

## Following the Sunna of the Canons: Arabic Canon Collections and Christian Legal Language in the Islamic Mediterranean

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**Abstract:** This article examines the legal vocabulary of the Arabic *Collectio Hispana* (Escorial, ms. árabe 1623) and its connection to the wider legal culture of Arabic-speaking Christians in the Islamic world. Centered on a comparative study of the use of Islamic concepts, chiefly the term *sunna*, in the legal writings of Iberian and Eastern Christians, the article questions, first, whether the Andalusí Church underwent reforms in legal thought similar to their Eastern coreligionists. Second, it questions what the term *sunna* reveals of the cultural reception of pre-Islamic canonical traditions among Arabized Christians throughout the Mediterranean. The comparative analysis of Christian-Arabic legal terminology links the Arabic *Hispana* and Andalusí Christians to the broader legal, intellectual, and cultural history of Eastern Christianity.

**Keywords:** Mozarabs; *Collectio Hispana*; canon collections; law; legal vocabulary; Arabic vocabulary; Christian-Muslim polemic.

## Siguiendo la sunna de los cánones: colecciones canónicas árabes y el vocabulario jurídico cristiano en el Mediterráneo islámico

**Resumen:** Este artículo examina el vocabulario jurídico de la *Collectio Hispana* árabe (Escorial, ms. árabe 1623) y su conexión a la cultural legal de cristianos araboparlantes en el mundo islámico. Centrado en un estudio comparativo del uso de conceptos islámicos, principalmente el término *sunna*, en las escrituras jurídicas de los cristianos ibéricos y orientales, el artículo cuestiona si la iglesia andalusí experimentó reformas de pensamiento jurídico similares a las de sus correligionarios orientales. En segundo lugar, cuestiona lo que revela el término *sunna* sobre la recepción cultural de tradiciones canónicas entre los cristianos arabizados del Mediterráneo. El análisis comparativo de la terminología jurídica árabe-cristiana vincula la *Hispana* árabe y los cristianos andalusíes a la historia legal, intelectual y cultural más amplia del cristianismo oriental.

**Palabras clave:** mozárabes; *Collectio Hispana*; colecciones canónicas; derecho; vocabulario jurídico; vocabulario árabe; polémica cristiano-musulmana.

**Cómo citar este artículo / Citation:** Cintrón Mattei, Francisco J. 2024. «Following the Sunna of the Canons: Arabic Canon Collections and Christian Legal Language in the Islamic Mediterranean». *Hispania Sacra* 76, 154: 1095. <https://doi.org/10.3989/hs.2024.1095>

Recibido: 01-10-2023. Aceptado: 19-07-2024. Publicado: 27-02-2025.

## INTRODUCTION

The Arabic translation of the *Colección Canónica Hispana*—recently titled the *Collectio Canonum Arabicorum Ecclesiae Andalusiae* (hereafter: CCAEA or *al-Qānūn al-Muqaddas*<sup>1</sup>)—is a unique source for the medieval history of the Iberian Church. This magnificent codex, preserved solely in ms. árabe 1623 of the Royal Library of El Escorial, is a testament to the unbroken cultivation of an Iberian canonical tradition by the Christians of al-Andalus. Like the Latin (Visigothic) exemplars that first circulated in the seventh century, the CCAEA gathers conciliar acts and papal decretals into a uniform canon collection presumably intended for ecclesiastical use.<sup>2</sup> As a variant of the *Hispana Systematica*, however, it possesses an idiosyncratic arrangement of legal material revealing Christian intellectual activity in an Arabic cultural milieu. Disposing of an impressive number of canons added and removed from the Latin corpus, laws taken from the *Liber Iudiciorum*, and countless textual alterations resulting from authorial insertions throughout the translation process, it is unlike any known variant. The only manuscript at our disposal dates to c. 1049 but the latest reappraisals of the text suggest that an Arabic *Hispana* had likely circulated by the tenth century. The energetic revision of this “Holy Canon” attests to profound changes in the cultural orientation of the Iberian Church under Muslim rule; even so, the CCAEA highlights the *Hispana*’s sustained role in the communal life of the Christians of al-Andalus.

Since the manuscript’s discovery in the eighteenth century, specialists have debated the social and cultural context of the *Hispana*’s translation to Arabic.<sup>3</sup> For Kassis, the *al-Qānūn al-Muqaddas* emerged amid a local desire for Arabic scriptures that began in the tenth century,<sup>4</sup> and as a result of Iberian Christian efforts to rectify clerical conduct in the face of Cluniac influence in the eleventh century.<sup>5</sup> Echevarría has additionally suggested external pressures from Muslim officials adjudicating over local Christians.<sup>6</sup> An internal colophon dating the Escorial manuscript to c. 1049 has nevertheless provided a relatively safe *terminus ad quem* for the genesis of an Arabic *Hispana*. Maser has most recently conducted a meticulous reassessment of the external and internal evidence for the manuscript’s nebulous origins.<sup>7</sup> He has posited a multi-stage historical process where the CCAEA emerges as a recension of earlier translations tied to the scribal environment and literary output of Andalusí Christians in the tenth century. Loose

folios of a separate Arabic copy housed in Coimbra, Portugal, yield cogent proof of the wider, perhaps earlier, circulation of local variants throughout the Peninsula, though their places of origin remain unknown.<sup>8</sup> The continued production of Latin copies up to the eleventh century, two of which contain extensive Arabic glosses, firmly grounds the CCAEA in a multilingual Iberian context concerned with the preservation of pre-Islamic conciliar legislation.<sup>9</sup> What has yet to be fully considered, however, is the global cultural context of Christian canonical translations to Arabic across the Islamic world, a phenomenon that intimately links the CCAEA to the legal, literary, and intellectual history of the Eastern churches.<sup>10</sup>

Indeed, for the Christian communities of the broader Islamic world, just as for coreligionists in the Latin and Byzantine realms, canonical “laws” had regimented church governance and doctrinal observance purportedly since the age of the apostles.<sup>11</sup> For each, the early Church had bequeathed a shared heritage of written norms that modeled Christian conduct and ecclesial organization on scriptural, apostolic, and patristic precepts. Following the Councils of Nicaea (325) and Chalcedon (451), however, the canon-legal traditions of the early medieval churches gradually ramified as they canonized divergent sources of holy custom and passed new legislation in episcopal gatherings. Local churches from Ireland to Persia subsequently enshrined their separate codes of church law in canonical compendiums tailored to the differing practices of each confession.<sup>12</sup> It was precisely to these sacred sources of legal norms that churches subsumed into the *dār al-islām* had first had recourse to in their adjustment to new societal realities. As evidenced by the life of West Syrian bishop Jacob of Edessa (d. 708), the leaders of the Eastern churches—deprived of state judicial structures and charged to oversee the mundane affairs of their congregations—resorted to canon-legal channels to administer to their flocks.<sup>13</sup> A steady stream of translations to Arabic of pre-Islamic sources central to confessional identification and internal administration under Islam followed, as would occur in al-Andalus.<sup>14</sup> It is more than likely, in fact, that the church leaders of the Islamic West had made similar claims as Eastern ecclesiasts to the authority vested in the normative traditions of canonical sources to regulate Christian conduct.

<sup>8</sup> Urvoy 1989; Koningsveld 2024.

<sup>9</sup> Aillet 2008, 2009; Echevarría Arsuaga 2014.

<sup>10</sup> See Lorenzo Jiménez, Martín and Maser 2024; Weitz 2024.

<sup>11</sup> Pennington 2007; Wessel 2012; Humfress 2022.

<sup>12</sup> For a case study of the growing division between the Byzantine and Latin realms as seen through canon collections, see Gallagher 2002. As noted by Flechner 2019, 182 Latin collections “far outnumber the law codes issued by kings....” The scale of collections written throughout Late Antiquity and the early Middle Ages by these local churches can only be imagined; for general references, see Kéry 1999 and Kaufhold 2012.

<sup>13</sup> On Jacob of Edessa’s activity in canon law, see Teule 2008 and Jenner 2008. Concerning canon law broadly in the Islamic world, see Simonsohn 2011; Weitz 2018; Wood 2021, ch. 6. For discussions of the judicial autonomy of Christians, Fattal 1995 and Edelby 2004. For discussions concerning al-Andalus, see Echevarría Arsuaga 2014; Serrano Ruano 2016 and 2017.

<sup>14</sup> Darblade 1946; Nasrallah 1979–1989; Kaufhold 2012; Treiger 2015.

<sup>1</sup> Typically translated as “Sacred Law,” though Monferrer-Sala and Koningsveld have suggested the fuller title (*Kitāb*) *al-Qānūn al-Muqaddas* (“Book of the Holy Canon”). Another title found within the text is *Jamī’ Nawāmīs al-Kanīsa* (“All [or Collection] of the Laws of the Church”), which approximates the Latin title provided. See Monferrer-Sala 2024. Pertinent studies will be cited throughout; for an overview, see Martínez Díez 1976; Monferrer-Sala 2020; and now Lorenzo Jiménez, Martín, and Maser 2024.

