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The Qur'ān's Legal Culture

The *Didascalia Apostolorum* as a Point of Departure

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Foreword

"For every constitution there is an epic,
for each decalogue a scripture."
– Robert Cover, *Nomos and Narrative*

"I [Jesus] am not come to abrogate the Law nor the prophets,
but to fulfill them. The Law therefore is not abrogated,
but the second legislation is temporary, and abrogated."
– *Didascalia* XXVI

"I [Jesus] confirm that which is before me of the Torah,
and to make lawful for you some of the things
that were forbidden to you."
– *Sūrat ʾĀl ʿImrān* 3:50

The following pages contextualize the Qurʾān's legal aspects within the religious culture of its time, the early seventh century of the Common Era. I hold that a majority of the laws promulgated in the Qurʾān, as well as its legal narratives about the Israelites and about Jesus, have close commonalities to the laws and narratives of the Didascalia Apostolorum. The legal and theological vocabulary of the Arabic Qurʾān likewise shows much affinity with that of the Syriac (Eastern Christian Aramaic) version of the Didascalia. This shared vocabulary corroborates the legal and narrative commonalities between the two texts. That said, the Qurʾān is not "based" on the Didascalia in any direct way. Detailed comparison of the two documents will illustrate the absence of textual influence in either direction. Both should rather be read against the background of the oral discourse shared by their audiences. I contend that, largely due to this shared oral tradition, the Qurʾān takes

a stand on a significant part of the legal issues mentioned in the Didascalia, but without being constrained by the Didascalia's rulings.

The Didascalia Apostolorum, the "Teaching of the Apostles," is a Christian legal document (with affinities to Judaism) of which we have fragmentary Greek evidence from the third century, one complete Latin palimpsest from the fifth century, and an expanded Syriac version first recorded after 683 C.E. Additional evidence of the Didascalia's spread is offered by its rewritings (far less sympathetic to Judaism) from the fourth century C.E. onwards, the so-called Apostolic Constitutions tradition, which were circulating throughout the Near and Middle East. The Syriac Didascalia remained part of the Syriac legal tradition throughout the Middle Ages. Given its much earlier origins and ongoing later attestations, it is thus a document of plausible relevance for the Qurʾān's original audience.

The laws and narratives shared by the two documents allow us to illustrate the Qurʾān's continuity with contemporaneous forms of the Jesus movement, which in turn lets us integrate the Qurʾān's often neglected evidence more firmly into the study of Late Antique religions. At the same time, the proximity between the Qurʾān and the Didascalia highlights the remaining discrepancies between the two texts. These discrepancies afford an appreciation of the initial distinctness of the Arabic Qurʾān from the Syriac Didascalia, as well as an appreciation of the many ways in which the former not only accepts, but also develops and occasionally abrogates ritual laws imposed by the latter. The Didascalia as a text is therefore by no means the legal blueprint "behind" the Qurʾān; to reiterate, it is

evidence merely of an oral discourse in which both texts participate.

The Didascalia encourages a legal approach to salvation in addition to a doctrinal one: practice and belief are inseparable. Vaguely comparable to the rabbinic literature of its time, the Didascalia is structured as a legal document that integrates its narratives within this legal framework; with some justification it has thus been called a "Christian Talmud." The Qurʾān similarly integrates law and narrative, albeit with more emphasis on the latter – a distribution more akin to the Hebrew Bible than to the Talmud. For the most part, a comparison between the laws and narratives of the Didascalia and the Qurʾān can be presented in a relatively straightforward manner. The presentation of my arguments, however, has to overcome two main challenges.

First, the evidence of the Didascalia's laws that are relevant for the Qurʾān is only mostly positive, i.e. constituted by legal agreement. The Didascalia also gives negative testimony through explicit legal disagreement, deploring that a small group of Jewish believers in Jesus within its own community endorses several laws of ritual purity additional to the ones its authorial voice endorses. The combination of the laws the Didascalia endorses with the ones it specifically rejects – the code, in other words, of its Jewish believers – overlaps even more with the legal corpus of the Qurʾān. When reading the Didascalia on its own, the historicity of this alleged group of Jewish believers in Jesus, and of their additional observances cannot be taken for granted. The Didascalia may simply be rehearsing traditional Christian discourse. The historicity of Judaeo-Christian groups past the fourth or fifth century is indeed more than uncertain. The historicity of

Judaeo-Christian *practice*, however, can also be supported by illustrating that most of the ritual observances rejected by the Didascalia are endorsed as requirements for *gentile* followers of Jesus not only by the Qurʾān, but also by the ("Pseudo"-)Clementine Homilies. This fourth-century Greek text of which we have later traces in Latin, Syriac, and Arabic is a text therefore of equally plausible direct or, more likely, indirect relevance to the Qurʾān's audience. Its insider discourse, endorsing ritual law in concrete terms and obliging its audience to follow it, cannot be assailed as stemming from mere heresiological tradition. I will use the triangular relationship between the three texts to trace the legal culture that the Qurʾān takes as its point of departure. I argue that Judaeo-Christian legal culture, as reconstructible with the help of the Didascalia, the Clementine Homilies, and the Qurʾān itself, holds a central place among the direct interlocutors especially of the longer surahs of the Qurʾān, which are often attributed to its "Medinan" period of composition. This study, then, combines two objectives. First, it outlines the Qurʾān's legal culture through its dialogue with a tradition embodied by the Didascalia's Christian community, broadened by comparison with the Christian and rabbinic traditions more broadly. Second, in doing so, this work assesses the persistence of Judaeo-Christian legal culture *within* establish Jewish and Christian communities.

A second factor that determined the shape of the present study is that, despite the proximity between the Qurʾān and the Didascalia, nearly all of the legal positions and narratives that are shared by these texts can also be traced to a plethora of other patristic and rabbinic sources, and often even to the Hebrew Bible or the New Testament (and their

later Aramaic renderings). My claim does not exclude the relevance for the study of the Qurʾān of many other texts ranging from the Talmud to the sermons and narratives of many Syriac church fathers. Yet I seek to establish a hierarchy of relevance within the Late Antique context of the Qurʾān and maintain that, when it comes to legal material, the Didascalia occupies a position of special importance. While the legal practices and narratives in question and the lexemes used to describe them can be found throughout Late Antique Aramaic discourse, they are nowhere clustered, arranged, and inflected quite the way they are in the two central texts under consideration.

