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Comparing "Acts of Excommunication" in the Late Antique and Early Medieval Middle East

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ABSTRACT

This introduction suggests an approach to the study of excommunication that is comparative (here highlighting Jewish, Christian and Islamic cases) and carefully contextual, taking note of specific institutional dynamics and processes of historical memory formation. Moreover, excommunication should be not be understood as a clearly defined category, but part of a broader network of acts of boundary enforcement which share certain features, including cursing, ostracism, banishment, oath-breaking, and execution. Meanwhile, studying individual "acts of excommunication" gives us a sharpened sense of how authority is practically constructed and threatened at particular moments. By studying acts rather than ideal conceptions or purely legal definitions, it is argued that excommunication can be seen not merely as a hierarchical tool for top-down discipline, but also a communal arena in which authority and boundaries are contested within wider communities of believers.

The word "excommunication" is derived from Christian practice and law. In this special issue of *Al-Masāq*, however, it is used to refer to a set of parallel institutions also found in Judaism and Islam. How can this be justified? In this introduction, I shall make the case that, although extending a term from one context to another may open up the danger of misinterpretation, the alternative is worse. Unless we build a lexicon that allows us to speak comparatively about ideas and institutions in different contexts, we remain isolated on artificial disciplinary islands. Using "excommunication" as a comparative term allows us to see commonalities and distinctions in institutions that really are legitimate objects of comparison.[1]

Although the term "excommunication" may derive from a Christian lexicon, the practices related to excommunication are certainly older and more widespread than its formal

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[1]Thus, "It is reasonable to claim, as Chris Wickham has done, that 'comparative analysis, as long as it is […] focusing on elements that are really comparable, and employing conceptual categories which make sense internally, can unlock the door into proper, sophisticated, historical explanation better than any other form of analysis can.' The problem lies in deciding which categories make sense". Walter Pohl, "Introduction: Meanings of Community in Medieval Eurasia", in *Meanings of Community across Medieval Eurasia*, ed. Eirik Hovden, Christina Lutter and Walter Pohl (Leiden: Brill, 2016), pp. 1–23, esp. 4.

institutionalisation in the Church. Christian practice was influenced by earlier Jewish forms. Elisabeth Vodola notes that excommunication emerged from a number of different practices of cursing and taboo within the cultures that contributed to the Bible.[2] Even with the development of formal acts of exclusion performed by increasingly hierarchical religious institutions, the magical, performative aspect of excommunicatory imprecations continued to interact with these practices throughout their history. Thus, the formalisation of specific Jewish or Christian institutions did not separate excommunication from related practices and ideas. Instead, we can think of a wider spectrum of ideas and acts that continued to form the soil in which excommunicatory acts subsist.[3] Leaders within Judaism, Christianity and Islam have often resorted to similar solutions to problems of communal discipline. These similarities may arise in various ways: perhaps relating to a common inheritance or borrowings within a common milieu, or responding to similar needs generated by the structural dynamics of the communities in question.

We can define excommunication as a religiously-motivated exclusion, a punishment that bars its target from the ritual and social life of the community.[4] While it is pronounced by man, excommunication is sanctioned by God,[5] usually with explicit or implicit soteriological consequences. I shall consider an act to fulfil the "ideal type" of excommunication if it fits three criteria. First, it should involve a religious community that is sufficiently self-conscious, bounded and interested in policing its boundaries to make exclusion possible. That is, there has to be an "outside" and an "inside" to make exclusion meaningful. There must be common rites and rights from which a person can be excluded. Second, an excommunication should be pronounced by someone with the recognised authority to make it binding upon all of the community's members. Third, an excommunication should have meaningful social consequences; otherwise a pronouncement of excommunication with no social enforcement will tend towards the curse, which may have psychological consequences, but must otherwise await a supernatural power to enforce it in this world or the next. In practice, many acts of excommunication may not fully meet these criteria.

There are always problems with clear-cut definitions. Institutions and terms that may meet the criteria of a definition in one historical period may not do so in another. As the contributions to this special issue show, the words *barāʾa* or *takfīr* in Arabic[6] or *ḥerem* or *nidūy* in Hebrew,[7] for example, may fit the above definition of excommunication in some historical circumstances, but not at other times or in other places. It is precisely such complexities that recommend the use of a precise definition, if comparative work is to be done. Because

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[2]Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley: University of California Press, 1986), pp. 2–5.

[3]For specific examples of formula reuse, see Bar Belinitzky and Yakir Paz "Bound and Banned: Aphrahaṭ and Excommunication in the Sasanian Empire", in *Jews and Syriac Christians: Intersections across the First Millennium*, ed. Aaron Michael Butts and Simcha Gross (Tübingen : Mohr Siebeck, 2020), pp. 67–88, esp. 74–5.

