

# The Relationship between Islam and Judaism: A Neglected Aspect

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## Abstract

The Islamic tradition of differentiating Muslim practices from those of other monotheists has been relatively neglected by scholars. In this article, I discuss this relatively neglected aspect of the relationship between Islam and Judaism.

## Keywords

Differentiation (*mukhālafā*), “golden path” (*wasat*), leniency (*rukhsa*), Judaism, Islam, Christianity

## Introduction

The issue of intercultural and interreligious influences has been problematic and controversial among scholars of religion and especially of Islam. Starting with Abraham Geiger (1810–1874), who wrote *Was hat Mohammed aus dem Judenthume aufgenommen?* in 1833, scholars have argued that many elements in Islam were derived from Judaism. Many works have been written on this issue by prominent scholars using various methodologies.<sup>1</sup> Some scholars see the general idea that one tradition influenced another or the specific idea that Judaism and Christianity influenced Islam as inherently misleading approaches to the study of Islam. Other scholars have argued further that these attitudes were adopted in order to promote certain agendas, such as “proving” that one of the religions in question is not original, thus refuting its veracity.<sup>2</sup>

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<sup>1</sup> See e.g., Charles Culter Torrey, *The Jewish Foundation of Islam* (New York: Jewish Institute of Religion Press, 1933); Erwin Isaac Jacob Rosenthal, *Judaism and Islam* (London: Yoseloff, 1961); Shlomo Dov Goitein, *The Islam of Muḥammad: How a New Religion Came Into Being in the Shadow of Judaism* (Jerusalem: The Hebrew University of Jerusalem, 1975) [Hebrew].

<sup>2</sup> See, e.g., Fazlur Rahman, “Some Recent Books on the Qurʾān by Western Authors,” in *The Journal of Religion* 64/1 (1984), pp. 73–95, at 73, 75, 86, 89. Without taking a position in the issue, I must agree that there is some truth to these criticisms. Some early scholars of Islam

Actually, both sides of this argument tend to exaggerate the shortcomings of the other side. On the one hand, early scholars such as Geiger did tend to view any Islamic tradition or story that is similar—even slightly—to a Jewish or Christian source as proof of Jewish or Christian influence on Islam.<sup>3</sup> On the other hand, there have been scholars who completely rejected the possibility that Judaism and Christianity influenced Islam. Because of their blanket resistance to this possibility, they have often made the general statement that there was no influence, without justifying their argument.

In fact, in certain cases, Islamic tradition openly admitted that it adopted customs from other religions. The following *ḥadīth* is a good example:

One day, Allāh's messenger came to the Mosque of Qubā' and said: Allāh has praised you concerning the purification that you perform. What is the purification that you perform? (*fa-mā ḥādihā al-ṭabūr*). They said: By Allāh, O Allāh's messenger! We do not know anything, except that we had Jewish neighbors who used to wash their backsides after answering the call of nature, and we washed as they washed.<sup>4</sup>

Some Islamic sources indicate that Muslims often deliberately rejected the practices of Jews, Christians, and Zoroastrians. In Islamic legal sources, this principle is called *mukhālafā*. Moreover, this rejection was accomplished, for the most part, by choosing a more lenient approach to religious law (*rukḥṣa*).<sup>5</sup> When dealing with issues on which Jews and Christians followed different practices, Muslims were required to choose the “golden path” between the two (*wasat*). Yet scholarly research into the relationship between Judaism and

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were pious Christians, such as Henri Lammens (1862–1937), who, as reflected in his writings, held Islam in contempt. Others held religious positions/jobs. Georges Henri Bousquet (1900–1978) and William Montgomery Watt (1909–2006) were Episcopal priests. William St. Clair Tisdall (1859–1928) was a reverend and secretary of the Church of England's Missionary Society in Isfahan. Abraham Geiger (1810–1874), born into a very strict Orthodox family in Frankfurt, was a Rabbi and one of the founders of Reform Judaism. On the tendency of Western scholars to study Islam from within a Jewish or Christian framework, see Maxime Rodinson, “A Critical Survey of Modern Studies of Muḥammad,” in Merlin Swartz, ed., *Studies on Islam* (New York: Oxford University Press, 1981), pp. 23–85.

