Muslims in canon law, 650-1000

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Scholars have devoted considerable attention to the place of Christians and Jews in Islamic law (see the following essay), as well as to the place of Jews in Christian legal literature. References to Muslims in Christian legal sources have not received comparable treatment. The present essay seeks to remedy this situation by surveying all such references dating from the seventh to the tenth centuries. For reasons that will become clear in the paragraphs that follow, however, this essay doubtless falls short of the comprehensive coverage to which it aspires.

Canon law, the religious law of the Church, is an amorphous body of normative literature whose contents and contours differ from one Christian community to the next. Each major branch of Christianity developed its own corpus of canon law literature, in languages as varied as Latin, Greek, Syriac, Armenian, and Coptic. Many Greek texts from the first Christian millennium entered into Latin and Syriac legal corpora, but for the most part theological and linguistic divides prevented the dissemination of normative texts from one branch of Christianity to another. This essay focuses primarily on legal literature in Latin, Greek, and Syriac, which is to say the canon law of the Roman Catholic, Greek Orthodox (Chalcedonian), Syrian Orthodox (Jacobite), and Church of the East (Nestorian) traditions. The fact that other branches of Christianity receive less attention reflects both the author’s linguistic limitations and the emphases of canon law scholarship more broadly.

Medieval Catholic authorities define the authoritative sources of canon law as scripture, normative statements of Church Fathers, canons promulgated by councils of bishops, and papal decrees. Normative statements by other ecclesiastical authorities, frequently in the form of responsa, figure prominently in the Eastern canon law traditions, and secular laws, especially from the Roman Empire, sometimes enter into

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1 On Muslims in Eastern (Greek and Syriac) canon law literature from 1000-1500, and Muslims in Western (Latin) canon law literature from 1000-1500, see later volumes.
canon law as well. Not every normative statement from an authoritative source, however, found its way into compilations of canon law; the classification of such statements for academic purposes as falling within or beyond the bounds of canon law depends on a decision by the researcher compiling these statements. The present study includes references to a few such normative statements, but for reasons of sheer practicality focuses primarily on material found in legal compilations. For the same reason, this survey focuses almost exclusively on texts that exist in modern printed editions, thus ignoring a considerable proportion of canon law literature.

It is not always evident that any given statement about non-Christians in canon law refers specifically to Muslims. In addition to using such terms as ‘Saracens’, ‘Hagarenes’, and ‘Arabs’, Christian authorities regularly refer to Muslims as ‘pagans’, ‘gentiles’, and ‘barbarians’; the latter terms, of course, are also used with reference to other non-Christian communities. The variety and imprecision of these references further complicate efforts toward comprehensive coverage, even with the aid of digital search engines and prior surveys. The present survey includes

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2 In Latin legal sources, the predominant term for Muslims is sarracen* (sometimes saracen*), although agaren* is also attested. Latin canon law sources also refer to Muslims as pagan*. Greek sources similarly employ sarakên*; the term hagarên* is unattested in legal literature from the period 650-1000 but appears in non-legal sources from this period and in later legal texts. The Greek term barbar* is also employed in reference to Muslims, as is ethnik* (‘gentile’). Syriac sources make no use of the term ‘Saracen’, employing mhaggrā* (‘Hagarene’ or simply ‘Muslim’) instead. These sources often refer to Muslims as ḥanp* (translated in this essay as ‘pagan’, although ‘gentile’ is also appropriate) and, in canons that address Muslims in their capacity as overlords, as tāyyā* (‘Arab’). On Syriac terms for Muslims, see S.H. Griffith, *Syriac writers on Muslims and the religious challenge of Islam*, Kottayam, 1995, pp. 8-14.

Terminology that refers to Muslims is inconsistent even within texts ascribed to an individual author. Pope Hadrian I, for example, refers to Muslims as Saracens, Hagarenes, and pagans in different letters; see W. Gundlach (ed.), *Codex Carolinus*, in E.L. Dümmler et al. (eds), *Epistolae Merovingici et Karolini aevi*, 6 vols, Berlin, 1892 (MGH Epistolae 3), i, pp. 584, 588-89, 636, 643. All these letters are discussed in M. Rouche, ‘Le pape face à l’islam au VIIIe siècle’, *Mélanges de la Casa de Velázquez* 32 (1996) 205-16; several are also addressed later in this essay.

3 Electronic search engines employed in the preparation of this study include the *Library of Latin texts, MGH* and the *Thesaurus linguae Graecae*. In addition, the author conducted full-text searches of the *Decretum* of Gratian, ed. E. Friedberg, *Corpus iuris canonici*, Leipzig, 1879-81, i (electronic resource publicly available online through Columbia University Libraries); the *Decretum* of Ivo of Chartres, *Patrologia Latina* database, 161; and the *Decretum* of Burchard of Worms, *Patrologia Latina* database, 140.