[4]Note, however, that each contributor to this issue has defined excommunication for their own purposes. Wood, discussing Jacobite Christians, calls excommunication, "suspension from the Christian community" with "a Biblical mandate", which "represented the removal of the material and spiritual benefits that membership of a church community brought to priests and laymen" including, crucially, participation in the rituals of the church, especially the Eucharist, which indicated Christians' membership of a wider community "that is not merely physical but straddles earth and heaven". Yagur describes excommunication "as a social tool for drawing communal boundaries and controlling communal norms, by using religious language and performance".

[5]Often, indeed, an excommunication is explicitly seen as God's act, with the community leader only articulating it on His behalf.

[6]See Hayes, in this issue.

[7]See Fogel; Yagur, in this issue.

institutions are a moving target when viewed across historical eras and different sub-communities, the only way to compare them is by employing a precise functional definition.

Arriving at a precise understanding of the dynamics of individual acts of excommunication is made difficult because both our sources and our secondary scholarship often attempt to depict excommunication as static and fixed. It is not unusual to see a scholar trying to answer a nonsensically broad question such as "what is excommunication in Islam?"[8] Therefore, this special issue addresses individual "acts of excommunication" to allow us to understand, not the eternal rules governing excommunication in a community, but rather how excommunicatory pronouncements are applied or interpreted in specific cases. In studying concrete cases, the contributions to this special issue demonstrate that even formally-defined institutions of excommunication are always malleable when applied, and that no community has a static and clear set of unchanging protocols, but that the definitions of an excommunicatory procedure are contested and renewed in each situation in which they are reproduced.

In order to nuance the ideal-type definition of excommunication proposed above, we can identify in the various cases explored in this special issue a rough sequence of steps that are common features of many cases of excommunication, though rarely visible in every case:

- A sin is committed, or alleged
- Authorities are informed
- Recantation is demanded
- The excommunication is pronounced and disseminated
- The effects of the excommunication are enforced
- Additional punishments are enforced (e.g. imprisonment or execution or other coercive punishments)[9]
- Repentance, rehabilitation and reintegration may follow
- The event may be memorialised in the community through such means as ritual cursing, the collective vilification of a litany of deviants, *damnatio memoriae* or retrospective rehabilitation
- Long-term splits effected through excommunication may be formalised: i.e. leading to sect formation, and the ceremonial denunciation of rival sects

Some of these steps may be very clear in one community, but seldom occur, or seldom be recorded in another. A comparative approach can suggest to a researcher elements to

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[8]For example, Griffel's engagement with this question results in an answer that is at once too broad in its scope, and too restrictive in its definitions: "Unlike Roman Catholicism, Islam has no central institution or legal body authorised to engage in excommunication and also no generally accepted legal procedures whereby jurists or courts can reach such a verdict". Frank Griffel, "Excommunication", in *The Princeton Encyclopedia of Islamic Political Thought*, ed. Gerhard Bowering et al. (Princeton, NJ: Princeton University Press, 2012). But Griffel is not comparing like with like, assuming that Sunnī Islam is all of Islam. As I show in my contribution to this special issue, Shīʿī Islam in the ninth century CE did indeed have institutions for the pronouncement of excommunication. Likewise, Ibāḍī communities have had full institutions of excommunication in various periods; see Ersilia Francesca, "Self-defining through Faith: The *walāya* and *barāʾa* Dynamics among the Early Ibāḍis", in *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfīr*, ed. Camilla Adang, Hassan Ansari, Maribel Fierro and Sabine Schmidtke (Leiden: Brill, 2016), pp. 29–41.

[9]See for example the use of crucifixion or immolation as a prefiguration of the trials of hell. See Sean Anthony, *Crucifixion and Death as Spectacle: Umayyad Crucifixion in its Late Antique Context* [American Oriental Series, volume XCVI] (Ann Arbor, MI: Eisenbraus, 2014).

look for that might be only implicit in her material, and that she ask questions as to why some elements may be present or missing in a certain context.

Overlapping Institutions

Excommunication overlaps and interacts with various other concepts and institutions: ritual cursing, magical formulae bringing down ill effects upon its subject, ostracisms and banishments, crime and punishment, imprisonment, execution, boycotts, oaths and the breaking of oaths, heresy and apostasy. Among the parallel concepts and institutions dealt with in the contributions to this special issue, heresy and apostasy play an important role. Apostasy is an act through which one places oneself beyond the bounds of one's religious community, for example by passing from Judaism to Islam as is threatened in cases analysed by Yagur;[10] or from Islam to Christianity, as in cases Sahner has documented.[11] However, apostasy can be highly perspectival. In some cases an individual may have intended to commit an act of apostasy but, in others, his or her activities may only be recognised as apostasy by another person. Thus, excommunication may be used as a tool not just to punish apostasy, but also to produce it, to classify ambiguous or marginal acts as apostasy. The difference between apostasy and excommunication may be seen as a positioning of agency: in apostasy, the sinner is seen as effecting the exclusion by his or her own actions while, in excommunication, it is the hierarchical authority who pronounces the exclusion. But there may be ambiguity in both apostasy and excommunication. Heresy, too, is perspectival and political. Heresy is not an objective reality that can be detected in a source or in a set of beliefs. Rather, heresy is created through tools such as excommunication, which establish boundaries between orthodox and heterodox, or, as in Wood's and Hayes's contributions, between legitimate authority and the illegitimate usurpation of authority.