<sup>3</sup> In my opinion, the most prominent examples of this are Abraham Isaac Katsh's book, *Judaism and the Koran: Biblical and Talmudic Backgrounds of the Koran and Its Commentaries* (New York: A.S. Barnes, 1962) and Michael Cook and Patricia Crone, *Hagarism: The Making of the Islamic World* (Cambridge: Cambridge University Press, 1977).

<sup>4</sup> Ismā'il b. 'Umar Ibn Kathīr, *Tafsīr al-Qur'ān al-Karīm* (Egypt: Dār al-Fikr, n.d.), vol. 2, p. 489. See also the variant Qur'anic commentaries on Q. 9:108.

<sup>5</sup> The most comprehensive work published thus far on the subject of *rukḥṣa* is Ze'ev Maghen's, *After Hardship Cometh Ease: The Jews as Backdrop for Muslim Moderation* (Berlin and New York: De Gruyter, 2006). See further M.J. Kister, “Concessions and Conduct: A Study in Early *Ḥadīth*,” in G.H.A. Juynboll, ed., *Studies in the First Century of Islamic Society* (Carbondale: South Illinois University Press, 1982), pp. 89–107.

Islam has, with several exceptions,<sup>6</sup> tended to focus on what Islam took directly from Judaism.

In this article, I discuss this relatively neglected aspect of the relationship between Islam and Judaism and examine how these three concepts were applied in regard to several issues of religious law. I also examine some of the specific Jewish sources that may have motivated Muslims to adopt customs that were the opposite of Jewish customs.

## 1. Differentiation

According to Deut. 24:1–4, if a woman has been divorced and then married to another man and the second marriage has been consummated, she can never return to her first husband, even if she divorces her second husband. This law was enacted in order to prevent two men from exchanging their wives temporarily and then legally exchanging them back again. Deut. 24:1–4 states:

When a man hath taken a wife and married her, and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her: *then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife.* And if the latter husband hate her, and write her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house; or if the latter husband die, which took her to be his wife; *Her former husband, which sent her away, may not take her again to be his wife, after that she is defiled; for that is abomination (tō'eva) before the Lord.*

The Qur'ān establishes a law that is the exact opposite of Deut. 24:1–4. According to the Qur'ān, a Muslim who divorces his wife cannot remarry her *until* she marries another man, has intercourse with him, and then divorces

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<sup>6</sup> See Ignaz Goldziher, “Usages Juifs d’après la littérature religieuse des Musulmans,” in *Revue des études juives* 28 (1894), pp. 75–94; idem, “Islamisme et Parsisme,” in *Revue de l’histoire des religions* 43 (1901), pp. 1–29; Arent Jan Wensinck, “Die Entstehung der Muslimischen Reinheitsgesetzgebung,” in *Der Islam* 5 (1914), pp. 62–80; Georges Vajda, “Juifs et Musulmans selon le Hadit,” in *Journal Asiatique* 229 (1937), pp. 57–127; M.J. Kister, “Do Not Assimilate Yourselves . . . ’Lā Tashabbahū . . .,” in *Jerusalem Studies in Arabic and Islam* 12 (1989), pp. 321–371; Haggai Mazuz, “Menstruation and Differentiation: How Muslims Differentiated Themselves from Jews regarding the Laws of Menstruation,” in *Der Islam* 87 (2012), pp. 204–223. In addition, a forthcoming monograph will examine how Jewish rabbinical sources influenced Islamic law on the subject of menstruation: Haggai Mazuz, *Menstruation and Its Legislation: The Evolution and Crystallization of the Law of Menses in the Islamic Juristic Tradition*. With an introduction by Moshe Sharon (Ramat-Gan: Bar-Ilan University Press, forthcoming) [Hebrew]. Its thesis is that the evolution of most Islamic laws relating to menstruation was the result of applying the principle of *mukhālafā*.

him. While the Pentateuch rules that it is an “abomination before the Lord” for a man to remarry his divorced wife after she has been married to another man, the Qur’ān states that Allāh has decreed that “there is no blame” on those who do so, as stated in Qur’ān [henceforth Q.] 2:230:

So if he divorces her, she shall not be lawful to him afterwards until she marries another husband. If he divorces her, there is no blame on them both (*fa-lā junāḥa ‘alayhimā*) if they return to each other (by marriage), if they think that they can keep within the limits of Allāh. And these are the limits of Allāh which He makes clear for a people who know.<sup>7</sup>

The following story demonstrates how Islamic law differentiated itself from Jewish law on this issue: Rifā‘a b. Simwāl al-Quraẓī divorced his wife, Tamīma bt. Wahb b. ‘Atīk al-Naḍirī, three times (making the divorce irrevocable) and she married ‘Abd al-Raḥmān b. al-Zabīr al-Quraẓī.<sup>8</sup>

Due to physical shortcomings (*wa-lam yakun mā‘ahu illā mithl al-hudba*; literally: “what he has resembles nothing so much as a string”), ‘Abd al-Raḥmān b. al-Zabīr could not consummate his marriage with Tamīma bt. Wahb b. ‘Atīk al-Naḍirī. As a result, she decided to divorce him and go back her first husband. Since she did not consummate the marriage with her second husband, Muḥammad told her: “you will not be permitted to your first husband until he [i.e. ‘Abd al-Raḥmān b. al-Zabīr] tastes your sweetness [literally: honey] and you taste his” (*lā taḥillīna li-zawjiki al-awwal ḥattā yadḥūqu ‘asīlataki wa-tadhūqī ‘asīlatabu*),<sup>9</sup> i.e., she must consummate the marriage with him before remarrying Rifā‘a b. Simwāl al-Quraẓī.

*Coitus interruptus* (*‘azl*) is another issue on which Muslims differentiated themselves from the Jews. According to Jewish law, *coitus interruptus* and onanism are completely forbidden. The severity of this prohibition is illustrated in the biblical story of Onan, one of Judah’s sons. According to the story, Onan was married to Tamar and practiced *coitus interruptus* in order to avoid conceiving a child. As punishment, the Lord took his life.<sup>10</sup>

<sup>7</sup> Translation taken from Muḥammad ‘Alī Maulana, *The Holy Qur’ān: Arabic Text, English Translation and Commentary* (Lahore: The Lahore Aḥmadiyya Movement in Islam, 1998).

<sup>8</sup> Their names suggest that all three were Jewish converts to Islam. It is interesting that out of all Muḥammad’s Companions (*ṣaḥāba*), three Jewish converts were “chosen” to execute this decision, which is the opposite of Jewish law on the subject.

<sup>9</sup> Muḥammad b. Ismā‘īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Cairo: Dār wa-Maṭābi‘ al-Sha‘b, 1950), 7:56, 184, 192.

<sup>10</sup> “And Onan knew that the seed should not be his; and it came to pass, when he went in unto his brother’s wife, that he spilled it on the ground, lest that he should give seed to his brother. And the thing which he did displeased the Lord: wherefore he slew him also” (Gen. 38:9–10).

The Talmudic sages considered this sin equal to two of the three sins that a Jew must sacrifice his life for rather than commit: murder and the worship of idols as stated in Talmud tractate Niddah:

R. Yohanan stated: ‘Whosoever emits semen in vain deserves death, for it is said in Scripture, “And the thing which he did displeased the Lord: wherefore he slew him also” [Gen. 38:10]. R. Isaac and R. Ammī said: ‘He is as though he shed blood, for it is said in Scripture, “Ye that inflame yourselves among the terebinths, under every leafy tree, that slay the children (*shōḥaṭey ha-yeladīm*) in the valleys under the clefts of the rocks” [Isa. 57:5]; read not “that slay” but “that press out” (*al tiqrey shōḥaṭey elā sōḥaṭey*). R. Assī said: ‘He is like one who worships idols.’<sup>11</sup>

In 628 C.E. (some sources say 626 C.E.), the Muslim army raided the Arab tribe of the Banū Muṣṭaliq and captured some of their women. After dividing the booty between them, the Muslims wanted to have intercourse with their captives. They did not want them to conceive, however; so they asked Muḥammad whether they could practice *coitus interruptus* with their captives. He permitted them to do so.<sup>12</sup>

