*, 2 vols. (Jerusalem: n.p., 1986), 2: part 6 (no. 11): attributed to Rav 'Amram; but see *Oṣar ha-ge'onim*, Yevamot, 111-112 (no. 259); according to Benjamin Lewin, some of the stylistic features found in this responsum are characteristic of the responsa of Naṭronai bar Rav Hilai and those of his father.

purify him from his past consumption of forbidden foods. The petitioner does not suggest ordering that the repentant apostate be flogged but rather that he take this punishment upon himself out of his own free will.[71] Yet the ga'on's response, interestingly, leaves no room for doubt: "Surely he must be flogged." The reason for the flogging, however, is not the act of apostasy per se, but the fact that the apostate, regarded still as a Jew, "violated some of the positive and negative transgressions, [which are penalized by] divine punishment or death at the hands of a legal court."[72]

   The ga'on argues that the apostate is considered a Jew in every respect and therefore there is no point in immersing him, as is customary with proselytes. Instead, he stipulates that the repentant apostate

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

Once again, the principle that apostasy does not constitute an act of exclusion from Judaism is reiterated. Rather than reentry, what appears to be at stake is the question of the proper penitence and an assurance of its sincerity, which, in the ga'on's opinion, should be manifested through a public declaration of guilt.[73] Some indication of the reasoning behind this position may be gathered from the following responsum, attributed to Rav Palṭoi Ga'on (d. 858), head of the Pumbedita academy. Here, too, the case involves an apostate who wishes to repent in another country.[74] While the ga'on concedes that "any son of Israel who eats creeping things should be flogged" (cf., BT, Makot, 16b), regarding the apostate his line of argument is that, given that he violated the entire Torah and all religious duties, no

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[71] See Avigdor Aptowitzer, "Flogging and Disciplinary Flogging in Geonic Responsa" (in Hebrew), *ha-Mishpaṭ ha-ʿivri*, 5 (1937), 44.

[72] See *ibid.*, 45-46; according to Aptowitzer it is noteworthy that the ga'on addressed the apostate's various transgressions but did not mention idolatry, perhaps indicating that the questions dealing with returning apostates came from the lands of Islam, since Muslims were not regarded by the geʾonim as idolaters.

[73] The public declaration of guilt assumes a central place in rabbinic legal literature. Typically, the declaration was made in the Synagogue where the offender used to pray; see Simha Assaf, *Punishment after the close of the Talmud* (in Hebrew) (Jerusalem: ha-Poʿel ha-ẓaʿir, 1922), 89.

[74] *Oṣar ha-geʾonim*, Yevamot, 112 (no. 260).

benefit will come from flogging him as it is impossible to flog him for every one of his transgressions. He therefore rhetorically poses the question: "For which [transgression] is he liable [for punishment] and for which is he pardoned?" The ga'on's primary concern in the matter of a repenting apostate is to determine his credibility and ensure that he does not "decei[ve] and defile those who are religiously fit through his presence in drinking and eating." Hence he instructs whoever is religiously fit "to verify in his regard (i.e., that of the repenting apostate) that he does not feed him (i.e., the religiously fit) anything impure." If, however, the apostate is found acting in deceit, he should be punished by flogging, and immersed "so that precautionary measures be taken and there will be a strengthening of the matter." Although flogging and immersion are not normally prescribed in cases of repenting apostates, the ga'on justifies these measures as follows:

> For it was said (BT, Sanhedrin 46a): "Rabbi Eli'ezer ben Jacob said: I have heard that the legal court may, [when necessary,] impose flogging and punishments even where not [warranted] by the Torah; yet not with the intention of disregarding the Torah but [on the contrary] in order to safeguard it. [Then] we accept his repentance, as it is written (Jer. 3:22): "Return, O faithless children, I will heal your faithlessness."

As in the earlier examples, the question here is whether a repenting apostate can be trusted in light of the concern that he is acting deceitfully and therefore liable to endanger those who are religiously fit. Hence the ga'on instructs those who are in the apostate's presence to observe his intentions carefully; if he is found untrustworthy, he should be flogged and immersed, not because this is halachically dictated but as a means of safeguarding the purity of the Torah and, ultimately, the community.[75] This reasoning appears to assume that an apostate is less likely to relapse back into his wayward ways once he has engaged in an act that marks his soul, and that it is only then that his penitence may be fully accepted.

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[75] See also BT, Sanhedrin 40a; on the resort to flogging in the absence of explicit legal stipulations, see Assaf, *Punishment*, 16; on flogging as an act of penitence, meant to reintroduce a member into the community and dissuade the general public from various kinds of misbehaviors, see also Menahem Ben-Sasson, *The Emergence of the Local Jewish Community in the Muslim World: Qayrawan, 800-1057* (in Hebrew) (Jerusalem: Magnes Press, 1996), 340.