Apostasy and heresy, then, are both abstract until concretised. The idea of transition from one religious community to another, or from right belief to false doctrine have to be recognised by communal authorities and by lay persons. Apostasy and heresy are realised through the acknowledgement of their existence, the performance of boundaries, and communal assent to the exclusionary acts and speech acts performed. Excommunication is a key tool in the performance of boundaries. However, just as there can be assent to an act of excommunication, there can also be dissent, and excommunication can be contested between different sources of authority and different factions within the community.[12]

The relationship between the idea of apostasy and the act of excommunication differs in different communities. Furthermore, unlike the disciplining of "internal" heretics, apostasy is complicated because it also brings into play the structures and discourses of other religious communities. Authorities in different communities may or may not agree when a boundary between them has been crossed. The dynamics of interaction between different religions are very visible in the diverse religious landscape of the

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[10]Moshe Yagur's contribution to this special issue shows how the threat of apostatising to another religion (in this case from Judaism to Islam) can be a tool to prevent the pronouncement of excommunication by hierarchical authorities.

[11]See Christian Sahner, *Christian Martyrs under Islam: Religious Violence and the Making of the Muslim World* (Princeton, NJ: Princeton University Press, 2018).

[12]See Wood; Yagur; Hayes in this special issue.

Late Antique and early medieval Middle East, especially following the rise of Islam when the hegemonic imperial elite was involved in a process of working out the features of their own religion, including its relations with other communities.[13] Although apostasy may imply entering a new religion, communities are often closely interested in the fate of apostates in their sister religions.[14] Apostasy in early Islam was not directly tied to a formal institution of excommunication. Rather, the execution of apostates, though probably rare in practice, was a central means by which the conceptual muddiness created by boundary-crossers was theoretically solved. Leube's contribution to this special issue discusses an Islamic case in which apostasy gives rise to an attempt at retrospective excommunication: that of al-Ashʿath b. Qays, who presents a problem for the Muslim tradition because he both participated in the "apostasy" (*ridda*)[15] from the Muslim community following the death of Muḥammad, but also went on to become an important figure in the *Heilswunder* of the Islamic conquests. Only one report implies that al-Ashʿath was cursed by the Prophet Muḥammad in such a way that even his descendants were to be ostracised. In other reports this censure is attenuated. Instead of explicit cursing, al-Ashʿath's appearance in Muslim sacred history is often rewritten to downplay his participation in the Islamic conquests. Here, the attempt to purify the community of undesirable elements does not involve the concrete act of excluding living individuals from participation, but rather is aimed at purifying the image of the community in historical memory, what Leube calls a kind of "historiographical excommunication". This is a very different kind of reaction to apostasy from the excommunication that might be pronounced by a bishop, a *gaon* or a Shīʿī imam.

The idea of heresy might be expected to have an inevitable connection to the institution of excommunication but, while doctrinal misconduct may, indeed, be an important factor in pronouncing an excommunication, it is rarely the only one. As the contributions of Wood and Hayes show, the structural dynamics of community and the contestation of power within a hierarchy are often, in practice, more salient factors in understanding why an excommunication is pronounced, even if such struggles are couched in the language of heresy. Likewise, if a leader (a bishop or imam) cannot gain communal assent for a pronouncement of excommunication, or the reversal of an excommunication,[16] then these acts are not ultimately effective, in spite of the theoretical authority of that leader.

There are manifold contexts in which "excommunicatory language" is used, even if formal institutions of excommunication are absent. Curses or accusations of unbelief may be pronounced against one's opponents without implying formal excommunication proceedings.[17] Oaths and contracts may often employ excommunicatory language as a way of adding a super-human weight to the agreements made. This may take the form

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[13]See Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2009); Milka Levy-Rubin, *Non-Muslims in the Early Islamic Empire: From Surrender to Coexistence* (Cambridge: Cambridge University Press, 2011).

[14]See the work of Uriel Simonsohn, especially, but not only in *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia: University of Pennsylvania Press, 2011); and Christian Sahner, especially in *Christian Martyrs*.

[15]I place this in quotation marks, because, although this act of *ridda* became the archetypal apostasy of Islam, the Muslim community as we understand it was not yet fully formed in this period, and so it is perhaps to be treated differently from acts of apostasy from more fully established religious communities.