<sup>2</sup> On the *Hispana*, see Martínez Díez 1966. For considerations of the CCAEA’s practical use, see Echevarría Arsuaga 2009 and 2014.

<sup>3</sup> Martínez Díez 1976; Martínez Almira 2021.

<sup>4</sup> Kassis 2000, 422–428.

<sup>5</sup> Kassis 1990, 89–90. On the CCAEA and clerical conduct, see Echevarría Arsuaga 2011, 2014, 2020.

<sup>6</sup> Echevarría Arsuaga 2009.

<sup>7</sup> Maser 2024. See also Echevarría Arsuaga 2014, 131–138 for earlier views.

This article explores the cultural reception and evolution of these pre-Islamic canonical traditions among the churches of the Islamic Mediterranean through a close analysis of the legal vocabulary employed by Arabic translators to refer to the norms enshrined in canon collections. At its heart is a comparative study of the terms used by Arabic-speaking Christians to label the sacred “rules” and “traditions” preserved in their confessional codes of canon law. In the absence of Christian juristic writings or records of Christian judicial activity from al-Andalus, an evaluation of the CCAEA’s legal descriptors provides additional clues for understanding how its translators curated the Iberian canonical tradition. Moreover, it supplies another channel through which to question the penetration of Islamic law into the legal thought of Andalusī Christians. Wagschal, noting the importance of legal terminology for Byzantine canon-legal texts, writes that “how the canonical tradition ‘names itself’ potentially reveals much about the nature of the system as a whole, and how it relates itself to other normative traditions.”<sup>15</sup> The Christians who transferred their canonical heritage to the new cultural milieu of Arab-Islam had surely intended the faithful conservation of these sacred texts. Translators thus embraced the language and concepts of Islamic jurisprudence (*fiqh*) to render these customary norms intelligible and applicable within a new socio-legal order. In the East, this occurred alongside a profound reformulation of Christian legal thought as pre-existing notions of temporal legislation rubbed against Islamic claims to divinely revealed law; whether the same occurred among Andalusī Christians has yet to be examined.

Here, it must be stressed that canon collections were not merely codes of a strictly applied law but were rather reservoirs of long-held normative texts inherited from centuries of customary observance. While the canonical traditions they sought to record may have comprised “a coherent and demarcated set of church rules,” these “rules” were deeply embedded in semi-sacred texts of moral guidance that often touched on matters of orthodoxy rather than orthopraxy.<sup>16</sup> For the compilers of the Latin *Hispana*, the collection had brought together “the discipline of ecclesiastical order,” providing “paternal rules” and “spiritual examples” for the Iberian Church.<sup>17</sup> Central to such normative texts stood the weight of Christian tradition itself, which translators and compilers alike labored to curate and interpret in order to meet contemporary needs.<sup>18</sup> Despite vast cultural differences between the churches of the Islamic world, Arabic translators resorted to a fairly uniform

set of conceptual terms to refer to their inherited traditions. Indeed, the most prevalent word used to label the canonical customs of the distinct churches was the multivalent term *sunna*, meaning legal usage, communal tradition, or divine “Law.” In medieval *fiqh*, it denoted Islam’s prophetic tradition, singularly derived from the normative precedents established in reports of the sayings and actions of the prophet Muhammad (the *ḥadīṭ* and *sīra*) and his early followers.<sup>19</sup> This denotation evolved from an earlier meaning akin to revelation as the inherited, lived traditions (or “law”) of a community (similar to early Greek νόμος).<sup>20</sup> Among Arabic-speaking Christians, *sunna* sat alongside a host of Arabic terms that designated the collective legal tradition of the Church as well as the discrete written precepts of canon collections.

The article proceeds in four sections dedicated to the legal terminology of Arabic canon collections. The first two sections focus on the Arabic *Hispana* and its translators’ use of Islamic vocabulary to capture the meaning of key Latin words related to law, custom, and Christian tradition. Subsequently, the third section widens the scope of analysis to Eastern collections, situating the CCAEA within a broader context of canonical translations to Arabic. Lastly, the fourth section investigates the crucial terms *sunna* and *ṣarīʿa*, shared among Andalusī and Eastern Christians alike, in relation to Muslim-Christian polemical discourse. Within this discourse, Arabic canon collections served as demonstrable records of Christian confessional law, filtering into larger debates about the validity of conciliar legislation as a source of revealed law. In response, Arabic-speaking Christians appropriated the sacred legal vocabulary of Islamic *fiqh*, imbuing key Islamic terms like *sunna* and *ṣarīʿa* with distinctly Christian meanings tied to Church tradition. The elaboration of a “Christian *sunna*” in Arabic canonical texts reified a normative model of licit communal practice that also countered Islamic critiques of Christian law.

#### ISLAMIC AND NON-ISLAMIC VOCABULARY IN THE CCAEA

The penetration of Islamic concepts into the legal vocabulary of Andalusī Christians has already been noted in earlier studies of the CCAEA’s lexicon. These studies have showcased two noteworthy lexical features unique to Iberian Christian-Arabic legal writings.<sup>21</sup> In the first place, Andalusī translators labored to curate a Latinate vocabulary in Arabic through the direct transliteration of ecclesiastical terminology (e.g. *responsoria/raṣfunṣūriyya*, *gloria/al-ḡlūrīa*, *concilia/qunjīliyyāt*). While this certainly preserved a distinctive cultural-linguistic identity for the Andalusī Church amid the diffusion of Arabic, it is not unusual for Latin terms to be accompanied by formal translations (e.g. *concilium/qunjīliyya/maḥfil*). Secondly, a degree of Islamization is discernable in the adoption of expressly Islamic vocabulary such as *kāfir* (“infidel”), *kawārij* (“heretics”), *nikāh* (“marriage” distinct from *tazwīj* or *zawā*), and *imām* (for priests). Monferrer-Sala has understood the

<sup>15</sup> Wagschal 2015, 138.

<sup>16</sup> Wagschal 2015, 142.

<sup>17</sup> English translation in *Prefaces* 2020, 47-49, taken from a Latin edition in *La colección canónica Hispana III*, 43-46. Upon tracing the conciliar history of the Latin church, they write that “thus by the discipline of ecclesiastical order gathered and arranged by us into one, both the holy bishops may be instructed with paternal rules, and the obedient ministers and people of the church may be imbued with spiritual examples.”

<sup>18</sup> Flechner 2019, 185. Speaking of the Latin Church, he writes that “compilers tended to present themselves as curators of an ecclesiastical normative tradition or, at most, as interpreters of tradition. They would not admit to creating anything new, for the power to regulate for the church lay exclusively in the hands of councils and popes, the two indisputable sources of authority within the church.”

<sup>19</sup> Hallaq 2009, 31-51; 2010, 152-156.

<sup>20</sup> Daga Portillo 2018, 2020.

<sup>21</sup> Abu-Haidar 1987; Urvoy 1989; Kassis 1994, 417-419; Aillet 2008, 107-108; 2010, 201-204. More recently, Monferrer-Sala 2024; D’Ottone Rambach and Wibier 2024.

presence of this “hybrid lexis” as evidence for translators’ familiarity with various cultural-linguistic traditions (Latin-Christian, Arabic-Islamic, and Eastern Arabic-Christian) that likely influenced the semantic register through which the CCAEA was written and interpreted.<sup>22</sup> These two lexical features indicate that Andalusī Christians were aware of the Islamic and non-Islamic connotations of Arabic words, and that translators were well adept at shifting between cultural-linguistic registers as they deemed fit.