When writing this book, I faced not only the challenge of illustrating and assessing the similarity between the legal discourse of the Didascalia and the Qurʾān, but also of situating this specific similarity within and against the broader Biblical culture of Late Antiquity. Likewise, the pervasive lexical commonalities between the respective Arabic and Syriac terminology of the Qurʾān and of the Didascalia are meaningful only when viewed against the broader affinities among Semitic languages in general. It is against the background of this broad affinity that specific kinship must be assessed. Many of the legal and lexical similarities are simply the result of the fact that both texts were written within the same cultural milieu and in related Semitic languages. I took a middle path when trying to establish clarity within complexity. On the one hand, I have sought to contextualize both documents at least rudimentarily within the immense legal and narrative matrices of Jewish and Christian Late Antiquity. On the other hand, I drastically restricted any such comparative evidence and relegated much relevant information to the footnotes.

I am well aware that a full study may well be necessary for each of the comparison I suggest, and without doubt I have not always chosen the most pertinent illustration of the broader parallels. The necessary shortcoming of this initial study is not pointing in greater detail to the countless other parallels in Late Antique Jewish and Christian (not to mention early Muslim) culture in addition to the ones here offered. I hope that future studies will further contextualize how important a witness the text of the Didascalia is for reconstructing the Qurʾān's legal culture, and vice versa.

I have endeavored here to strike a balance between comprehensiveness and readability. Not every reader will appreciate the already dense amount of information offered in this book, nor will every reader agree with my selectiveness or with specific conclusions. Those who read to the end, however, will likely find it difficult not to acknowledge the extraordinary kinship between the legal cultures embodied in the Didascalia and the Qurʾān. If the current study would achieve nothing but inviting others to offer variant explanations for this kinship, I will consider it a success. A short summary of the following chapters will prove a useful reading guide.

Summary

The Introduction, entitled *Late Antique Legal Culture, Judaeo-Christianity, and the Qurʾān*, introduces the sources and the central methodological objective of this book: to read the Qurʾān historically within its legal focus and to understand law as a central aspect of its religious world view. For this purpose, I employ the well-established concept of

"legal culture," constituted by actual law – *nomos* – as well as by the legal *narratives* justifying the law. The study of the Qurʾān's legal culture begins with short history of the "Decree of the Apostles" from the time of the Acts of the Apostles, where it is first attested, to the time of Athanasius of Bālād, writing in seventh-century Antioch. This short decree became the basis of a specific Judaeo-Christian ritual lawcode applied to gentiles in both the Didascalia and the Qurʾān. I define the concept of Judaeo-Christianity as the concomitant endorsement of Jesus and of a discrete set of observances of ritual purity *beyond* the requirements of the Decree of the Apostles. This religious tendency is traceable throughout Late Antiquity *within* established Jewish and Christian groups, yet not necessarily locatable as constitutive of social entities distinct from these groups. The Qurʾān stands in intimate dialogue with Judeo-Christianity as just defined, partially endorsing it, partially seeking to supersede it. Concluding this chapter, an illustrative example showing how the Qurʾān accepts and further develops a law preserved in the Didascalia – partially shared with other traditions, partially distinct – is taken from the two texts' jurisdiction on the wearing of the veil.

Chapter One, titled *The Didascalia's Laws and the Qurʾān's Abrogations*, considers the ways in which most of the Qurʾān's laws, as well as the legal narrative of the Ten Commandments, relate to their Biblical precedents. I claim that the Didascalia should be seen as a central source for any reconstruction of how Biblical law had been transformed from the times of the Israelites to that of the Qurʾān. Especially, I hold that the Qurʾān and the Didascalia conceive of the original revelation of law as consisting not only of the Ten Commandments, but also of

a series of legal additions incumbent upon believers. Most of these additional laws are largely the same in both texts. The Qurʾān, at the same time as betraying a proximity to the ways in which Jews and Christians understand Biblical law in its time, can also be shown to develop extant laws, especially regarding central cultic practices, reflecting a break with established Jewish and Christian religious communities.

Chapter Two, titled *Ritual Law in the Didascalia, the Clementine Homilies, and the Qurʾān*, considers how the Didascalia's Judaeo-Christians and the Qurʾān's ritual law share a special continuity – a distinct set of purity laws – in addition to the general legal commonalities already established. This chapter illustrates in more detail the development of this set of ritual laws, whose core was originally formulated in the Decree of the Apostles (yet partially dismissed by most Christians). These laws fall far short of the entire biblical ritual code but go far beyond the Decree of the Apostles. They include washing after intercourse and before prayer, as well as the abstinence from intercourse during the menses, and from the consumption of pork. The Clementine Homilies provide an important intermediate step that allows us to conceive of a continuous development, further expansion and specification of Judaeo-Christian ritual laws imposed upon gentiles from the time of the Acts of the Apostles to the composition of the Qurʾān. Finally, this chapter discusses the heresiology of the Didascalia and the Qurʾān, arguing that both texts formulate similar anti-ascetic laws in response to shared depictions of antinomian ascetics.

Chapter Three, titled *Narratives of Law in the Didascalia and in the Qurʾān*, continues the comparative study

of the Didascalia's and the Qurʾān's legal narratives in Chapter One, building on the basis of the two texts' presentation of the Ten Commandments and the original legal additions to them. I argue that both texts share an approach to the historical narrative of God-given law. This approach has an affinity with some early Greek and Latin patristic and with rabbinic sources, yet remains distinguishable from them. The Didascalia presents a clear-cut distinction between a primary, original divine law and a secondary law given to the Israelites as a punishment for sins such as the Golden Calf and other transgressions. Jesus is portrayed foremost in the role of a law-giver; he abrogates only *part* of the law, reinstating the original code. The Qurʾān's legal narratives repeatedly allude to such a distinction between original and secondary law and see Jesus similarly as abrogating only those laws given because of sins such as the Golden Calf.