[16]As in the case of attempts to reintegrate Julianists into the Jacobite Church in Wood's contribution to this special issue.

of a kind of conditional excommunication: if the oath or contract is violated, only then are the excommunicatory formulae activated. In Judaism, there is an explicit category for this kind of practice, known as the "ban in general terms" (ḥerem setam) discussed by Shelomo Goitein[18] and mentioned in Yagur's article here. In Islam, we see excommunicatory language often being used in oaths, such as the amān (safe passage) granted by the caliph al-Manṣūr to his uncle. The transmitted text of this document states that, if the caliph were to break his commitment, his birth would be declared illegitimate; it would be licit to depose him; oaths made towards him would be dissolved, as would other social bonds such as clientage, marriage, slave-ownership, property and the ties of religion; and he would be declared an infidel. In short, the violation of this contract would result in his excommunication from the community of Islam in the broadest sense, by his own hand.[19] However, the caliph did indeed violate this contract and this excommunicatory language was never implemented as an active excommunication. This is not only because no one had the coercive power to enforce an excommunication on the caliph himself, but also because such oaths were not designed to be enforced by humankind. The caliph was not embedded in a hierocratic context with a religious authority determining the behaviour of the community, and therefore capable of enforcing an excommunication proper. Rather, such language was included in the oath to provide a rhetorical, social and soteriological incentive to fulfil the commitment but, while violations may have cost social capital, it is doubtful that it was enforceable as excommunication.[20]

Excommunicate and Punish

Excommunication implies exclusion from the ritual "communion"[21] as also the "community" and thus is to be understood as a ritual sanction as well as a social punishment. I shall not attempt to comprehensively list details of specific punishments that resulted from the pronouncement of excommunication. In some contexts, there may be a formal definition of what punishments are to be meted out when and how. Details of excommunication may be spelled out, as Yagur shows was the case in the increasingly systematised context of gaonic legal literature: An individual who disobeys a court ruling is summoned and warned several times, and the excommunication is specified

[17]This has been explored in the various contributions in Accusations of Unbelief in Islam, ed. Camilla Adang, Hassan Ansari, Maribel Fierro and Sabine Schmidtke (Leiden: Brill, 2015). For a social history of various "acts" of takfīr, see, in particular, Amalia Levanoni, "Takfīr in Egypt and Syria during the Mamlūk Period", in ibid., pp. 155–88.
[18]See S.D. Goitein, A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza, volumes I–VI (Berkeley and Los Angeles: University of California Press, 1967–1993), II: 340–1. For a specific example from Maimonides's letters in translation, see Joel Kraemer, "Six Unpublished Maimonides Letters from the Cairo Genizah", Maimonidean Studies, volume II, ed. A. Hyman (New York: Yeshiva University Press, 1991), pp. 61–94.
[19]See A. Marsham and C.F. Robinson, "The Safe-Conduct for the Abbasid ʿAbd Allāh b. ʿAlī (d. 764)", Bulletin of the School of Oriental and African Studies 70/2 (2007): 248–9.
[20]For similar language in a later context, see Jürgen Paul, "An Oath of Fealty for Tekesh b. Il Arslan Khwārazmshāh", in Explorations in the Medieval and Modern History of Central Asia: Societies, Cultures, Texts, ed. Dilorom Alimova and Florian Schwarz (Tashkent and Vienna: Akademnash, 2019), pp. 275–87, esp. 282–3.
[21]See, for example the Coptic ostraca in which the regular formula for excommunication is "you will be excluded from the feast", i.e., the Eucharist, sometimes in combination with comparison to biblical bad guys like Judas; see, for example, Walter E. Crum, Coptic Ostraca: From the Collections of the Egypt Exploration Fund, the Cairo Museum and Others (London: Egypt Exploration Fund, 1902), p. 13. For a discussion of the biblical allusions employed in excommunications in Egyptian Christianity, see Eline Scheerlinck, "'Like Oil in Their Bones': Banning and Cursing by Episcopal Letter beyond Late Antiquity", in Religious Identifications in Late Antique Papyri, ed. Mattias Brand and Eline Scheerlinck, forthcoming.

as an explicit ban from eating with the excommunicant, associating with him, greeting him or coming "within four feet of him", praying with him, circumcising his children or burying his dead. As Fogel shows, in earlier periods, sanctions in Judaism were not so clearly defined, and may have only been enacted by a pious scholarly elite rather than an entire community. In Islam, sanctions are rarely explicitly defined. In Imāmī Shīʿī Islam, the imam has the clear authority to pronounce excommunications, comparable to a bishop or *gaon*, but we do not see such a clearly defined programme for the procedure and effects of excommunication. Rather, there are vague instructions to disassociate, which may be combined with threats of violence: "smash his head with a rock", as we see in Hayes's contribution here. These threats might be seen as executions, or the results of the withdrawal of communal protection from a deviant. In early Islam beyond the relatively tightly-bounded Shīʿī, Ibāḍī and Khārijī communities, the landscape tends to be still less well defined, and religious sanctions appear to be intimately tied up with the coercive punishments of the rulers. Under the Umayyads, spectacular punishments of rebels and other enemies of the state activated a repertoire of symbolism that sought to effect the miscreant's exclusion from the rightful community. In this way, execution, a pragmatic response to removing one's enemies can be seen on a continuum with religio-social sanctions of excommunication. Thus, Ibn al-Zubayr's corpse was desecrated, crucified posthumously, which separated the rebel symbolically from the community of the righteous.[22] Thus, the Umayyad caliph, as head of state and head of the Muslim community, could employ the symbolism of religious sanction by crucifying the corpse, thereby marrying the sanction of the state (execution) with a symbolic sanction (posthumous desecration) relating to the caliph's role as the leader of the Muslims. However, it proved difficult in this case to make the anathema placed upon Ibn al-Zubayr binding upon successive generations. The toppling of Umayyad power ultimately meant that any anathema placed on their enemies was not sustained, unlike the passionately preserved litanies of the cursed repeated in the Shīʿī community. Leube's contribution to this special issue shows how the memory of an excommunication is not always simple to establish or maintain. Some form of institutionalisation of memory must be necessary to ensure that excommunicants stayed excommunicated for posterity, and such institutions are not common in non-Shīʿī Islam, in contrast to the diptychs used for this purpose in the Jacobite Church analysed by Wood.[23]