Generally speaking, the *al-Qānūn al-Muqaddas* shows a predilection for Islamizing, rather than merely transliterating, important canon-legal concepts. This is clear in the pervasive use of the Islamic terms *farā’id* [sg. *farḍ*] and *ḥudūd* [sg. *ḥadd*] to translate an expansive list of Latin terms for ecclesiastical “rules” available in the Early Middle Ages (i.e. *constitutiones*, *decreta*, *privilegia*, *statutae*, *praecepta*, *regulae*, etc.). In their Islamic sense, both *farā’id* and *ḥudūd* are juridical terms that encapsulate religious duties considered divinely ordained and obligatory (*wājib*) for believers.<sup>23</sup> Despite their preferential use within the CCAEA, these terms were occasionally replaced by more general appellations for judicial “decrees” or “stipulations,” such as the less overtly religious *aḥkām*, *ṣurūṭ*, and *nawāmīs* [sg. *nāmūs*, from Greek *νόμος*, “law”]. Following this double-register, then, the Latin *leges* [sg. *lex*, “law”] can become either *aḥkām* [sg. *ḥukm*, “decree”] or *ṣarā’ī’* [sg. *ṣarī’a*, “(religious) law”].<sup>24</sup> The translators’ interpretations of the Latin text evidently determined their choice of words: a reference to the ‘secular’ *lex romana* is thus translated as *aḥkām mulūk al-rūmaniyyin* (“decrees of the kings of the Romans”) while the phrase *in lege Domini instructus* (“instructed in the law of the Lord”) becomes *māhīran fī ṣarā’ī’ al-kanīsa* (“proficient in the [sacred] laws of the Church”).<sup>25</sup>

Although the CCAEA’s translators favored *farā’id* and *ḥudūd*, the text’s internal rhetoric betrays a creative use of Arabic terms to describe the *Hispana*’s canonical “laws.” This creativity comes through wherever Islamic terminology accentuates the sacred properties of Latin legal concepts. For example, Pope Hilarius’s (d. 468) exhortation to safeguard the “precepts of the divine laws” (*divinae legis praecepta*) becomes a proscription against violating “the fixed decrees (*al-aḥkām*) established according to the precepts of God’s book” (*farā’id kitāb Allah*).<sup>26</sup> A reference to “ancient privileges and paternal statutes” (*privilegiorum veterum et statutorum paternorum*) remodels these

into “the ancient laws (*nawāmīs*), decrees (*ḥudūd*) and holy ordinances (*farā’id*) attributed to the fathers.”<sup>27</sup> The predilection for Islamic terms might suggest that the CCAEA’s translators wished to appropriate their sacred connotations to excise the equivocal secular meanings of the Latin. Consequently, Islamic terminology predominates where allusions to “the canons” are concerned: to act “against the decrees of the canons” (*contra decreta canonum*) is to be ‘*alā kīlāf farā’id al-qānūn*’ (“contrary to the ordinances of the canons”); similarly, the “constitutions and decrees of the canons” (*constituta canonumque decreta*) are suitably the *al-farā’id al-wājiba wa-ṣurūṭ al-qānūn* (“the obligatory ordinances and stipulations of the canons”).<sup>28</sup> The Latin *canones* are typically *qawānīn*, although the singular *qānūn* often designates a generic notion of the broader canonical tradition (shared with Greek *κανών*).<sup>29</sup>

The seamless integration of Islamic religious vocabulary served, on the one hand, to faithfully capture the sacred tenor of the Latin *Hispana*; on the other hand, the Arabic phrasing of the CCAEA’s canon-legal concepts reflected how the translators understood (or hoped to portray) the sacred norms contained within the collection. In large part, the corpus’ canons are presented as divine injunctions in line with Islamic *farā’id*—that is, holy obligations decreed upon the faithful. Yet, adhering to the Latin, translators also closely reproduced the technical-legal language preserved in the acts of late antique and early medieval canonical texts, which gradually blended Roman and ecclesiastical legal formulas.<sup>30</sup> The “sacred canons” of the Iberian Church are thus construed as both divine instructions and worldly “rulings”—that is, as both *farā’id* and *nawāmīs*, as both *aḥkām* and *ḥudūd*. Despite the penetration of Islamic terminology, it must be noted that the translators remained faithful to the Latin *Hispana*’s conception of the “legislative sources” of the canons: that is, scripture, the apostles, councils, and episcopal forefathers. Conciliar decrees, for example, are simply the judicial decisions of councils (*al-qunjiliyyāt*).<sup>31</sup> The “constitutions of the fathers” (*constituta patrum*) are the *farā’id al-ābā’* (“ordinances of the fathers”) and the “precepts of holy scripture” (*sanctarum scripturarum praeceptis*) are similarly the *farā’id al-kutub al-muqaddasa* (“ordinances of holy scripture”).<sup>32</sup>

A Latin term that encapsulates the complex nature of the CCAEA’s melding of cultural-linguistic registers in its legal vocabulary is *regula* (“rule”). Jointly denoting secular regulations as well as religious instructions (e.g. for monastic orders),<sup>33</sup> the term delimits illicit actions for the clergy and laity within the *Hispana* and is rendered variably as *nāmūs*, *ṣurṭ*, *farḍ*, *ḥadd*, *qānūn*, *sunna*, and even *ḥukm al-rāḡula* (for *regulariter*, “according to the rule”). The variety of Arabic terms used for canonical *regulae* suggests a concrete overlapping of religious and legal connotations.

<sup>22</sup> Monferrer-Sala 2024.

<sup>23</sup> Peters 2009; Juynboll 2012.

<sup>24</sup> For *ṣarī’a* in the CCAEA, see below.

<sup>25</sup> RBME, ms. ár. 1623, f. 74r: The reference to the *lex romana* appears within the missing folios of Book V (first canon of Title 17). The text is preserved, however, in a manuscript copy written by Miguel Casiri (1710-1791), currently housed in the Biblioteca Nacional de España (hereafter: BNE): BNE, ms. 004877, f. 199r.

<sup>26</sup> *Ibid.* f. 225v: *al-aḥkām al-tābīta al-mawḍu’a ‘alā ḥasab farā’id kitāb Allah wa-ḥudūd al-qawānīn madīna Nāqīa wa-ma’āhid Allah wa-ḥukumāt kursī al-ḥawārī* (‘The fixed decrees established according to the precepts of God’s book and the ordinances of the canons of the city of Nicaea, and the establishments of God and the affairs of the Apostolic See’). Latin: *juxta divinae legis praecepta, et Nicaenorum canonum constituta ... vel divinas constitutiones, vel apostolicae sedis decreta...*

<sup>27</sup> *Ibid.* f. 223r: *al-nawāmīs wa-l-ḥudūd al-qadīma wa-l-farā’id al-mansūba ilā al-ābā’ al-muqaddasa*.

<sup>28</sup> *Ibid.* ff. 86r, 182v.

<sup>29</sup> Wagschal 2015, 139-151. Ohme 1998 conducts a focused study of the concept of Latin *canon* and its Greek roots.

<sup>30</sup> Helmholz 2015, 404-407.

<sup>31</sup> RBME, ms. ár. 1623, ff. 78v, 154r: *decreta conciliorum/aḥkām al-qunjiliyyāt; synodalis iudicii/ḥukūmat al-qunjiliyyāt*.

<sup>32</sup> *Ibid.* 220v.

<sup>33</sup> Ohme 1998.

In turn, one finds that *regulae ecclesiasticae* correspond to the *qānūn al-bī'a* ("the canon of the Church") and the *regulae clericorum* become the *nawāmīs al-qlāriqīn* ("laws of clerics");<sup>34</sup> the *regulae feminarum* ("rules for women") are the *sunnat al-nisā'* ("the customs of women") and the *antiquas regulas constitutas* ("ancient established rules") are the *farḍ al-qawānīn al-qadīma al-tābita* ("the ordinance of the fixed, ancient canons").<sup>35</sup> The selection of any given Arabic concept over another in the translation of *regula* merits a fuller case-by-case analysis which cannot be undertaken here; nonetheless, the point stands that Andalusī Christians made use of a vast Arabic vocabulary with overlapping Islamic and non-Islamic meanings to render the sacred legal terminology suitable to their canonical corpus.

### SUNNA, ŠARĪ'A, AND THE IBERIAN TRADITION IN ARABIC

In the same way that *farā'id* and *ḥudūd* consolidate a variety of Latin words for ecclesiastical "rules" in the CCAEA, the Arabic terms *sunna* and *šarī'a* stand in for the *Hispana*'s recurrent allusions to Christian "tradition." Naturally, the notion of a living tradition of communal norms that linked written rules to past authorities was not unique to Iberian canonical texts, much less to Christian doctrine. According to Wagschal, a key element of the literary-rhetorical style of Byzantine canonical sources, which grounded rulings in older normative "customs," was precisely a "discourse of tradition" suffused with allusions to past authorities.<sup>36</sup> This discourse relied on certain Greek "tradition-vocabulary words" that reified a living "tradition" of established Christian norms, including such concepts as *παράδοση* ("tradition"), *έθνη* ("custom"), *συνήθεια* ("usage"), and *κανών* (the "canon" in a collective sense). Latin canonical sources not only fostered the same tradition-laden language, they also embraced their own set of conceptual terms for the task. In the *Hispana*, nebulous words like *consuetudo*, *mos*, *usus*, *ordo*, *ritus*, and *traditio* comprise the "tradition-vocabulary" of the Iberian canonical corpus, denoting how Latin ecclesiasts referred to the inherited norms embodied in the canons. Each carried closely-related meanings tied to long-standing modes of customary practice, ritual observance, or communal conduct. Upon their translation in the CCAEA, the Arabic word embraced by Andalusī translators to best convey their references to past tradition was *sunna*, with occasional uses of *šarī'a*.