Islamic tradition describes a discussion between one of Muḥammad’s Companions and the Jews. The Jews argued that *coitus interruptus* is an attenuated case of the exposure of newborn girls (*al-maw’ūda al-ṣughrā*). During times of famine, some pre-Islamic Arab tribes prioritized male children, because they could serve as warriors, but would bury their baby daughters alive rather than raise them. Muḥammad forbade this practice (Q. 6:137; 16:58–59; 81:8–9). The above mentioned Companion came to Muḥammad and told him the following:

O Allāh’s messenger! I have a slave with whom I practice *coitus interruptus* (*wa-anā a’zalu ‘anhā*. lit. I will withdraw from her [before ejaculating]), for I do not want her to conceive, but I want what men want. But the Jews claim that *coitus interruptus* is an attenuated case of exposure of newborn girls (*inna al-yahūd tuḥaddithu anna al-’azl al-maw’ūda al-ṣughrā*). Allāh’s messenger replied: “The Jews have lied. If Allāh wanted to create him (or her), you would not be capable of preventing [the child from being conceived].”<sup>13</sup>

<sup>11</sup> B. Nid.13a.

<sup>12</sup> Abū Muḥammad ‘Abd al-Malik Ibn Hishām al-Ḥimyārī al-Ma’āfirī, *Sīrat al-Nabī* (Cairo: al-Maktaba al-Tijāriyya al-Kubrā, 1937), vol. 2, p. 214.

<sup>13</sup> Abū ‘Isā Muḥammad al-Tirmidhī, *Ṣaḥīḥ al-Tirmidhī* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1995), vol. 3, p. 442 (1138); Abū Dā’ūd Sulaymān b. Ash’ath al-Sijistānī, *Sunan Abi Dā’ūd*, 2 vols. (Cairo: Maṭba‘at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādihi, 1952), vol. 1, p. 501.

In this *ḥadīth* the Jews presented the Talmudic view, and Muḥammad ordered his followers to do the opposite. Moreover, Muḥammad's decision differentiated Islam from Judaism not only in a practical sense, but also a spiritual one. According to the Talmud, there is a backlog of souls in heaven. The Messiah's arrival and the resurrection of the dead will not occur until all these souls have appeared in this world. The Talmud states "The Son of David (i.e., the Messiah) will not come until the souls in the 'body' (Heb. *gūf*., i.e., the region inhabited by the souls of the unborn) have been exhausted."<sup>14</sup> In the case of *coitus interruptus*, Muḥammad rejects Jewish practice because, he claims, "Allāh has already decided which souls will be created on earth."<sup>15</sup> Therefore, a man who performs *coitus interruptus* has not prevented a living soul from being conceived. This, in turn, means that *coitus interruptus* is not an attenuated case of the exposure of newborn girls and is therefore permitted.

In 625 C.E., the Muslims besieged the forts of the Banū Naḍīr tribe. One of the Banū Naḍīr's food sources was dates. Muḥammad knew that in order to defeat the Banū Naḍīr, he had to block their access to the date palms that fed them. Accordingly, Muḥammad revealed Q. 59:5: "Whatever palm tree you cut down or leave it standing upon its roots, it is by Allāh's permission." The Muslims promptly cut down the date palms of the Banū Naḍīr and burned them. Shortly after, the Jewish tribe surrendered to Muḥammad.<sup>16</sup>

Q. 59:5 directly contradicts Deut. 20:19–20, which permits the destruction of fruitless trees as a military tactic, but forbids the destruction of trees that are bearing fruit:

When thou shalt besiege a city a long time, in making war against it to take it, *thou shalt not destroy the trees* thereof by forcing an axe against them: *for thou mayest eat of them, and thou shalt not cut them down* for the tree of the field is man's life to employ them in the siege: *Only the trees which thou knowest that they be not trees for meat, thou shalt destroy and cut them down*; and thou shalt build bulwarks against the city that maketh war with thee, until it be subdued.

There are several matters on which Islamic law was differentiated from both Jewish and Christian practice but cannot be classified as choosing the "golden path." The first is the call to prayer (*adhān*). The *ḥadīth* tells that Muḥammad's Companions asked him how the people should be called to prayer, and he did not have an answer. Some Companions offered to do it with a ram's horn (Ar. *shabūr al-yahūd* or *būq al-yahūd al-manfūkh bi'l-fam*; Heb. *shōfar*), as was

<sup>14</sup> B. Yeb. 62a; B. A.Z. 5a.