A key question that emerges from a number of studies presented here is the relationship between temporal and religious power or, put another way, the relationship between coercive power and soteriological sanction, between punishment in this world and in the next. Excommunication sometimes features as an alternative to temporal and coercive power, and sometimes as a companion of it. It has sometimes been suggested that excommunication is a tool of the weak, and not necessary for those actors who have their hands upon the levers of the coercive power of the state. Goitein has suggested that the use of excommunication among the Cairene Jews of the Geniza increased as their leaders' access to power diminished, due to their reduced ability to call upon the sanctions of the state.[24] However, if true, this is clearly not a universal rule. In medieval Europe,

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[22]I would like to thank Hassan Bouali, whose work on Ibn al-Zubayr and his participation at our workshop in Leiden on excommunication deeply influenced my thinking on this matter.
[23]See Philip Wood, in this issue.

far from signalling a lack of coercive power, excommunication could be used as a precursor and enabler for a temporal punishment such as execution or seizure of property, ensuring that, rather than being seen as an oppressive despot, a ruler might justifiably claim to have God on his side.[25] Even in a group as clearly excluded from state power as the Imāmī Shiʿa, the imam used the threat of violence, including death, as a final resort when the mere pronunciation of an exclusion from the community did not succeed in eliminating a threat to his authority, as we see in Hayes's contribution. These examples suggest that the relationship between temporal power and religious authority are very contingent both on the conceptual space occupied by excommunication as a practice, and crucially, by the contingent institutional dynamics that exist between rulers and religious authorities. The relationship between coercive power and acts of excommunication is not fixed, therefore, but rather different institutional, social and historical settings configure this relationship in constantly changing ways.

Authority, Power and Assent

Power is most regularly treated by historians as residing in or manipulated by state or government actors. But states, while they have some creative capacity, especially over time, must in the first place rely upon the networks of power and authority existing in society prior to the formation of particular states, networks that will exist whether or not states are able to co-opt them. The studies in this special issue demonstrate numerous ways in which acts of excommunication can illuminate the interaction of religious authority and power, including interactions between states and religious institutions, as well as between various authority figures in a community, and between different layers in religious and social hierarchies. The extent to which hierarchy exists at all will determine the extent to which excommunication, in its fullest sense, is likely to appear in a religious tradition. As Fogel's contribution here indicates, where communities are relatively horizontally structured and lacking in hierarchy, the ability to pronounce an effective excommunication will be curtailed. In understanding the development of excommunication in Judaism, Fogel shows how the scope and meaning of *nidūy* was gradually and haltingly specified, from something that looked more like a semi-voluntary self-disciplining, to a more formal and clearly specified set of sanctions proceeding from a more structured and hierarchical form of authority. In the earlier period Fogel investigates, the authority of the scholars who pronounced or discussed excommunication appears mainly to have been focused upon policing the behaviour of a community of peers and, in this sense, *nidūy* existed in a relatively non-hierarchical space, and thus retained a kind of ambivalence as long as it could be contested from a position of relatively equal authority. In later periods, a clearer division emerges between rabbinical authorities, who could rule on the

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[24]"The Nagid's coercive power had its main root in his personal position of influence with the government. Both the community as a whole and its individual members needed him whenever they were in trouble. He was the 'saviour of a people with little power', as we read in one petition to a Nagid. His *hayba*, the respect paid him, was his most effective instrument of ruling. He could punish recalcitrant offenders with a temporary ban or with total excommunication. But as long as the Nagid was held in high esteem by the government, from Mevōrākh to Abraham Maimonides, little use was made of this extreme means of disciplinary action. Only in later centuries when the position of the protected minorities and with it that of their leaders had deteriorated irreparably, even small transgressions were threatened or punished with excommunication". Goitein, *Mediterranean Society*, II: 35.
[25]See Vodola, *Excommunication in the Middle Ages*, 12–14, for the Carolingian context of the conflation of excommunication as a joint royal and ecclesiastical punishment.

law, and the lay community, who should accept these rulings. However, this transition was never total, and the idea of a lay person excommunicating a rabbi remained an important thought experiment. The developments in the nature of authority in the community paralleled the intellectual development from the casuistic form of Tannaitic literature to the codifying aims of Talmudic literature.