Chapter Four, titled *Jesus, Muhammad, and Judaeo-Christian Food Laws*, shows how the legal history described in Chapter Three corresponds to the actual food laws of the Didascalia and the Qurʾān, both in the texts' past and present. For both the Qurʾān and the Didascalia, before the giving of the original law, no ritual law existed. Only a small number of purity laws were included in the original law, commensurate with a version of the Decree of the Apostles. The Israelites, however, sinned, and the secondary law was given to them as punishment, including additional dietary laws. Finally, Jesus abrogates these additional *food* laws for the Israelites, leading to a return to the stage of the original Torah, at least concerning food. In the Qurʾān, Muhammad mandates these food laws for Jews, Christians, and his own community.

The Conclusion, titled *The Didascalia's Judaeo-Christian Legal Culture as a Point of Departure for the Qurʾān*, summarizes the findings and seeks to assess the historical context of the legal culture shared by both texts. It problematizes the concept of and the historical evidence for Judaeo-Christianity, proposing a middle path between a minimalist and a maximalist position: either the complete disappearance of Judaeo-Christianity or the existence of hidden Judaeo-Christian communities in the sands of Arabia. In addition to the primary evidence of the Clementine Homilies and cognate texts, the Talmud, the Didascalia, and the Qurʾān itself, in my view, do not point to independent Judaeo-Christian groups, but testify to the survival of a Judaeo-Christian legal culture *within* the established Jewish and Christian communities. The Qurʾān takes this legal culture as one of its points of departure, constructing it as the original and true form of Christianity and Judaism alike. It thereby exhorts both rabbinic Jews and Christians to reform their ways by rectifying their respective positions on Jesus and on purity.

The Epilogue, entitled *The Qurʾān between Christianity and Rabbinic Judaism*, is set off from the rest of this study because it introduces the evidence of rabbinic Judaism into the interplay with that of the Didascalia. Its focus on philology is also more technical than the rest of this volume. I suggest a tentative reading of the Qurʾān's views on the Didascalia's religious officials in light of the present findings. I first consider the Qurʾān's sanctioning of the Jews' allegedly exaggerated veneration of rabbis and *ʾaḥbār* ("colleagues"), positing acute knowledge of pertinent rabbinic traditions among its audience. On the basis of this claim, I discuss the equally precise knowledge

the Qurʾān presupposes of Christian elders (*qissīsīn*) and of the veneration of a class of church officials called *ruhbān*, which I argue to be "bishops" in Qurʾānic Arabic, corroborating the Qurʾān's knowledge of the ecclesiastical structure described in the Didascalia. The Qurʾān's simultaneous dialogue with several interlocutors, in addition to the Didascalia, is presented as a pathway for future studies, minimizing the danger of reductionism and enhancing the possibility of cross-fertilization between disciplines.

Methodology and Acknowledgments

The purpose of this study is to help explain the Qurʾān to the place in peoples' minds that is known as the "western" world. At the same time, however, a comparative study of the Qurʾān and a nominally "Christian" document such as the Didascalia Apostolorum requires the undoing of many conceptual distinctions at the very heart of western culture. Late Antiquity and the Middle Ages; Christianity and Judaism; the New Testament and the Talmud; the Qurʾān and the Bible; Jesus and Muhammad; and, more darkly, "us" and "them:" all of these are distinctions that define the identity of four billion people or more. Yet these distinctions, if constructed too neatly and too categorically, are as stereotypically false as any deictic dichotomy. This book situates the "origins" of Islamic legal culture within the Jewish and Christian debates that reach back to the first century C.E. It similarly prepares an argument for presenting the Qurʾān as critiquing the Christianity and the rabbinic Judaism of its time from within a Biblical tradition that sits squarely in between the Christian and the rabbinic orthodoxies of its time.

I do not discount the cultural continuity between the Qurʾān and its Muslim reception history, yet I emphasize the Qurʾān's intimacy with the Biblical culture of Late Antiquity more broadly – be it Christian, Jewish, or, especially, both. I reclaim the Qurʾān as a document at the apex of Biblical Antiquity since it integrates the rabbinic Jewish and the Christian traditions. It constitutes a bridge as much as a watershed between Late Antiquity and the Middle Ages. Hence, just as we have come to learn to read the Talmud without its medieval commentary (without ignoring the valuable insights given there), and just as we have learned to read the New Testament without its patristic reception history (as rich and valuable as it may be), so will I read the Qurʾān without relying on its later commentaries in the Tafsīr and the Sīra literature, the early commentaries on the Qurʾān and the biographies of the life of Muhammad (while still acknowledging that the Islamic tradition is largely responsible for accurately conveying the text of the Qurʾān and much of its meaning). While the answers I suggest here are, perhaps naïvely, beholden to historical objectivity, the questions I ask developed within my own personal and academic career. Summarizing the path to this book will give me a chance briefly to acknowledge some of the help and inspiration I received along the way.

I grew up in a liberal and largely secular Protestant German household. Through a grandmother active in improving German-Israeli relations, I was confronted early on with the complex realities of the state of Israel and the German atrocities that expedited its establishment. The first strong intellectual impulse of which I have memory, however, was to try to understand not so much the all

but disappeared Jewish minority of the German past, but the living Muslim minority of the German present. As a teenager in 1989, I embarked on a comparative study of the stories of the patriarchs in the Hebrew Bible and in a German Qurʾān I had purchased. The project was ill-conceived and historically ignorant. I quickly abandoned it until I was introduced more properly to Islam while studying religion at the faculty of Protestant Theology in Strasbourg.