The use of *sunna* and *šarī'a* by Arabic-Christian authors to refer to the traditions of the Church—that is, to the customs of the Fathers and the early Christian community—is amply documented in both the Islamic East and West. Their meanings, though intimately related, are semantically varied (both can denote divine revelation, ritual law, customary practice, or the collective traditions of a religious community); moreover, their usage by Muslims and Christians evolved over the course of the Middle Ages. In a series of studies conducted by Daga Portillo,

she has argued that, prior to the eleventh century, *šarī'a* chiefly designated revelation while the plural *šarā'ī'* meant religious precepts (as a semantic calque of Syriac *namūse*).<sup>37</sup> Conversely, *sunna*, not *šarī'a*, originally denoted "law" as the collective inherited norms, practices, and prescriptions of a community but similarly related to a notion of revealed Law (akin to early Greek *νόμος*).<sup>38</sup> In the CCAEA, *šarī'a* and *sunna* are closely linked but the former is almost exclusively the preferred translation of Latin *traditio* ("tradition," bearing a generic, cultic sense tied to "religion"). It is juxtaposed with *sunna* in the Council of Nicaea's seventh canon where the *mos antiquus* ("old way") and the *vetusta traditio* ("ancient tradition") become the *al-sunna al-qadīma... wa-l-šarī'a al-'ūla* ("the old custom... and the first/prior law").<sup>39</sup> *Šarī'a* retains a sacred-legal meaning broadly tied to the conventions of a religious community, however: *cultum fidei* ("observance of the faith") is rendered as the *šarī'a al-diyāna al-qaṭūliqiyya* ("the law of the Catholic creed").<sup>40</sup> Yet both terms were also used interchangeably to denote religious precepts: the *apostolica traditio* ("apostolic tradition") was equally the *sunna al-ḥawāriyyin* ("the custom of the apostles") as the *šarā'ī' al-ḥawāriyyin* ("the *šarī'a*-s of the apostles").<sup>41</sup>

Separate from *šarī'a*, however, *sunna* in the *al-Qānūn al-Muqaddas* holds its early Islamic meaning as construed by Daga Portillo: customary religious norms transmitted from generation to generation, used in the singular either as a discrete custom, a revealed law, or a collective inherited tradition (like Greek *κανών* or the CCAEA's *qānūn*). In this way, the Andalusī translators approximated Qur'anic rhetoric when expanding the *ordo antiquitatis* ("order of antiquity") into the *sunnat al-ābā' wa-sabīl al-āwā'il* ("the custom of the fathers and the path of the ancients").<sup>42</sup> As already seen, the common phrase *mos antiquus* ("old way"), referencing the ancient conventions of the early Church, recurs as the *al-sunna al-qadīma* ("the old custom").<sup>43</sup> Importantly, the translators employed a lexical double-register when interpreting the *Hispana*'s "tradition-vocabulary," as is clear whenever they opted for the term *'āda* [pl. *'ādāt*]—meaning "habit, custom, or usage" with no particular sacred undertone—over *sunna*. Hence one can find *consuetudine ecclesiastica* ("ecclesiastical convention") rendered as *'ādat al-kanīsa* ("the practice of the Church")<sup>44</sup> and *ecclesiasticos mores* ("ecclesiastical usages") simply as *al-'ādāt* ("the customs").<sup>45</sup> The interchangeable use of *'āda* and *sunna* complicates the reading of the former as merely a secular alternative to the latter; rather, they each defined the traditions inherited from the early Church as ancient practices or customs.

<sup>37</sup> Daga Portillo 2018, 2020, 2023.

<sup>38</sup> See Monferrer-Sala 2016 for an additional study of *nāmūs* and *šarī'a* in Arabic-Christian writings.

<sup>39</sup> RBME, ms. ár. 1623, f. 80v: *inna al-sunna al-qadīma lam tazal tūjib wa-l-šarī'a al-'ūla... / quoniam mos antiquus obtinuit et vetusta traditio...*

<sup>40</sup> *Ibid.* f. 399r.

<sup>41</sup> *Ibid.* ff. 30v, 220v.

<sup>42</sup> RBME, ms. ár. 1623, f. 399v. E.g. Q 18:55; 15:13 ("*sunnat al-āwwalīn*").

<sup>43</sup> *Ibid.* ff. 80r, 72r.

<sup>44</sup> *Ibid.* f. 30v.

<sup>45</sup> *Ibid.* f. 176v.

<sup>34</sup> RBME, ms. ár. 1623, ff. 418r, 300r.

<sup>35</sup> *Ibid.* f. 307r; BNE, ms. 004877, f. 198v.

<sup>36</sup> Wagschal 2015, 192-196.

The repeated use of *ʿāda* and *sunna* together in the CCAEA confirms that they alluded specifically to church practices. The 5<sup>th</sup> Council of Toledo's first canon (adding new litanies to December masses) presents *nova... consuetudo* ("new convention") as *al-ʿāda al-jadīda wa-l-sunna al-ṭārīʿa* ("the new practice and novel custom").<sup>46</sup> Elsewhere, *jure apostolico ecclesiis* ("by the apostolic law of the Church") appears as *ka-ʿādat al-ḥawāriyyin wa sunani-him* ("as the practice of the apostles and their customs").<sup>47</sup> The 2<sup>nd</sup> Council of Vaison's (529) inclusion of the *Sanctus* hymn to the *Kyrie Eleison* prescribes that "this holy convention (*ista tam sancta consuetudo*) be introduced into every church," which the CCAEA expands into a directive that "this sacred practice (*tilka al-ʿāda al-muqqadasa*) be admitted and this custom established (*yusnan bi-tilka al-sunna*) in all our churches."<sup>48</sup> A creative interplay in the religious and non-religious meanings of these words occasionally arises with their joint use: for example, the title of the *Hispana*'s ninth book (*de abdicatione haereticorum et usibus eorum*) appears as *fī qaṭʿ al-kawārij wa-ʿādāt sunani-him* ("On the removal of heretics and the practices of their [religious] traditions").<sup>49</sup> Similarly, a prohibition against following the "convention of the pagans" (*paganorum consuetudinem*) becomes a proscription against "preserving the tradition of pagans (*sunnat al-majūs*) and keeping their practice (*ʿādata-hum*)."<sup>50</sup> In such cases, *sunna* appears to retain its definition tied to religious customs while *ʿāda* labels specific practices.

Consequently, *sunna* itself also designates Christian observances presented as normative traditions to be followed. Concerning the chant of the *Hymn of the Three Holy Children* (*qaṣīdat al-ṭalāt ḡilma*), for example, the 4<sup>th</sup> Council of Toledo's fourteenth canon says:

The sacred council decreed (*ḥakama*): may it be sung and read in each of the churches of al-Andalus and Gaul (*kanāʾis al-āndalus wa-ḡālīš*), in all the venerable Masses (*al-mīšāt*), sustained within the pulpits of our sermons (*manābir al-kuṭab*); and all who transgress our command and deviate from its *sunna* and the ancient *sunna* of this hymn (*sunna ḥaḡiḥi al-qaṣīda al-qadīma*) by neglecting its recitation, may they be forbidden the Eucharist.<sup>51</sup>

For the translators, the canon effectively puts in place a holy convention (*consuetudo*)—the observance of the prescribed rite—that is interpreted as a *sunna*. By extension, then, what the canons of the CCAEA decree (*ḥakama*) is

seemingly the creation and observance of their specified *sunna*-s. As a result, the collection's "rules" (*farāʾid*) are frequently linked to their prescribed practices (*sunan*): thus the Epistle of Pope Hormisdas (r. 514-24) commands "the preservation of the ordinances of the fathers (*farāʾid al-ābāʾ*) and their customs (*sunana-hum*)" where the Latin merely orders the observance of "what the fathers decreed" (*a patribus decreta servantur*).<sup>52</sup> As will be discussed below, Eastern canonists, too, referred often to the canons as possessing *sunan*, illustrated in repeated allusions to *al-qawānīn wa-sunan-ha* ("canons and their *sunna*-s").

Lastly, *sunna* in the *al-Qānūn al-Muqqaddas* also groups disparate customs into a unified term for the collective traditions of a religious community. When referring to Jewish practices, for example, the translators rendered *judaizare* ("to follow Jewish customs") precisely as "to take up the *sunna* of the Jews" (*yākuḏū bi-sunnat al-yahūd*).<sup>53</sup> More to the point, "Jewish rites" (*judaicos ritos*) were brought together as the "law of the Jews" (*sunnat al-yahūd*).<sup>54</sup> Consequently, the same is done with internal references to the canonical tradition enshrined in the canons, as shown by the recurrent phrase *sunnat al-qānūn* ("the law/custom/tradition of the canon"): the fourteenth canon of the 1<sup>st</sup> Council of Carthage excommunicates "laymen contemptuous of the canons" (*laici contemptores canonum*), explained in the CCAEA as "laymen transgressing the *sunnat al-qānūn*" (*al-layqīn iḡā taʿaddū sunnat al-qānūn*).<sup>55</sup> Elsewhere, the same concept appears as the *sunnat al-qawānīn* ("law of the canons"), which reifies a unitary tradition of diverse canonical rules.<sup>56</sup> It is difficult to confirm through the CCAEA alone whether the Arabic canons outlined lived practices (applied in courts or ritually observed) for Andalusī readers: a comparative glance at Coptic legal activity strongly suggests otherwise.<sup>57</sup> Regardless, the conversion of the *canones* into a *sunnat al-qānūn* demonstrates the endurance and creative cultivation of the *Hispana*'s canonical tradition among Andalusī Christians.