Even in communities with a sufficiently hierarchical conception of religious authority, the practical recognition of such an authority is not simple. Authority is always liable to be contested, and our case studies of acts of excommunication reflect such contestations. Thus, examining these case studies provides a window onto how authority is structured. Acts of excommunication provide evidence for understanding how conceptually coherent and institutionally stable the office of the excommunicator is, and what the power dynamics were at the moment of the excommunication. Within the Jewish community visible through the Cairo Geniza, studied here by Yagur, *gaonic* authority was firmly established and relatively well defined, ensuring the hierarchical position of the *gaon*s at the head their community and therefore also their ability to pronounce authoritative excommunications. Nonetheless, where contestations of authority occurred, it was possible for the pronouncement of excommunication to remain ambivalent and available for negotiation. Furthermore, any one source of authority is never fully autonomous, but interacts with other sources of power, including sources of coercive power outside the religious community, as in the case highlighted by Yagur of a certain Abū l-Khayr, who called in the Fāṭimid police to allow him to escape the sanction of excommunication threatening him from legitimate authorities.

In addition to the hierarchical authority necessary to be able to impose an excommunication on one's co-religionists, the hermeneutic authority to interpret events and texts plays a crucial role in formulating the scope of excommunication in a tradition. Interpretive authority is visible at the moment of judgement, as in discussions over who can pronounce excommunication in the Tannaitic texts studied by Fogel and, in retrospect, as in the posthumous contestation of the case of al-Ashʿath b. Qays studied by Leube. Those who have the authority to preserve and interpret the past, like the historians in Leube's case, or the episcopal hierarchy in Wood's case, are the ones who get to make an excommunication permanent, or to renegotiate it later.

Authority is a relationship, rather than a pure and self-subsisting essence. A person imbued with authority is only so because a constituency recognises that authority. This means that exercising one's authority through excommunication relies upon the assent of the community. However, this assent can be withdrawn, temporarily or permanently, or can be contingent on circumstances. Hayes and Yagur both outline cases in which a legitimate, recognised authority has difficulty in gaining the assent of a community for an act of excommunication. Though there is little indication in these cases that the imam or the *gaon* is not recognised as legitimate, the localised charisma of alternate figures is enough to represent a challenge to the excommunication. However, unlike other kinds of punishment such as execution or imprisonment, excommunication relies fully upon community assent for it to have any efficacy at all. This is why the methods of dissemination are crucial to an act of excommunication, including reading it from the pulpit or at a festival, or through the targeted distribution in letters to particular communities. When a decree of excommunication is

thus projected into the public sphere, even if assent is only passive, the excommunication is established as fact. Communities are not, of course, internally homogenous and so the potency of assent is not equally distributed. Leube's contribution to this special issue shows how, when an excommunicant belongs to a powerful family, his ability to dissent from the excommunication can prevent it from being definitive in the long run.

Repentance and Reintegration

In some communities or contexts, an act of excommunication may be understood as definitive and permanent. Thus, in the Imāmī Shīʿī community studied here by Hayes, the act of excommunication may be preceded by a period in which a wrongdoer is invited back to the right path, but once barāʾa is pronounced upon an individual, this seems to be definitive: Imāmī formulae for barāʾa are accompanied by the curses of God, which do not usually allow for reversal or renegotiation.[26] By contrast, the Sunnī community might be seen to have been founded upon an act of reassessment of excommunications: The mutual barāʾa and curses that flew between the Umayyad party of ʿUthmān and the party of ʿAlī were ultimately considered to be too destructive to the project of communal unity and were thus replaced by early Sunnīs with the compromise of the four caliph theory that recognised both ʿUthmān and ʿAlī (in contrast with Umayyad state policy)[27] along with the doctrine of the intrinsic probity of the Companions of the Prophet (taʿdīl al-ṣaḥāba), which implicitly exonerated Companions of Muḥammad from their acts of fighting and cursing each other.[28] The systematic application of this retrospective rehabilitation of the Companions had at its root an epistemological motive: the Companions of Muḥammad were increasingly crucial to the project of the Muslim textual tradition as they were the links to the words and comportment of the Prophet himself, as well as themselves acting as precedents for righteous Muslim comportment (sunna). This epistemological function meant that, for Sunnīs at least, the early excommunications could not be accepted as definitive, even if they had been intended as such by the Umayyad state and others.[29] Thus, a past act of excommunication need not be definitive, but can be reassessed retrospectively, and this act of reassessment is itself an important sign of definition and contestation for the ongoing identity of communities.