I was initially attracted to the breadth of humanistic education I hoped to receive in the study of Theology and Religious Studies and took a series of undergraduate and graduate degrees in this field, both in France and in the Netherlands. It was not until encountering rabbinic Judaism, however, that I felt any genuine academic fervor. I hence pursued a study of Judaism within the framework of a couple of degrees in Amsterdam, supplemented by literary and source-critical studies at the Departments of Hebrew Literature and Talmud in Jerusalem, and followed by a PhD at Princeton University under the tutelage of Peter Schäfer. Schäfer and his colleagues purged me of some of my all-too-intertextual impulses and allowed me to develop a historically contextualized understanding of Egyptian, Palestinian, and Mesopotamian Judaism in Late Antiquity.[1]

[1] Publications on Egyptian Judaism include Zellentin, "The End of Jewish Egypt: Artapanus's Second Exodus," in Gregg Gardner and Kevin Osterloh (eds.), *Antiquity in Antiquity, Jewish and Christian Pasts in the Greco-Roman World* (TSAJ 123; Tübingen: Mohr Siebeck, 2009), 27–73. On Mesopotamian and Palestinian Judaism see e.g. Zellentin, *Rabbinic Parodies of Jewish and Christian Literature* (Tübingen: Mohr Siebeck 2010); more recently see "Jerusalem Fell After Betar: The Christian Josephus and Rabbinic Memory," in

At Princeton, I also embarked upon my study of Arabic and of the Qurʾān and began a memorable reading of *Sūrat al-Baqarah* with two of my peers, Kevin Osterloh and Joshua Dubler. Once I was teaching as an Assistant Professor in Berkeley (at the Graduate Theological Union's Center for Jewish Studies and at the University of California), I again returned to the impulse of my teenage years. Inspired by a close collaboration with faculty in Islamic studies in Berkeley, and with helpful guidance of Michael Pregill, I dedicated myself to the study of the Qurʾān in its Late Antique context more fully, both in research and teaching. Initially, I sought to explore the ways in which the Qurʾān's statements on rabbis may enhance our understanding of the onset of the rabbinic tradition in Arabia. Yet very rapidly I realized that established categories of "Jewish," "Christian," and especially "Israelite" do not easily apply in the context of the Qurʾān. I therefore began with this preliminary study of the Qurʾān's legal culture, seeking to determine more precisely the role of Judaism, Judaeo-Christianity, and Christianity in a text that transforms the panoply of late antique discourse. I hope that my present study will prove better conceived and a little less historically ignorant than my first attempt.

My move to Nottingham in 2011 enabled me to dedicate myself more fully to the research for this book. The School of Humanities and the Department of Theology and Religious Studies at the University of Nottingham, as well as the British Arts and Humanities Research Council, which

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Raʿanan Boustan et al. (eds.), *Envisioning Judaism: Studies in Honor of Peter Schäfer on the Occasion of his Seventieth Birthday* (Mohr Siebeck, Tübingen, 2013), volume 1, 319–67.

awarded me a generous fellowship in 2012–13, have made the completion of the present project possible.[2] In the process of research and writing, I have received invaluable feedback, constructive criticism, and encouragement from a larger number of friends and colleagues than can be acknowledged here; I beg for forgiveness for the inadvertent omissions of which I am surely guilty. Angelika Neuwirth has been a constant source of inspiration both in person and in writing. Jon Hoover has supported me as a scholar and as a colleague in Nottingham, as have Fred Astren, Erich Gruen, Ron Hendel and Lena Salaymeh in Berkeley. Many scholars have given me crucial feedback on many aspects of the project, not to mention their encouragement: Islam Dayeh, Nicolai Sinai, Sacha Stern, Guy Stroumsa and Daniel Weiss, as well as several others who have cho-

[2] I first presented the research here summarized at a conference I co-organized at the University of California, Berkeley, in October 2010, titled *Crosscurrents: Jewish and Islamic Cultural Exchange, 600–1250 C.E.*, followed by a presentation at the 2011 Annual Meeting of the Society of Biblical Literature in San Francisco, CA. Since then, I have repeatedly presented aspects of this study at a series of invited lectures and seminars: in 2012, at the Oxford Seminar *The Qur'an and Late Antiquity*, organized by Guy Stroumsa and Nicolai Sinai ("'Jewish Christianity' and the Qurʾān"); at the School of Philosophy, Theology and Religion at the University of Birmingham ("The Qurʾān on Rabbis and Judaism"); and in 2013 at Brown University at the Departments of Classics, History, and Religion ("Jesus and Ritual Purity in the Apostolic Literature and in the Qurʾān"). Most recently, with support from the University of Nottingham and from the British Arts and Humanities Research Council, I organized another conference dedicated to the subject matter, titled *Return to the Origins: The Qurʾān's Reformation of Judaism and Christianity*, held in Nottingham from 20–21 January 2013. A conference volume is in preparation, see <http://www.nottingham.ac.uk/theology/research/conferences/return-to-the-origins/return-to-the-origins.aspx>.

sen to remain anonymous. Jennifer Mann, Marton Ribary and Carol Rowe improved the text of this book by their careful copy-editing. Most importantly, the role of three of my colleagues in the formation of my scholarly approach, as it is reflected here, must be singled out (without seeking to blame them for remaining shortcomings).

First, I feel especially inspired by the work of Sidney Griffith on early Islam and Syriac Christianity, and especially by his respectful approach towards both, pointing to similarities without conflating the traditions. Over the past years, Father Griffith has offered me crucial support and criticism, especially on this study. Second, by organizing a series of conferences and publishing a seemingly endless stream of learned and insightful edited volumes, books and articles, Gabriel Said Reynolds may have done more than anybody else in the present century to advance the "Qurʾānist" approach to the text. Professor Reynolds, moreover, gave me the chance to participate in the Qurʾān Seminar he convened at the University of Notre Dame, a series of workshops held from 2012–13 that allowed for a rich scholarly exchange.[3] Joseph Witztum, last though certainly not least, has carefully read through two versions of this entire manuscript and has saved me from a number of embarrassing inaccuracies, both in form and in content. Dr. Witztum's stringent criticism and inspiring discussion has shaped the present form of this text in a broader manner than the acknowledgements of specific instances below will reflect.