Some General Observations

"That historians cannot realistically hope to determine the reasons for conversion," Richard Bulliet writes, "does not mean that they cannot benefit from examining the process of conversion."[76] His remark is particularly apt for the present discussion. The challenges posed by apostates seeking reentry into their former religions triggered a wide and diverse range of legal opinions, which cast light not only on the practical implications of a phenomenon hitherto observed primarily through narrative sources but also on the ways in which legal authorities perceived apostasy. We may surmise that Christians and Jews held similar attitudes toward those members of their respective communities who chose to embrace another religion.[77]

Both Christians and Jewish legal authorities appear to find the question of readmitting returning apostates irrelevant, focusing instead on the particular manner in which their return ought to take place. Among the ecclesiastical leaders and the ge'onim cited in this paper, the treatment of repenting clergy and Jews of priestly lineage, and indeed also of laymen, was seen to reflect above all a principal concern with safeguarding communal cohesion through parameters of sanctity, purity, and normative behavior. Both church officials and Rabbanite leaders were troubled by the presence of individuals whose religious convictions were in doubt because of their earlier choice to renounce their original faith and their time spent as Muslims, outside communal boundaries. They therefore sought to institute clear mechanisms through which the sincerity of repenting apostates could be established. Particularly striking is the shared concern of Rabbanite and ecclesiastical leaders with the purity of returning apostates, lest they defile the sanctity of the religious community to which they sought reentry. As is well known, purity and sanctity lie at the center of a variety of religious discourses in the context of interfaith relations and the attempts of religious elites to enforce communal boundaries.[78] Consequently, different mechanisms for the assessment of the sincerity of returning apostates

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[76]	Richard W. Bulliet, "Process and Status in Conversion and Continuity," in *Conversion and Continuity*, 5.

[77]	Cf., M. Ayoub, "Religious Freedom and the Law of Apostasy in Islam," *Islamochristiana* 20 (1994), 75: "For all three [religions], apostasy is a public act of religious and social dissent which cuts its perpetrator off from the community socially and spiritually, if not physically."

[78]	See J.M. Safran, "Rules of Purity and Confessional Boundaries: Maliki Debates about the Pollution of the Christian," *History of Religions* 42 (2003), 573-598; Z. Maghen, "'They

were devised. For Christian apostates, one such mechanism was a lengthy period of penitence followed by a gradual reintegration into communal life. Concurrently, in the rabbinic realm community members were advised to observe the behavior of returning Jews, with members at times even proposing the need for flogging. Išō bar Nūn's fear that a heretic clergyman might "corrupt many," and the potential protest imagined by Naṭronai on the part of a Jewish congregation whose apostate *kohen* is allowed to resume his position, clearly demonstrate that it was not the personal nature of the act of apostasy so much as its communal aspect that troubled Christian and Jewish leaders.

The Ḥanbalī principles cited at the beginning of the present discussion, offering a path of return to repentant non-Muslims who converted to Islam and returned to their former religions, intersect with the historical picture that emerges from the analysis of ecclesiastical and geonic positions: the phenomenon described as "cycles of apostasy" may well have been stimulated in part by this very pressure, exerted by Muslim jurists on the non-Muslim apostates seeking reentry into their former (Christian or Jewish) communities, to repent or face death.

Another important historical intersection concerns the presence of apostates in and around the lives of religious communities. The phenomenon of individuals apostatizing and returning to their former religions suggests that some converts did not, at least initially, leave or move far away from their original communities. Thus, the notion of a social rupture between the apostate and his former coreligionists needs to be qualified:[79] while the problem of apostasy and regret went hand in hand, as we have seen, with the concern for maintaining communal boundaries, it also speaks to the blurring of these boundaries in a social setting characterized by daily interactions between members of discrete religious affiliations. Establishing this point, however, requires attending to additional aspects of the apostasy phenomenon, such as the relations between apostates and members of their families who did not convert, and the social commitments of converts vis-à-vis their old and new religious communities.

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shall not Draw Nigh': The Access of Unbelievers to Sacred Space in Islamic and Jewish Law," *Journal of Arabic and Islamic Studies* 7 (2007), 103-131.

[79] Cf., Claude Cahen, "Histoire économico-sociale et islamologie. Le problème préjudiciel de l'adaptation entre les autochtones et l'Islam," in *Actes: Colloque sur la sociologie musulmane* (Brussels: Centre pour l'étude des problèmes du monde musulman contemporain, 1961), 203; Hoyland, *Seeing Islam*, 338.

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