In both the Late Antique Christian and Jewish contexts, the central function of excommunication was not permanent exclusion, but rather the day-to-day disciplining of wrongdoers to lead them back to the right path. The ideal outcome was repentance and the reintegration of the penitent excommunicant. The formalised institutions of excommunication in both Jewish and Christian contexts provide a period in which a wrongdoer is offered a chance to amend his or her ways. The degree to which the nature and timing

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[26]If it did, it would raise the question as to why God changed his mind on this matter. The question as to whether God can change his mind or his decisions was, indeed, the subject of much controversy in the Shīʿī community. See I. Goldziher and A.S Tritton, "Badāʾ", in EI2.

[27]Patricia Crone, Medieval Islamic Political Thought (Edinburgh: Edinburgh University Press), pp. 28–30. The case is more complex, of course, than can be expressed briefly here, and certainly early Sunnism contained within it a critique of irjāʾ, the withholding of judgement about the salvation or damnation of these early combatants.

[28]G.A. Juynboll, Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Ḥadīth (Cambridge: Cambridge University Press, 1983), pp. 190–201.

[29]For the persistence of anti-ʿAlī sentiment in various forms, see Nebil Husayn, Opposing the Imam: The Legacy of the Nawasib in Islamic Literature (Cambridge: Cambridge University Press, 2021).

of this process of repentance and reintegration is explicitly legislated varies. Fogel notes that the Babylonian Talmud provides minimum periods for different levels of sanction. Thus, *nidūy* must be for at least 30 days, while a lesser sanction is for a minimum of seven days.[30] Likewise, the act of penitence and reintegration may take various different forms to be accompanied by various kinds of rituals.[31] Just as rhetorical formulae for excommunication could become institutionalised, so could formulae for reintegration.

Excommunication and the Definition of Community

Defining the nature of a past religious community is a tricky business, opening up a real danger that we might inadvertently essentialise what may have been a fleeting historical phenomenon or, indeed, a purely rhetorical construct. These dangers are perhaps inevitable in the pre-modern context where there is a scarcity of sources with which we might be able to confirm social realities. Where rich sources for social history, such as the Cairo Geniza, do exist, scholarship tends to show that the boundaries between communities are highly contextual, becoming more or less meaningful depending on the specific nature of an interaction.[32] The problematic consequences of poorly defined uses of the idea of "a community" are great.[33] Certainly, attempts to define community purely on doctrinal grounds are particularly perilous, for a doctrine will only become a community-defining shibboleth under certain political circumstances. Given these difficulties, excommunication proves to be a particularly useful institution to study, allowing us to trace precisely a combination of theoretical and doctrinal elements within an explicitly socio-political dimension. This does not mean we shall automatically solve the issues of defining community, but rather studying excommunication allows us to examine more precisely where contestations of community occur. The boundaries of religious communities, like most human communities, tend to be blurry. But, in the largely monotheistic context of the Late Antique and early medieval Middle East, the high stakes of belonging to a monotheistic community of salvation often leads to zero-sum calculations regarding the "true" faith and its community, and a conceptual purism in spite of the inevitable messiness of the real-life practice and ideas of believers. Excommunication is the result of people in positions of authority within a community attempting to give a stable institutional form to the ideal conceptual purity of a community of salvation. While this may start out as an ideal, then, we can use the production of institutions of excommunication as a proxy to understand how clearly defined a community was. This is especially useful with under-studied groups such as the myriad of Shīʿī splinter groups, which scholars have often treated as purely doctrinal concepts dreamt up by the imagination of heresiographical taxonomists. Likewise, the ability to successfully pronounce and enforce excommunication tells us much about whether a coherent and recognised centre of authority existed within a community. As Leube's study suggests,

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[30]For a practical instance of the 30 days being put into effect, see Simonsohn, *Common Justice,* 142–3.

[31]Vodola notes that the earliest Christian papal records of rituals of penitence follow the Jewish rituals derived from mourning. Vodola, *Excommunication*, 9. For the relation of rituals of excommunication to mourning rituals, see also Fogel's contribution to this special issue.

[32]On the *gaon*s relying upon "heretical" Karaite Jews to carry their messages, see Marina Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Caliphate* (Ithaca, NY: Cornell University Press, 2014), pp. 138ff.

[33]See Mushegh Asatryan, "The Good, the Bad, and the Heretic in Early Islamic History", in *Deconstructing Islamic Studies*, ed. Majid Daneshgar and Aaron Hughes (Cambridge, MA: Harvard University Press, 2020), pp. 204–52.

in early Islam, the leaders of the community did have a certain excommunicatory authority, but this was increasingly succeeded by contested historiographical reinterpretations of past acts, shining a light on the increasingly diffuse nature of authority among non-Shīʿī and non-Khārijī Muslims during the Umayyad and ʿAbbāsid periods.