[3] For the project see <https://quranseminar.nd.edu/> and Gabriel Said Reynolds and Mehdi Azaiez (eds.), *Collaborative Commentary on the Qurʾān* (2012–2013 Qurʾān Seminar at Notre Dame, IQSA Publishing, forthcoming).

A tragic post-script to this study has been constituted by my two brief encounters with Patricia Crone. I first met Professor Crone as a graduate student in Princeton, where she fervently encouraged me to pursue my studies of the Qurʾān. I reconnected with her this year after finishing the present manuscript, only to find out that she has in the meantime composed a study very much complementing the present one – a reading of Qurʾānic doctrine in the light of patristic evidence of "Jewish-Christianity" – and that her health is failing rapidly. Few agree with Professor Crone's early radical criticism of Muslim origins, yet none can deny that she has helped to move the field of Qurʾānic studies into the historical critical tradition. She constitutes one of her own most rigorous critics, in as far as she now fully embraces the historicity of Muhammad, reading the Qurʾān within a historical context not dissimilar to the one here proposed. While I could respond to some of her remarks on the present manuscript, her own study reached me too late to treat it in the present volume.

Editions and Transliteration

I transliterate Syriac as well as Jewish Aramaic and Hebrew in accordance with the early defective (i.e. non-vocalized) tradition, as follows: ʾ b g d h w z ḥ ṭ y k l m n s ʿ p ṣ q r š t; Arabic is transliterated according to DIN 31635 (1982). Text and translations of the Didascalia are based on the critical edition and translation of Arthur Vööbus, *The Didascalia Apostolorum in Syriac* I–IV, *Corpus Scriptorum Christianorum Orientalium* 401–2 and 407–8 (Louvain: Secrétariat du Corpus Scriptorum Christianorum Orientalium, 1979), occasionally emended to give a more literal

sense; I have also consulted the fine new translation of Alistair Stewart-Sykes, *The Didascalia Apostolorum: an English Version with Introduction and Annotation* (Turnhout: Brepols, 2009). Citations from the Didascalia in the form of DA I, 1.1 denote chapter I, page 1, line 1 in Vööbus' Syriac. For previous editions of the Didascalia see Margaret Dunlop Gibson, *The Didascalia Apostolorum in Syriac, Edited from a Mesopotamian Manuscript with Various Readings and Collations of Other MSS* (Cambridge: Cambridge University Press, 2011 [1903]) and Paul de Lagarde, *Didascalia apostolorum syriace* (Leipzig: B. G. Teubner, 1854). The Latin text is that of R. H. Connolly, *Didascalia Apostolorum: The Syriac Version Translated and Accompanied by the Verona Latin Fragments* (Oxford: Clarendon Press, 1929). For a previous edition of the Latin text see E. Hauler, *Didascaliae Apostolorum fragmenta Veronensia latina* (Leipzig: Teubner, 1900). For the text of the Apostolic Constitutions see Franz Xaver von Funk, *Didascalia et Constitutiones Apostolorum* (Paderborn: Ferdinand Schoeningh, 1905), volume I. The text of the Clementine Homilies – falsely attributed to Pope Clement I in a later addition to the text, hence its usual epithet as "pseudo" – is that of Bernhard Rehm, *Die Pseudoklementinen I: Homilien* (Berlin: Akademie Verlag, 1969); the translation often follows, with many adaptations, Alexander Roberts and James Donaldson, *Ante-Nicene Christian Library, Volume XVII: The Clementine Homilies* (Edinburgh, T & T Clark, 1870). The vocalized text of the Qurʾān is that of ʿĀṣim (transmitted by Ḥafṣ), i.e. the Cairo text. Translations are largely based on the Sayyid 'Ali Quli Qara'i (ed. and trans.), *The Qur'an with an English Paraphrase* (Centre for Translation of the

Holy Qur'an: Qom, 2003), reprinted as *The Qur'an with a Phrase-by-Phrase English Translation* (Elmhurst, NY: Tahrike Tarsile Qur'an, 2006). Qara'i's translation seeks to preserve the original structure of much of the text and, more importantly, consistently translates Arabic words by using the same English word wherever possible. I regularly emend this translation in order to give an even more literal sense of the text. I have also consulted a number of standard English translations as well as the German of Rudi Paret, *Der Koran* (Stuttgart: Kohlhammer, 2004 [1966]). Most common names are rendered in their English equivalents. Biblical citations are based on the New Revised Standard Version. All other translations of ancient texts, unless otherwise noted, are my own.

Introduction

Late Antique Legal Culture, Judaeo-Christianity, and the Qurʾān

According to the most recent carbon dating of the parchment (not the ink) of the earliest evidence, a palimpsest, the Qurʾān may well have been largely redacted by the middle of the seventh century C.E., if not closer to the lifetime of Muhammad.[1] Its "implied author" is God, the same God who is called "the God of Abraham, the God of Isaac and the God of Jacob" in the Hebrew Bible (see Exodus 3:6) and in the New Testament (see Matthew 22:32). Muhammad is portrayed as a prophet in the mold of Abraham and

[1] See Behnam Sadeghi and Mohsen Goudarzi, "Ṣanʿāʾ 1 and the Origins of the Qurʾān," *Der Islam* 87 (2012): 1–129; cf. Elisabeth Puin, "Ein früher Koranpalimpsest aus Ṣanʿāʾ (DAM 01–27.1)," in Markus Groß and Karl-Heinz Ohlig (eds.) *Schlaglichter: Schriften zur frühen Islamgeschichte und zum Koran, Band 3: Die beiden ersten islamischen Jahrhunderte* (Berlin: Hans Schiler, 2008), 461–93; eadem, "Ein früher Koranpalimpsest aus Ṣanʿāʾ (DAM 01–27.1) – Teil II," in Markus Groß and Karl-Heinz Ohlig (eds.) *Vom Koran zum Islam: Schriften zur frühen Islamgeschichte und zum Koran, Band 4* (Berlin: Hans Schiler, 2009), 523–81; eadem, "Ein früher Koranpalimpsest aus Ṣanʿāʾ (DAM 01–27.1) – Teil III: Ein nicht-ʿuṯmānischer Koran," in Markus Groß and Karl-Heinz Ohlig (eds.) *Die Entstehung einer Weltreligion I: Schriften zur frühen Islamgeschichte und zum Koran, Band 5: Von der koranischen Bewegung zum Frühislam* (Berlin: Hans Schiler, 2010), 233–305. François Déroche has indicated to me in a personal communication that questions remain regarding the carbon dating as well as the palaeography of Ṣanʿāʾ 1, as he will detail in idem, *Qurʾans of the Umayyads: A Preliminary Overview* (*Leiden Studies in Islam and Society*; Leiden: Brill, 2014), forthcoming.