In the end, the closely related meanings of *šarīʿa*, *sunna* and *ʿāda* permeate the CCAEA's internal rhetoric concerning the normative traditions or "laws" enshrined in its canons. Like the constellation of Arabic terms (*farāʾid/ḥudūd/šarāʾiʿ/aḥkām/nawāmīs/šurūṭ*) used to express various Latin legislative concepts, the words *sunna/šarīʿa/ʿāda* similarly complement one another, hinting at the translators' broader conception of the CCAEA's written customs. In essence, they are the Arabic terms embraced by the Christians of al-Andalus to present their canons as inherited traditions rooted in past authoritative models (conciliar, papal, apostolic, scriptural). In the eyes of Andalusī Christians, then, the *Hispana* documented concrete practices that could properly be labeled *sunan*, *šarāʾiʿ*, or *ʿādāt*. Each term accurately rendered its Latin referent (*consuetudo/mos/usus/ordo/ritus/traditio*) to an approximate meaning in Arabic. It is apparent, however, that the term *sunan* and

<sup>46</sup> *Ibid.* f. 258v.

<sup>47</sup> *Ibid.* f. 160v.

<sup>48</sup> *Ibid.* f. 256v.

<sup>49</sup> *Ibid.* f. 395v.

<sup>50</sup> BNE, ms. 004877, f. 198r: *Si quis paganorum consuetudinem sequens.../immā masīḥī iḥtafaḡa bi-sunnat al-majūs wa-iltazama ʿāda-ta-hum...*

<sup>51</sup> RBME, ms. ár. 1623, f. 252r: *liḡalika ḥakama al-maḡfil al-muqqaddas ān yunšad wa-yuqrāʾ fī jamīʿ al-kanāʾis al-āndalus wa-ḡālīš fī jamīʿ al-mīšāt al-mukarrama al-manšūna fī manābir al-kuṭab wa kul man taʿaddā āmr-nā wa-ḡāda ʿan sunnata-hu wa-ḡāda ʿan sunna ḥaḡiḥi al-qaṣīda al-qadīma wa-āḡfala inšād-hā fal-yuḡarrim al-qurbān. Latin: Proinde hoc sanctum concilium instituit, ut per omnes ecclesias Hispaniae vel Galliae in pulpito decantetur: Communionem amissuri qui et antiquam huius hymni consuetudinem nostramque definitionem excesserint.*

<sup>52</sup> *Ibid.* ff. 223r-223v: *tataḡaffaḡū bi-farāʾid al-ābāʾ wa-sunana-hum/a patribus decreta servantur.*

<sup>53</sup> *Ibid.* f. 395v.

<sup>54</sup> *Ibid.* f. 398v.

<sup>55</sup> *Ibid.* f. 218r.

<sup>56</sup> *Ibid.* f. 223v.

<sup>57</sup> Weitz 2024.

the singular *sunna* captured a legal-religious denotation with a greater consequence in the Islamic setting for the precepts of the Latin canons. Within the genre of *fiqh*, the term had applied to collections of *ḥadīth* emerging in the late eighth/early ninth century with the title *sunan* (e.g. *Sunan al-Dārimī* [d. 869] and *Sunan al-Nasāʾī* [d. 915]).<sup>58</sup> In both cultural spheres, the term denoted “exemplary traditions of normative practice” central to their respective religious communities, and Andalusī Christians actively applied the concept to the ecclesiastical customs embedded in their canonical traditions.<sup>59</sup>

#### EASTERN CANON COLLECTIONS & THE *SUNNA* OF CHRISTIANITY

Though the *al-Qānūn al-Muqaddas* remains a *unicum* in the source record of the Christians of al-Andalus, Arabic canon collections had long circulated among the churches of the medieval Middle East. Taking the form of chronological compendiums, systematic collections, nomocanons, and theological treatises, these sources have survived in a substantial cache of manuscripts that jointly tell the story of Eastern Christian legal adaptation to Islamic rule. As recently traced by Griffith, Treiger, and Kaufhold, Melkite and East Syrian ecclesiasts had labored to translate their canonical heritage into Arabic as early as the eighth century, followed by Copts, Maronites, and (less prominently) the West Syrians.<sup>60</sup> The eleventh century, in particular, witnessed a notable surge of canonical translations to Arabic on both sides of the Mediterranean. Copts, for example, had copied collections in Coptic up to (and beyond) the eleventh century, when a compiler of unknown background, Abū Ṣulḥ (Ṣāliḥ) Yūnus ibn ʿAbdallāh, produced the earliest known Coptic nomocanon in Arabic.<sup>61</sup> At around the same time, the East Syrian intellectual Ibn al-Ṭayyib (d. 1043) composed the best-known systematized collection of canons in Arabic, his *Fiqh al-Naṣrāniyya* (‘Jurisprudence of Christianity’), and a Maronite collection circulated under the title *Kitāb al-Hudā* (‘Book of Guidance’). On western shores, Andalusī scribes copied the extant version of the Arabic *Hispana*—the *al-Qānūn al-Muqaddas*. All the while, of course, the distinct churches produced new compilations in local languages. By the eleventh century, each sizable Arabic-speaking Christian community in the Islamic Mediterranean had begun to transfer their Syriac, Greek, Coptic, and Latin canon-legal traditions to the Arabic language.

To compare the vocabulary, purpose, and cultural orientation of these diverse sources of Arabic-Christian legal literature, the explanatory prefaces of Eastern canon

collections provide useful case studies.<sup>62</sup> Unfortunately, the first folios of the *al-Qānūn al-Muqaddas* have not survived to preserve any such preface. Early copies of the Latin *Hispana*, arranged chronologically rather than thematically, had once circulated with an introduction narrating the history and significance of church councils.<sup>63</sup> Similar descriptions abound in prefaces to early medieval compilations dating back to the works of Dionysius Exiguus (d. ca. 526-556), who famously translated the early Greek canons to Latin in an effort to harmonize the traditions of East and West.<sup>64</sup> In the Islamic context, an example is provided by a thirteenth-century manuscript preserving the Arabic collection of the East Syrian Elias ibn ʿUbaid (fl. 878-903), also known as ʿIlīyā al-Jawharī, the archbishop of Damascus in the late ninth century.<sup>65</sup> The work’s preface explains that “such was translated from Syriac to Arabic by Elias the Metropolitan of Damascus, whose prayers we keep; he translated it from the book titled *sinhūdus* to be of use and learned by whoever does not understand Syriac.”<sup>66</sup> Indeed, these authors, like the CCAEA’s translators, though writing in separate periods under separate circumstances, had all labored to preserve, in the elite language of the day, the normative canonical traditions of their churches.

Concerning the use of Arabic legal language, Elias ibn ʿUbaid’s ninth-century collection serves as an early point of comparison with Eastern Christians. In fact, he describes the *Synodicon Orientale*—the collection of the East Syrian Church’s synodal acts—in similar terms as the CCAEA:

This book contains the compilation of what the patriarchs and bishops of Fars (*bilād al-fars*) established from the customs and canons (*al-sunan wa-l-qawānīn*) that [further] ratified the customs (*sunan*) of the Roman bishops and their canons (*qawānīna-hā*). And they originated with them some things which were made equal to what they considered necessary and indispensable.<sup>67</sup>

The text refers frequently to the canons (*qawānīn*) of Elias’s church as *sunan*, going as far as to refer to the written canons as “*sunna-s*”: in his brief introduction to the Council of Ancyra (314), for example, he narrates that “there gathered that day in the city of Ancyra within the region of Galatia twenty-four bishops from among its chiefs and they established twenty customs (‘*asrīn sunna*) which we have translated.”<sup>68</sup> He selected these canons because

<sup>62</sup> Latin prefaces have been richly examined in *Prefaces* 2020. See also Brasington 1994. For Greek collections, see Wagschal 2015, 289-91.

<sup>63</sup> See note 17.

<sup>64</sup> Gallagher 2002, ch. 1.

<sup>65</sup> Kaufhold 2012, 309.

<sup>66</sup> Vatican, ms. ar.157, f. 54v: *naqala ḡalika min al-suryāniyya ilā al-ʿarabiyya ilyā maṭān dimaṣq ṣalawātu-hu taḥaffuẓnā naqala-hu min al-kitāb allaḡī yuqāl la-hu sinhūdus li-yanfaʿa bi-hi wa-yafham-hu man lā yafham al-suryāniyya*.