Once recognised, the relationship between excommunication and community can be tracked to allow scholars a better understanding of the process of community formation and sectarian diversification. When excommunication is turned against a whole group within the community, and especially when two groups within a community mutually excommunicate each other, it is often the clearest time to talk of the creation of new communities, or sect formation. The role of excommunication in sectarian schisms is well documented in some cases, especially in the Christological controversies of the various Christian churches of Late Antiquity. In this special issue, Wood provides examples that show how excommunication was used as a tool resulting in sectarian differentiation, in the context of an attempt at unifying the Miaphysite Jacobite and Julianist churches in the early ninth century CE. In order to block this move, the Jacobite bishops insisted that, before unifying, the Julianist patriarch should do the unthinkable and excommunicate the eponymous forefather of his church, Julian of Halicarnassus. The social process of sectarian differentiation in early Islam might render greater clarity if treated with a precise focus on the practical use of the tools of barāʾa and cursing (laʿn), in addition to the focus on the rhetorical, legal and doctrinal dimensions of such terms.[34]

In tracing the genesis of institutional or social splits between religious groups, the excommunication of individuals is of a different order from the excommunication of entire groups. It is true that the excommunication of key individuals like the bishops and patriarchs studied by Wood, or of the heroes of the early Muslim community, can be representative of splits between entire groups, especially when the relationship between a leader and his followers is formalised, as, for example, in the form of an oath or the act of ordination. However, when the excommunication of an entire group is pronounced in retrospect, we can be relatively sure that sectarian fission has occurred. In the Shīʿī community, the sectarian fission between different groups was gradual and ambiguous,[35] though we do, for example, see clear attempts of mass excommunication of Imāmī sub-groups such as the Wāqifa or Mamṭūra,[36] which should signal to us the likelihood that group formation was underway, even though direct sources as to what this might have meant in practice are scarce. While the excommunication of an individual may be a means of purifying the individual with the intention of reintegration, or else intended to purify the community from the heresy that resides with that individual, the mass excommunication of an entire group is a very different kind of act, with a clearer political-sectarian dimension.

By tracing the process of excommunication, we can derive important clues for understanding a community's internal structural dynamics as well as its relations with other

[34]What exists tends to remain more at the level of theology and doctrine than of social institutions. Some important discussion can be found in Maria Massi Dakake, *The Charismatic Community: Shiʿite Identity in Early Islam* (Albany: State University of New York Press, 2007). Najam Haider has studied in depth the juristic debate on *qunūt* and cursing as part of ritual prayer. *The Origins of the Shīʿa: Identity, Ritual, and Sacred Space in Eighth-Century Kūfa* (New York: Cambridge University Press, 2011).
[35]See Ansari's comments about the ongoing ambiguity between Imāmism and Zaydism. Hassan Ansari, L'imamat et l'Occultation selon l'imamism: Étude bibliographique et histoire des textes (Leiden: Brill, 2016), ix. The most systematic attempt to trace the process of Zaydī–Imāmī differentiation has been Haider, *Origins*.
[36]Etan Kohlberg, "*Barāʾa* in *Shīʿī* Doctrine", *Jerusalem Studies in Arabic and Islam*, 7 (1986): 139–75.

communities. Thus, in the cases studied here by Yagur, in the cosmopolitan environment of Fāṭimid and Ayyūbid Egypt, a Jew threatened with the disciplinary measure of excommunication was able to make a counter-threat to apostatise and become a Muslim. As Yagur points out, this kind of counter-threat is only really effective if the members of one religious community have sufficiently dense social and economic ties outside the community to give an apostate a viable alternative life once excommunicated. In a situation with a homogenous religious environment, or with limited social ties between communities, excommunication would be a more powerful threat. By understanding the politics of excommunications, we can see in greater definition the outlines of the community in its social context.

Conclusion: Excommunication as Arena

By studying "acts of excommunication" rather than ideal conceptions or purely legal definitions, we see that excommunication is often rather difficult to carry out. Even in its most streamlined implementations, excommunication relies not only on the articulation of an authority figure, but also the assent of a community. But excommunication often shows itself to be a discursive arena in which any member of the community can participate by issuing non-canonical excommunications and cursings that may or may not gain the imprimatur of an authority, or by threatening reprisals against an excommunicator. The cases in this special issue abound with counter-examples that give the lie to the "ideal type" of excommunication with which I started above, in which an authority decrees and community members assent. Communities can refuse to recognise an excommunication, authorities will sometimes excommunicate each other, and lay people who are excommunicated can try to excommunicate their leaders. In this sense, while we are certainly justified in seeing excommunication as a tool – a tool wielded by the powerful and prestigious authorities in a religious community, we could also see excommunication as an arena – an arena in which the entire community participates. If, in conceptual terms, excommunication should be top-down, it is precisely in the multipolar, contested nature of individual acts of excommunication that we see that it is operating effectively as a site for the production of social meaning. A community institution is truly successful only if it is actively employed and contested. The real failure of excommunication as an institution would be for it to be shrugged off, ignored or unused.

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Disclosure Statement

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