Jesus.[2] The Qurʾān's claim of divine authorship, however, is of limited relevance when seeking to understand it as a document of its time. Even God speaks the language of humans, as Rabbi Ishmael has taught us, implying that Scripture is meant to be understood – and for the historian, such understanding is locatable in history.[3] Conversely, positing Muhammad (or any other individual) as the Qurʾān's "historical author" is equally unsatisfying, for the Qurʾān, just like the Talmud, is not entirely a "written" text in the modern sense, as *Sūrat al-Furqān* illustrates:

The faithless say,
"Why has not the Qurʾān been sent down to him all at once?"
So it is, that We may strengthen your heart with it
And We have recited it (*wa-rattalnāhu*)
In a manner to be recited (*tartīlan*) (Q25:32)[4]

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[2] The "prophetology" of the Qurʾān, as exemplified most clearly in *Sūrat ash-Shuʿarāʾ* (Q26), has recently been discussed by Sidney H. Griffith, *The Bible in Arabic: the Scriptures of the People of the Book* (Princeton: Princeton University Press, 2013), 54–96, see also page 95, note 26. The term "implied," or "abstract author" describes the sense of its author that a work as a whole conveys to its audience. It is distinct from the "historical," or "concrete author," who has actually written down the text. For a useful discussion of authorial terminology and associated problems, see Wolf Schmid, *Narratology: An Introduction* (Berlin: De Gruyter, 2010), esp. 36–50.

[3] The famous (minority) dictum of Rabbi Ishmael, insisting that Scripture can contain superfluous elements because it uses human speech, ("the Torah speaks in the language of humans," see e.g. Sifre *Bemidbar*, Shelach 6), does not inversely imply that humans would be able to attain the language of the transcendent God; see Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004), esp. 18–9 and 141.

[4] See also Q17:106 and Q73:4. Verses indicating a more constrained timeframe of revelation, such as Q2:185 (one month) and Q97:1 (one night) obviously designate specific portions of the text rather than the text as a whole. Much discussed in the exegetical tradition, the

The Qurʾān's own claim that it is given, perhaps most literally, in a "recitable manner" (*tartīlan*), as opposed to "all at once," implies a sequential composition. The veracity of this statement is amply illustrated by the Qurʾān's internal dynamic, lending credence to the traditional narrative that it was composed over decades – i.e. it should be read as the product of a long development and not as "published" all at once.[5] At the same time, the Qurʾān seems cohesive enough both from a literary and a legal point of view to

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fact that such perceivably contradictory statements (and laws, see below) have been left in the Qurʾān side by side indicates minimal redactionist intervention during the collection of the text. As the cases of the Bible, the New Testament, and the Talmudic literature amply illustrate, editors almost always intervene in order to harmonize traditions; this is far less demonstrable in the Qurʾān than in other Scriptures.

[5] The question of the Qurʾān's inner development is obviously a difficult one. The core of traditional exegesis, as well as the German school of critical scholarship – from Nöldeke to Neuwirth – rests in one form or another on reading the Qurʾān along the prophet's career, an assumption neither easily proven nor entirely dismissed. The Qurʾān obviously has an internal history that is accessible with the proper historical and philological methods (its dialogue with outside sources being perhaps the most promising path). Yet the debate concerning the visibility of traces of the Qurʾān's redaction and over using legitimate historical and literary methods to discern its many layers continues to complicate the formation of a consensus. See Nicolai Sinai, "The Qurʾān as Process," in idem, Angelika Neuwirth, and Michael Marx (eds.), *The Qurʾān in Context: Historical and Literary Investigations into the Qurʾānic Milieu* (Brill: Leiden, 2010), 407–440. For a recent critique of the possibility of establishing an inner chronology, see Gabriel Said Reynolds, "Le problème de la chronologie du Coran," *Arabica* 58 (2011): 477–502. For an intriguing idiosyncratic stylometric reading influenced by the methods developed by Mahdī Bāzargān, see Behnam Sadeghi, "The Chronology of the Qurʾān: A Stylometric Research Program," *Arabica* 58 (2011): 210–99. For the importance of the Qurʾān's legal material for the

corroborate the traditional notion of its composition and redaction by a small group of people or by an individual. Any discussion of the Qurʾān's authorship, therefore, would have to take into account the effects of several volatile decades of a prophet's interaction with his community.

This longitudinal quality of the Qurʾān stands out in the cited passage for its rehearsal of the opinion of part of its audience, in this case "those who disbelieve" (*allaḏīna kafarū*). The Qurʾān gives clear evidence of the communal participation in its composition and should therefore be read as a text intended to be "heard" by a group rather than "read" by any individual. Angelika Neuwirth is correct in understanding the Qurʾān as the product of an intense dialogue of a prophet with his community.[6] This dialogue

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dating of its layers and the present volume's likely contribution to the issue, see below, page 18, note 27.