<sup>67</sup> *Ibidem*: *haḡā kitāb fī-hi jawāmiʿ mā waḡaʿa jaṡāliqat bilād al-fars maʿa asāqīfat-ha min al-sunan wa-l-qawānīn allatī akkadū fī-ha sunan asāqīfat al-rūm wa qawānīn-ha wa aḡdatū maʿa-hā baʿḡ mā yuṣabbi-hā wa-yuṣākil-hā mimmā ẓannū anna-hu lā badd min-hu wa la ḡinan ʿan-hu*.

<sup>68</sup> *Ibid.* f. 17r: *ijtamaʿa min al-rūsā yawmaʿiḡin bi-madinat anḡira min bilād jalatīyya arbaʿa ʿasrīn usqufan fa-waḡaʿū ʿasrīn sunna qad tarjamnā-hā*.

<sup>58</sup> Eido 2022.

<sup>59</sup> Hallaq 2010, 152; Weitz 2018, 233.

<sup>60</sup> Griffith 2008; Kaufhold 2012; Treiger 2015. The contributions of the West Syrians must be noted, however: their close adherence to the Syriac language resulted in canon collections produced and translated in Syriac rather than Arabic. Their prolonged engagement with canon law amounts to no less notable canonical works than those of Jacob of Edessa (d. 708), Dionysius bar Salībī (d. 1171), and Bar Hebraeus (d. 1286), whose *Nomocanon* titled ‘Book of Direction’ (*Kṡōbō d-Hudōyō*) is an illustrious, systematic compilation of the West Syrian Church’s legal sources. Kaufhold 2012, 238-54.

<sup>61</sup> Kaufhold 2012, 283; Riedel 1900, 80-81.

“the Fathers translated from Greek to Syriac these customs (*tilka al-sunan*) which the Christians of the East (*naṣārā al-mašriq*) needed.”<sup>69</sup> For Elias, like the CCAEA’s translators, the ancient customs of the East Syrian church, transmitted in canon collections such as the *Synodicon Orientale*, are rightly labeled *sunan*, a series of established customs for his community to follow.

If canon collections recorded *sunan*, Eastern ecclesiasts nonetheless understood their diverse rulings as comprising a collective *sunna* linked to the tradition of the Church. Daga Portillo has already analyzed this meaning of the term in the writings of Theodore Abū Qurra (ca. 750-820).<sup>70</sup> Another example is vividly illustrated in a letter from the Melkite Patriarch Mark III of Alexandria (r. ca. 1180-ca.1209). In it, Mark III responds to questions from Abbot George of Damietta about the proper administration of certain liturgical rites. When asked about those partaking in “frequent communion,” the Patriarch fervently disapproves, for:

It is contrary to the practice of the entire Christian community, contrary to the stipulations of the religious law (*šarī’a*) concerning the care one is to exercise when partaking, contrary to the practice of the Holy Fathers of old (*sunnat al-ābā’ al-qiddisīn al-āwālīn*), contrary to what is required by the decrees of nature except from time to time, and contrary to the practice of the Holy Fathers of old (*sunnat al-ābā’ al-āwālīn*) Basil, Gregory, and other teachers of the universe and pastors of the flock, because they did not have such audacity either in deed or in word.<sup>71</sup>

Like the CCAEA’s translators, Mark III also interpreted the canons as comprising the written record of a living Christian tradition labeled a *sunna*.

Mark III’s *sunnat al-ābā’*—much like the CCAEA’s *sunnat al-qānūn*, *al-sunna al-qadīma*, or very own *sunnat al-ābā’*—reveals how Arabic-speaking ecclesiasts employed the concept to express the weight of canonical tradition and its underlying authority. It effectively provided the Patriarch with an intelligible, authoritative source through which to model the ritual practices of his community. *Šarī’a*, on the other hand, signified Christian revelation. When explaining the proper days for liturgical celebrations, the Patriarch says that the *šarī’a* has ordained Wednesdays and Fridays as days of fast; instead, prayers are best conducted on Saturdays and Sundays at the hour when the Holy Spirit had descended upon the apostles, for “this is how the practice of the Church (*sunnat al-kanīsa*) has been after them, under their successors and to this day.”<sup>72</sup> His response alludes to the liturgical Book of Typikon and to the Canons of the Apostles, which Treiger has traced references to in Arabic manuscripts thereof, from where Mark of Alexandria may have taken the term *sunnat al-kanīsa*.<sup>73</sup> Like ecclesiasts from all Mediterranean traditions, the Melkite Patriarch had recourse to canonical texts to find the normative sources

of Christian custom and the authoritative traditions from which they derive. Whether as *sunnat al-qānūn* or *sunnat al-kanīsa*, Arabic-speaking Christians often embraced the term *sunna* to harken back to the established precedent of inherited practice.

The writings of the prolific East Syrian priest Ibn al-Ṭayyib reveal how deeply the concept of a Christian *sunna* had infiltrated the legal thought of Eastern Christians by the eleventh century. In a short treatise on marriage and divorce, he adds an account of the legal history of his church, eloquently revealing the complex nature of Christianity’s canonical *sunna*.<sup>74</sup> By this period, the East Syrian church had undertaken a robust formulation of what has been labeled a “Christian confessional civil law,” vastly expanding the civil jurisdiction of church authorities through local synodal legislation.<sup>75</sup> When asked whether the regulation of worldly matters such as marriage, divorce, debts, and inheritance derive from “the Book of Divine Law (*al-šarī’a*), that is, the Pure Gospels”<sup>76</sup> or from the leaders of the Church, Ibn al-Ṭayyib replies that Christian Law (*al-šarī’a al-masīhiyya*) was above imposing any obligation (*farīd*) on worldly matters (*al-umūr al-‘ālamīyya*). Instead, biblical exhortations such as rendering unto Caesar what’s Caesar’s (*mā li-qayṣar li-qayṣar*) and leaving behind father, mother, home, and wealth to follow Christ had put in place an “honorable custom” (*al-sunna al-šarīfa*) detached from worldly obligations. In his systematic canon collection, the *Fiqh al-Naṣrāniyya*, he refers to this ancient tradition not as a *sunna* but as the “canon of the kingdom of heaven” (*qānūn malakūt al-samā’*).<sup>77</sup>

As examined by Lev Weitz, Ibn al-Ṭayyib pinpoints the infiltration of civil rulings into the spiritual realm of ecclesiastical law—a notable disruption to “the traditional Christian distinction between true Law and ‘worldly matters’”—to the reign of patriarch Timothy I (d. 823).<sup>78</sup> Subsequently, he narrates in his treatise that prior to Timothy the divine precepts dealt solely with the clergy, the commandments of the Gospels (*al-awāmir al-injīliyyah*), and doctrine. In the land of the Greeks, he writes, mundane concerns “had rested on royal laws (*al-qawānīn al-mulūkiyya*) that kings, not priests, decreed.”<sup>79</sup> In turn, following Weitz’s translation,

The departed Mar Timothy began to decide canons [*qawānīn*] concerning inheritance, debts, marriage, and things like these, having stated in the beginning of his writing, “I record with my hands these canons, bemoaning how I might establish a tradition [*asunn sunna*] for worldly matters when the Christian law [*al-šarī’a al-masīhiyya*] does away with worldly commandments.” This impelled him to invent a law

<sup>69</sup> *Ibid.* f. 27r: *tarjama al-ābā’ min tilka al-sunan min al-yūnāniyya ilā al-suryāniyya mā yahtāj ilay-hi naṣārā al-mašriq...*

<sup>70</sup> Daga Portillo 2020.

<sup>71</sup> Translated in Treiger 2020, 28, Arabic in 18.

<sup>72</sup> Treiger 2020, 15; translation at 22-23.

<sup>73</sup> Treiger 2020, 23, n. 57.

<sup>74</sup> Weitz 2018, 232-33. The text appears in the same manuscript (Vatican, ar.157, f. 91r-91v) as Elias ibn ‘Ubaid’s canon collection. My thanks to Lev Weitz for sharing his notes with me on this text and its manuscript.

<sup>75</sup> Rose 1982; Weitz 2018; Simonsohn 2016.

<sup>76</sup> Vatican, ar. 157, f. 91r: *kitāb al-šarī’a al-ilahiyya ya’nī al-injīl al-tāhir.*

<sup>77</sup> *Fiqh* 1956, 181.

<sup>78</sup> Weitz 2018, 233.

<sup>79</sup> Vatican, ms. ar. 157, f. 91v: *wa-fī bilād al-yūnāniyyīn kāna ya’ta-mid ḡalika ‘alā al-qawānīn al-mulūkiyya wa-hīa allatī faradū al-mulūk lā al-kahana.*



[*ḥudūt šarī'a*] that had these things [rules for worldly matters], for he feared that believers might follow a deviant path.<sup>80</sup>

In this way, the canons of Timothy I had established both a new *šarī'a* and a new *sunna* distinct from the revealed Law of Christianity (*al-šarī'a al-masīḥiyya*). Notably, then, Ibn al-Ṭayyib, too, had grouped the *qawānīn* of patriarchs into a unitary *sunna*; his use of the term *qānūn*, however, alternated between secular and religious meanings: as worldly “laws” and as a heavenly “Law.”