[6] For a reading of the Qurʾān that pays close attention to the interaction between the prophet and his audience, and thereby to a "communal" composition, see Angelika Neuwirth, *Der Koran: Handkommentar mit Übersetzung. Band 1: Poetische Prophetie. Frühmekkanische Suren* (Berlin: Verlag der Weltreligionen, 2011); see also eadem, "Meccan Texts – Medinan Additions? Politics and the Re-Reading of Liturgical Communications," in Rüdiger Arnzen and Jörn Thielman, *Words, Texts, and Concepts Cruising the Mediterranean Sea: Studies on the Sources, Contents, and Influences of Islamic Civilization and Arabic Philosophy. Dedicated to Gerhard Endress on his Sixty-Fifth Birthday* (Leuven: Peeters, 2004), 71–93. For an argument of an even broader participation in the process see Claude Gilliot, "Reconsidering the Authorship of the Qurʾān: is the Qurʾān Partly the Fruit of a Progressive and Collective Work?" in Gabriel Said Reynolds (ed.), *The Qurʾān in its Historical Context* (London: Routledge, 2008), 88–108. I read the Qurʾān as *orally* composed and as composed *and* redacted in dialogue with its seventh-century emerging community, as suggested on page 33, note 42. This does not exclude the possibility that it contains elements of self-conscious, "secondary" orality as defined by Walter J. Ong, see idem, *Orality and Literacy:*

is the locus of authorial creativity. The dialogical nature of the Qurʾān allows us to use its testimony to address its historical audience more immediately than would be the case with an "authored" work such as, say, Augustine's *Confessions*. From the perspective of the historian, then, this communal involvement justifies attributing the text as we have it to "the Qurʾān" itself rather than to any specific person, as I will do in this book. (I likewise attribute Talmud's authorial voice to "the Talmud"). In reconstructing what the Qurʾān expects its audience to know, both on its discursive surface and in its cultural presuppositions, we can reclaim the Qurʾān as evidence of and for the culture of Arabia in the first half of the seventh century C.E.

Far too little is known about Arabia at this time. The way in which a slightly later outsider perceived the earliest Muslims in Antioch serves as a helpful – and contrasting – starting point to guide us towards appreciating the culture of the Qurʾān's original audience, particularly its attitude towards ritual purity. Such an outsider's perspective to which Robert Hoyland has drawn our attention is offered by the youngest of the many texts preserved in an important document in the Vatican library, Ms. Vatican Syr. 560 (on which more below). In the year 683/4 of the Common Era, merely two or three generations after the death of Muhammad, the Umayyad Caliphate had been established. Living under Muslim rule, Athanasius of Bālād, the Jacobite Patriarch of Antioch, writes an en-

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The Technologizing the Word (New York: Methuen, 1982). A more nuanced discussion of the literary strategies the historian must employ to appreciate the Qurʾān would surpass the scope of the present work. The readings here suggested, however, may be a small contribution to this discussion, perhaps the most urgent one in the field.

cyclical letter condemning the intermarriage of Christian women with men he calls *ḥnp'*, a Syriac term denoting "pagans," or "gentiles."[7] Moreover, Athanasius lamented that Christians dine with these "pagans:"

"For a terrible report about dissipated Christians has come to the hearing of our humble self. Greedy men, who are slaves of the belly are heedlessly and senselessly taking part with the pagans in feasts together; wretched women have sexual intercourse (or: 'marry,' *mzdwgn*) anyhow with the pagans unlawfully (*l' nmws'yt*) and indecently, and all at times eat without distinction from their sacrifice (*dbḥ'*). They are going astray in their neglect of the commandments (*pwqdn'*) and rules (*wḥwqt'*) of the apostles who often would cry out about this to those who believe in Christ, that they should distance themselves from fornication (*znywt'*), from what is strangled (*ḥnyq'*) and from blood (*dm'*), and from the food of the pagan slaughter (*dbḥ' ḥnpy'*), lest they be by this associates of the demons and of their unclean table."[8]

Athanasius asks the rural bishops and inspectors to ensure that commensality cease and that the communities are reminded of the "canons of the church." Despite the alarming rhetoric, he exhorts them to exercise judgment and not to overreact: the women who have children from said relations should make sure these children are baptized; the

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[7] On Athanasius' date see Omert J. Schrier, "Chronological problems concerning the Lives of Severus bar Mašqā, Athanasius of Balad, Julianus Romāyā, Yoḥannān Sābā, George of the Arabs and Jacob of Edessa," *Oriens Christianus* 75 (1991): esp. 78–80, see also Herman Teule, "Athanasius of Balad," in David Thomas and Barbara Roggema (eds.), *Christian-Muslim Relations: A Bibliographical History* (Leiden: Brill, 2009), volume 1, 157–9.

[8] Text cited according to François Nau, "Littérature canonique syriaque inédite," *Revue de l'Orient Chrétien* 14 (1909): 128–30, translation adapted from Robert G. Hoyland, *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton: Darwin, 1997), 148.

women themselves, remarkably, are not, unlike Christian heretics, to be categorically barred from the Eucharist.[9] These women should simply "guard themselves from the meat of [the pagans'] sacrifice (*dbḥyhwn*) and from what is strangled (*wdḥnyq'*, i.e. meat) and from their illegal (*dl' nmwsyt'*) fellowship." Who, then, are the "pagans," or "gentiles" in Athanasius' community, who sacrifice and eat "strangled meat"? Are they other Christians, Muslims, "real" pagans, or a bit of each?

The Syriac term *ḥnp'* denoted "pagan" or "gentile" up to the seventh century; often, though not always, with a negative connotation. The persistence of paganism in some areas of the seventh-century Umayyad Caliphate, especially in formerly Byzantine territory, is highly marginal at best and would scarcely allow for such a reading of Athanasius' condemnation of Christian intercourse with actual pagans.[10] Athanasius' urgency and the public nature and pervasiveness of the perceived problem suggests that the term *ḥnp'* denotes not pagans, but a gentile group closer to Athanasius' Jacobite church itself.

In effect, Athanasius almost verbatim evokes the so-called *Decree of the Apostles*, as related in Acts 15. In the first Christian century, a compromise was allegedly struck between, on the one hand, those who demanded that the "gentiles" who believed in Jesus were to "keep the law of

[9] Athanasius emphasizes that "Nestorians, Julianists, any other heretic" are to be excluded from baptism and Eucharist, see Nau, "Littérature canonique syriaque inédite," 130.

[10] See the Hoyland, *Seeing Islam*, 149. On the persistence of paganism see Michael Morony, *Iraq after the Muslim Conquest* (Piscataway: Gorgias Press, 2005 [1983]), 280–430; John F. Haldon, *Byzantium in the Seventh Century: The Transformation of a Culture* (Cambridge: Cambridge University Press, 1990), 326–51; both cited by Hoyland.

Moses" (Acts 15:5) and, on the other hand, those like Peter and Paul, who insisted that one should not place "on the neck of the gentiles a yoke that neither our ancestors nor we have been able to bear" (Acts 15:10).[11] The compromise suggested in Acts is what Athanasius presupposes, here in the Peshitta's rendering:

For it seemed good to the Holy Spirit and to us
to impose on you [gentiles] no further burden than these essentials:
that you abstain from what has been slaughtered (*dbyḥ'*) to idols
and from blood (*dm'*)
and from what is strangled (*ḥnyq'*)
and from fornication (*znywt'*) (Acts 15:29)

By avoiding the impurity associated with idol worship, blood, strangled animals and improper sexual relations, the Decree of the Apostles maintains a minimum of ritual law as applicable to gentile believers in Jesus.

Why, then, when accusing his community of mingling and commensality with the "pagans" of his time, did Athanasius evoke the language of Acts? Is it simply that the list of prohibited foods and actions in the Decree of the Apostles had become the standard language regarding "whether one should eat meat that had been killed according to the procedure of another religious community," as Hoyland perceptively puts it?[12] In effect, Acts tries to integrate formerly pagan gentiles into its belief system, and thereby fur-

[11] The Peshitta of Acts 15:19 uses *'mm'* for gentiles, yet, as de Blois has noted, elsewhere (e.g. 18:4), Acts also uses *ḥnp* for gentiles, equally in a neutral way; see François de Blois "Naṣrānī (Ναζωραῖος) and ḥanīf (ἐθνικός): Studies on the Religious Vocabulary of Christianity and of Islam," *Bulletin of the School of Oriental and African Studies* 65 (2002): 21.

[12] Hoyland, *Seeing Islam*, 149.

nished Athanasius with powerful language for his attempt to exclude the gentile Muslims by portraying them *as* pagans. The early copyists of Athanasius' letter understood his coded language: in its two early manuscripts (as well as in most later ones), a later hand introduces Athanasius' letter as regarding a Christian's not eating "of the sacrifices of the Muslims (*mhgry'*) who now hold power."[13] For good reason, then, does Hoyland consider it "more likely that, though he may in general intend all non-Christians, Muslims were uppermost in Athanasius' mind."[14]

Using traditional language to describe new problems is a time-honored strategy to cope with radical change. By comparison, the rabbis equally avoided acknowledging the Christianization of the Roman Empire in the century after Constantine by refusing even to name Christians, instead portraying Christianity in terms of Roman paganism.[15] Likewise, Athanasius' association of Muslim sacrifices with demons reflects the standard attitude towards many a religious Other of his time. In the time of Acts, demons were associated with actual idol worship, yet demonological references had become commonplace in Christian polemics of the seventh century. While rabbis favored a technical and psychological approach to demons, Christians not only accused Muslims, but also Christians

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[13] The Syriac term *mhgry'*, based on the Qurʾānic Arabic term *muhāğirūn*, "emigrants," clearly denotes Muslim Arabs, see Sokoloff, *A Syriac Dictionary*, 719.

[14] Hoyland, *Seeing Islam* 149.

[15] See Zellentin, "Jerusalem Fell After Betar." Instead of naming it, the rabbis speak of Christianity in terms of Jewish heresy; the most likely rabbinic term exclusively used for gentile Christians is *nṣrym*, akin to the Qurʾānic *naṣārā*, and first attested (as a plural) in the Babylonian Talmud (see below, page 193, note 14).

of different denominations of being possessed by demons and showed their religious prowess by outdoing each other in exorcisms.[16]

At the same time as using standard accusations, Athanasius' language is subtle and precise in evoking Muslims. The "gentile" self-identity of the Qurʾān is actually reflected in its use of the Arabic term *ḥanīf* to depict the original gentile form of worship, going back to Abraham. Athanasius here employs the ambiguity of the cognate Syriac term *ḥnp'* in a polemical way by alluding to the Muslims' own language. He depicts the Muslims not as gentiles, but as pagans – a usage that became common only in the subsequent century.[17] The ambiguity of the term and the affinity

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[16] See for example Gerrit J. Reinink, "Die Muslime in einer Sammlung von Dämonengeschichten des Klosters von Qennešrīn," in René Lavenant (ed.), *VI Symposium Syriacum 1992*, Orientalia Christiana analecta 247 (Rome: Pontificio Istituto Orientale, 1994), 335–46; Vincent van Vossel, "Le moine syriaque et son diable," in *Le monachisme syriaque aux premiers siècles de l'Eglise, IIe – debut VIIe siècle. I: Textes français*, Patrimoine Syriaque, Actes du Colloque V. Antélias, (Lebanon: Centre d'Études et de Recherches Orientales, 1998), 191–215; and Joseph Verheyden, "'The Demonization of the Opponent' in Early Christian Literature: The Case of the Pseudo-Clementines," in Theo L. Hettema and Arie van der Kooij, *Religious Polemics in Context: Papers Presented to the Second International Conference of the Leiden Institute for the Study of Religions (LISOR) held at Leiden, 27–28 April 2000,* Studies in Theology and Religion 11 (Assen: Van Gorcum, 2004), 330–359. For a recent discussion of the role of external and internal demons in rabbinic and patristic culture, see Ishay Rosen-Zvi, *Demonic Desires: "Yetzer Hara" and the Problem of Evil in Late Antiquity* (Philadelphia: University of Pennsylvania Press, 2011), esp. 36–43.

[17] See de Blois "Naṣrānī (Ναζωραῖος) and ḥanīf (ἐθνικός)," 16–27; Hoyland, *Seeing Islam*, 148; and Sidney Griffith, "The Prophet Muḥammad, his Scripture and his Message according to the Christian Apologies in Arabic and Syriac from the First Abbasid Century," in

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