When inspecting the laws of the *Fiqh al-Naṣrāniyya*, it is rather difficult to ascertain whether the canons themselves connect the sacred notions of *sunna* and *qānūn*. Unlike Elias ibn 'Ubaid, Ibn al-Ṭayyib references the canons strictly as *qānūn*, such as the twenty canons (*'ašrīn qānūn*) brought forth by the Council of Gangra (340).<sup>81</sup> A selection of the punitive Pseudo-Nicene canons conclude with the phrase “this canon is forbidden” (*hādā al-qānūn yuḥarrim*).<sup>82</sup> The first canon of the Council of Laodicea (c. 363), which alludes to the ecclesiastical canon (*ecclesiasticum canonem*), contains neither *sunna* nor *šarī'a* but the notably Christian phrase *qānūn al-nāmūs* (“the canon of the Law”).<sup>83</sup> In turn, lawful marriages are *nāmūsiyya* (“according to the *nāmūs*”), which the CCAEA conversely renders as *sunniyya* (“according to the *sunna*”).<sup>84</sup> Ibn al- al-Ṭayyib occasionally opts for the term *sunna*, however, in relation to scripture and the apostles, as when he refers to “what was ordered by the holy books and the tradition of the apostles (*sunnat al-rusul*).”<sup>85</sup> He applies the term to non-Christian traditions as well: “if any man among us did something from the habits (*'ādāt*) of the pagans or professed the *sunna* of the Jews and acted by it, then may he cease or be expelled.”<sup>86</sup> Though the terms *qawānīn*, *aḥkām*, and *nawāmīs* recur in the *Fiqh al-Naṣrāniyya*, the secular laws of Byzantine Emperor Leo are interestingly called “the *farā'iḍ* of king Leo” (*farā'iḍ lāw al-malik*).<sup>87</sup> Lacking a preference for Islamic terminology (as in the CCAEA), Ibn al-Ṭayyib's canon collection reveals an equally vast Arabic vocabulary with a distinct internal discourse mediating between Christian and Islamic notions of law.

#### NĀMŪS, SUNNA, AND ŠARĪ'A IN CHRISTIAN-MUSLIM POLEMIC

The discursive effect of the adoption of the term *sunna* and related Islamic connotations is perhaps best evidenced within the context of Christian-Muslim polemics. A salient invective lodged against Christianity is that its confessional laws, simply put, were man-made, forged by priests, “and not a God-ordained law given by a prophet, that is, Jesus.”<sup>88</sup> Griffith has analyzed this inter-religious polemic in relation to the conciliar theory presented by the prominent

Melkite theologian Theodore Abū Qurra (c. 750-c. 825) in his tract “On the Councils.”<sup>89</sup> To defend the authority of the canons as divine revelation, Abū Qurra deploys apostolic teachings taken chiefly from the Gospel to ground the legitimacy of the ecumenical councils in scripture; he defines the tradition of the Church as a *nāmūs*, a divinely revealed ‘Law’; and he presents the Christian *nāmūs* as the fulfillment of the Torah.<sup>90</sup> As Griffith notes, this apologetic directly responds to widespread Islamic allegations against Christianity most emphatically expressed in the *Taṭbīt dalā'il nubuwwat* of 'Abd al-Jabbār (d. 1025), *qāḍī* of Rayy in modern Iran. 'Abd al-Jabbār's critiques rest squarely on the charge that Christians had departed from the *sunna* of the Torah, introduced Gentile customs, and subsequently corrupted Christ's true religion. Hence, he determines that ecclesiastical councils beginning with Nicaea (325) were the means through which a misguided clergy had crafted the tenets of Christianity at their whim with no divine support for their decisions—and had continued to do so.<sup>91</sup> In this way, conciliar legislation had gradually become a particularly charged point of Muslim-Christian disputation, with Arabic canon collections serving as the evidence furnished by its interlocutors.

The writings of the Copt Abū Ṣulḥ—who produced the earliest known Coptic nomocanon in Arabic at some point in the eleventh century—illustrate how Christian-Muslim polemic infiltrated into Christian canonical discourse. Indeed, the bulk of the work's preface is an apologetic defense of the canons written to refute “an ignorant one (*jāhil*) who says that we, the Christian community, are not required to accept these canons because they are not transmitted in the Holy Gospels.”<sup>92</sup> In turn, he resolves to remove any doubt and make known that their adherence is an obligatory duty (*farḍ wājib*) and an indissoluble command (*āmr lāzim bi-hā*). The clergy have the obligation to learn them, so that they can properly lead the congregation and “instruct the people of their rules” (*li-yajlūn al-ša'b 'alā aḥkām-ha*). Furthermore, every believer “is compelled to read and hear [the canons] in order to learn from them what is incumbent upon them and what should be avoided.”<sup>93</sup> Accordingly, he “undertook to organize their meanings in condensed words, so as to facilitate their understanding and observance by those who concern themselves with that [matter] and are preoccupied by it from among our faithful brothers.”<sup>94</sup> For Reidel, Abū Ṣulḥ's preface “expresses in a classic way the significance and value of the canons for the Coptic church, and because

<sup>89</sup> Griffith 1993.

<sup>90</sup> Seppälä 2020, 238-240.

<sup>91</sup> Griffith 1993, 282-283.

<sup>92</sup> *Ibidem*: wa-lam nā'man an yaqūl jāhil bi-l-'ilm inna-hu lā yalzam-nā ma'šār al-naṣārā qubūl ḥaḍīthi al-qawānīn iḍ laysat tabuṭṭ-hu fī al-injīl al-muqaddas.

<sup>93</sup> *Ibid.* f. 18v: wa-kull min al-mū'minīn muḍṭarrun ilā qurrā'-hā wa-samā'-hā li-ya'lam min-hā mā yajib an yasta'mil-hu wa mā yanbaḡi an yatajannab-hu.

<sup>94</sup> Berlin, ms. Diez. A. quart. 117, f. 18r: lam nara ašyā' awjab 'alay-nā bi-mā tawaḥḥaynā-hu min naql al-qawānīn ilā al-luḡa al-'araḇiyya wa ta'ahhadna-hu min ḥaṣr ma'āniy-hā fī alfāz yaḥṭaṣir-hu li-yuqarrib tanāwul fahm-hā wa ḥifz-hā 'alā man ihtamma bi-ḡalika wa 'anā bi-hi min iḡwāni-nā al-mū'minīn.

<sup>80</sup> Weitz 2018, 232-33.

<sup>81</sup> *Fiqh* 1956, 57.

<sup>82</sup> *Ibid.* 30-33.

<sup>83</sup> *Ibid.* 65.

<sup>84</sup> Martínez Almira 2024.

<sup>85</sup> *Fiqh* 1956, 60.

<sup>86</sup> *Ibid.* 17.

<sup>87</sup> *Fiqh* 1957, 21.

<sup>88</sup> Lazarus-Yafeh 1996, 71.

it originates from one of the first collectors to translate the canons into Arabic.”<sup>95</sup>

Crucially, much that Abū Ṣulḥ states in his introductory treatise is in line with contemporary Eastern Christian attitudes toward the canons in the Islamic setting, and it is conceivable that the Christians of al-Andalus held similar notions regarding the CCAEA. Yet, while each had translated the canons so that church members might abide by their rule, Abū Ṣulḥ (like Abū Qurra) goes to great lengths to base the authority of the canons in an ancient Christian tradition begun by the apostles and rooted in scripture, contrary to the opinions of his detractors. Conversely, the CCAEA reflects a more conservative approach to the Latin Church’s traditional sources of authority. Abū Ṣulḥ instead openly labels the Christian tradition “the new law contained in [Christ’s] Gospel” (*al-nāmūs al-jadīda fī injīli-hi*), fashioning canonical legislation in the Islamic (Near Eastern) mold of a divinely revealed law with scriptural originals. Although he alludes to Christianity itself as a *ṣarī’a*, his favored term for designating the divine laws of religious communities is *nāmūs*, which he further employs to distinguish between Mosaic law (*al-nāmūs li-mūsā*) and apostolic laws (*al-nuwāmīs al-rasūliyya al-injīliyya*). *Sunna*, on the other hand, appears only negatively in the proscription against the “customs of the people of Egypt, the Canaanites, and all other nations” (*sunan ahl miṣr wa-l-kanaʿāniyyin wa jamīʿ al-ṣuʿūb*).<sup>96</sup> However, he employs *sunna*’s verbal root *sanna*—meaning to set “a mode of conduct as an example that others would follow”<sup>97</sup>—to explain the origins of apostolic tradition: “there is for us,” he writes, “a new law (*ṣarī’a*) contained in [Christ’s] Holy Gospel; it is not for us to cling to the ancient law (*al-nāmūs al-ʿatīq*) but rather to redeem ourselves by what the apostles established (*sanna-hu*) for us.”<sup>98</sup> Though the statement abounds with Islamic resonances, he meticulously ties the Christian *nāmūs/ṣarī’a* to an apostolic tradition sourced from scripture and preserved precisely in his translated collection of canons.

It is impossible to ascertain whether the instigator of Abū Ṣulḥ’s apologetic was a Christian, a Jew, or a Muslim but his words nonetheless highlight one key function of Arabic canon collections: to serve as demonstrable sources of Christian confessional law under Islam. Their legal content, translated to Arabic, was disseminated to both Christian and Muslim intellectuals who inspected these texts with and without polemical intent. The renowned Baghdadi historian al-Masʿūdī (d. 956), for example, wrote in his condensed history of the world, the *Kitāb al-tanbīh wa-l-iṣrāf*, that Christians possessed “forty books that contain their customs (*al-sunan*) and religious laws (*al-ṣarāʾir*).”<sup>99</sup> The late Koningsveld had found references to the CCAEA in the writings of Andalusī jurists Ibn Ḥazm (d. 1064) and al-Qurṭubī (d. 1258), the latter going so far as to excerpt

canons from the text in order to lodge the same critique that so incensed Abū Ṣulḥ:

Know that these people (i.e. the Christians) have made *qawānīn* for themselves, about which they have agreed and which bind them together, without actually the rightness of such *qawānīn* having been founded on the authority of the *Tawrāt* (the Old Testament) or of the *Injīl* (the Gospels).<sup>100</sup>

For al-Qurṭubī, the *al-Qānūn al-Muqaddas* was proof that bishops and priests—rather than God or the prophets—had crafted the laws of Christianity, in stark contrast to Islamic notions of revealed legislation. Similar charges abound in Muslim descriptions of Christian laws, where royal lawmakers also came under critique: the Andalusī historian al-Bakrī (c. 1040-1094), writing on European Christians in his *Kitāb al-masālik wa-l-mamālik*, states that “their law (*sunna*) is neither derived from revelation nor narrated from a prophet. Rather, it derives from the decrees of their kings.”<sup>101</sup> As Abū Ṣulḥ’s preface demonstrates, Christian authors utilized Arabic canon collections as forums for responding to such charges, with clear implications for how we might interpret their chosen terminology to present their legal traditions.

The valence of the term *sunna* as employed in Arabic Christian legal writings must partly be considered with the resonances of such interreligious polemic in mind. Indeed, although Abū Qurra and Abū Ṣulḥ described Christianity as a *nāmūs*, Christian and Muslim writers gradually adopted the term *sunna* to contest the alleged break of contemporary Christian practices with scriptural traditions. Beyond ‘Abd al-Jabbār’s accusations that Christians had abandoned the *sunna* of the Torah, al-Qurṭubī provides another pointed example: “For [the Christians],” he writes, “contradicted the books of God, they abandoned the *sunna* of God’s messengers, they passed judgement according to their whims and they have [thus] departed from the *sunan* of their prophets.” Concurrently, however, Muslim polemicists and Christian canonists conceived of Christianity’s civil and ecclesiastical laws as the religion’s *sunna*, comprising distinct *sunan*. This shared vocabulary—at times weaponized, at times not—influenced the legal rhetoric of ecclesiasts who translated their canonical traditions. One important way in which this process played out was precisely the reconceptualization of Christianity’s legal traditions, first, in the frameworks provided by Arabic legal terminology—whether that be *nāmūs*, *sunna*, or *ṣarī’a*—and, second, in Islamic legal models focused on the scriptural and apostolic/prophetic origins of these traditions. The legal vocabulary of the CCAEA suggests that Andalusī Christians experienced the first, but not the second, stage of this process: instead, the translators adhered closely to the *Hispana*’s authoritative models despite their creative uses of Arab-Islamic terminology.

A final example of the apologetic use of *sunna*—resonating closely with the rhetoric of all authors considered thus far—appears in the Arabic translation of the *Syro-Roman Law Code*. Its preface repeatedly declares

<sup>95</sup> Riedel 1900, 81. “...weil sie die Bedeutung und den Wert der Canones für die koptische Kirche in klassischer Weise ausspricht, und weil sie von einem der ersten Sammler stammt, der die Canones noch selbst ins Arabische übersetzte.”

<sup>96</sup> Lev. 18:3. Berlin, ms. Diez. A. quart. 117, f. 24v.

<sup>97</sup> Hallaq 2009, 40.

<sup>98</sup> Berlin, ms. Diez. A. quart. 117, f. 25v.

<sup>99</sup> Quoted in El-Cheikh 2004, 113-116.

<sup>100</sup> Translation from Koningsveld 1994, 220; see also 220-223.

<sup>101</sup> Translated in Kassis 1994, 410.

that its wrongly-attributed authors (Emperors Constantine, Theodosius, and Leo) had “established rightful customs and praiseworthy statutes” (*sannū al-sunan al-ḥasanān wa-l-ḥudūd al-maḥmūda*). More importantly, the translators labored to connect these imperial laws to God’s primordial laws, practiced at the time of the twelve tribes of Israel and defined as “the first of the *sunan*—a good, praiseworthy *sunna* that God gave to his creation” and preserved in the Torah.<sup>102</sup> In turn, this *sunna*, defined as the *sunna* of the “Book of Moses” (*kitāb Mūsa*), continued in place until the coming of Christ, who established new *sunan* for the Church, bestowed knowledge of the faith to Christian kings, and subjugated the nations to them, all so that “they might conduct their affairs by the regulation of the *sunna* of the Church (*sunnat al-kanīsa*).”<sup>103</sup> Consequently, though “the Greeks, Romans, and others” (*al-yunāniyyin wa-l-rūm wa-gayr-hum*) had established separate *sunan*, Christ’s arrival has brought together the *sunna* of all nations into one *sunna* (*sunna wāḥida*). The preface to this Arabic source of civil law, which entered the corpus of Eastern canon collections, thus concludes with an affirmation that, beginning with Constantine, Christian kings had in fact promulgated this singular, prophetic *sunnat al-kanīsa*.

#### CONCLUDING REMARKS

The preceding study has drawn attention to the variegated connotations that can be deduced from Arabic Christian uses of the term *sunna*, chiefly within the canonical literature of the Arabic-speaking Churches of the Islamic Mediterranean. Perhaps inevitably, a diversity of meanings overshadows any singular, straightforward interpretation—the canonical traditions of the distinct Churches derived from a shared repertoire of ancient texts filtered through separate local languages and fairly distinct cultural orientations long before their translations to Arabic. Though it is possible to detect common canonical sources, as Kaufhold notes, “it is much more difficult to ask the extent to which there were shared legal perceptions, where there were borrowings and where there was parallel development.”<sup>104</sup> Through a comparative analysis of the legal vocabulary of Arabic canon collections from the Islamic East and West, made possible by recent advancements in studies of the Arabic translation of the *Collectio Hispana*, one can begin to posit tentative observations. Importantly, the key Arabic concept of *sunna*, perhaps more than *ṣarīʿa*, was widely embraced by Christian canonists residing throughout the Islamic world. In Arabic collections, the allusion to “the customs of the fathers” (*sunan al-ābāʾ*), “the custom of the church” (*sunnat al-kanīsa*), “the canons and customs” (*qawānīn wa-l-sunan*), and, especially, the “the customs of the apostles” (*sunan al-rusul*)—or variant phrasings of each—all conceptually linked canonical sources to distinctly Christian models of sacred authority. Close engagement with Islamic polemics against Christian legislation had an intimate impact on the Arabic technical concepts chosen by canonical translators. Lastly, as the CCAEA exemplifies, the

distinct degrees of Islamization and Arabization experienced by the separate churches played defining roles in the lexical, intellectual, and rhetorical composition of Arabic canon collections. Ultimately, this article has attempted to interpret the *al-Qānūn al-Muqaddas* in light of the rich historiography on closely related legal material available in abundance for scholars of the Eastern Christian communities, so as to bring the former into much-needed conversation with the latter.

#### ACKNOWLEDGMENTS

My sincere gratitude to Ana Echevarría, Matthias Maser, Thomas E. Burman, and the two anonymous reviewers for their invaluable feedback on previous versions of this paper.

#### DECLARATION OF COMPETING INTEREST

The author of this article declares that he has no financial, professional or personal conflicts of interest that could have inappropriately influenced this work.

#### FUNDING SOURCES

Research for this article was undertaken as part of the Research Project AZ 18/F/19: “Christian Society under Muslim Rule: Canon Collections from Medieval Spain”, funded by the Gerda Henkel Stiftung.

#### AUTHORSHIP CONTRIBUTION STATEMENT

Francisco J. Cintrón Mattei: conceptualization, data curation, formal analysis, funding acquisition, investigation, methodology, resources, writing – original draft, writing – review & editing

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<sup>102</sup> Syro-Roman 1880, 69.

<sup>103</sup> *Ibidem*.

<sup>104</sup> Kaufhold 2012, 219.

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