<sup>15</sup> al-Tirmidhī, *al-Jāmi' al-Ṣaḥīḥ*, 3:444 (1140); Abū Dā'ūd, Sunan, 1:500.

<sup>16</sup> Muḥammad b. 'Umar al-Wāqidi, *Kitāb al-Maghāzī* (London: Oxford University Press, 1966), 1:372–374.

Jewish custom. Because it was Jewish practice, Muḥammad did not approve of this suggestion.<sup>17</sup> Others suggested hitting a metal board with their hands (*nāqūs al-naṣārā al-madrūb bi'l-yad*), as was Christian practice. Muḥammad rejected this idea as well, because he did not want his followers to adopt Christian practice.

One of Muḥammad's Companions, 'Abd Allāh b. Zayd b. 'Abd Rabbihi, found the solution. He told Muḥammad of a dream he had, in which he saw that the call to prayer should be made with a man's voice. Muḥammad accepted this idea and immediately ordered Bilāl to summon the Muslims to prayer by public announcement, thus creating the role of the muezzin.<sup>18</sup>

Islamic tradition reports that Friday was chosen as the holy day of the week in order to differentiate Islamic practice from that of Judaism and Christianity. A story is told that the Anṣār assembled in order to choose a holy day. They called it the "gathering day" (*yawm al-jum'a*). They said, "The Jews have one day in the week on which they gather [i.e., Sabbath]. The Christians have one too [i.e., Sunday]. Let us set up a day in which we will gather, mention Allāh's name, and pray for him." The Anṣār further said, "Saturday is for Jews, and Sunday is for Christians; [therefore] they made [their holy day] on *yawm al-arūba*." The tradition furthermore states that "They used to call Friday *yawm al-arūba*" (*fa-qālū: yawm al-sabt li'l-yahūd wa-yawm al-aḥad li'l-naṣārā fa-aj'alūhu yawm al-arūba, wa-kānū yusammūna yawm al-jum'a yawm al-arūba*).<sup>19</sup>

Another example of Islam's differentiation from the Jews as well as from the Christians is the direction of prayer (*qibla*). Muslims were initially commanded to pray toward Jerusalem. When the Jews refused to convert to Islam, however, Muḥammad changed the direction of prayer toward Mecca (Q. 2:142–144).<sup>20</sup> According to Islamic tradition, one of the revelations

<sup>17</sup> According to the Talmud, the Jews used a ram's horn to announce the arrival of the Sabbath and call the people to prayer. See B. Ḥul. 26a.

<sup>18</sup> Aḥmad b. 'Abd al-Ḥalīm Ibn Taymiyya, *Iqtidā' al-Ṣirāṭ al-Mustaqīm: Mukhālafat Aṣḥāb al-Jahīm* (Cairo: Dār al-Ḥadīth, 1992), pp. 113–114.

<sup>19</sup> 'Abd al-Razzāq al-Ṣan'ānī, *al-Muṣannaḥ* (Beirut: Dār al-Kutub al-'Ilmiyya), vol. 3, pp. 159–160. For additional information, see Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 1984), p. 72. The following story is worth recounting: One of Ṣafiyya bt. Ḥuyayy's slave girls went to the Caliph 'Umar b. al-Khaṭṭāb and told him that Ṣafiyya was keeping the Shabbath. 'Umar called Ṣafiyya and asked her if it was true and she answered: "I do not keep the Shabbath since Allāh changed it for me to Friday." See, Muḥammad b. Yūsuf al-Ṣāliḥī, *Kitāb Azwāj al-Nabī* (Damascus: Dār Ibn Kathīr, 1992), p. 213.

<sup>20</sup> "The fools among the people will say: 'What has turned them from their *qibla* which they had...? And We did not make that which thou wouldst have to be the *qibla*... so We shall surely make thee master of the *qibla* which thou likest; turn then thy face towards the Sacred Mosque. And wherever you are, turn your faces towards it" (Q. 2:142–144). See also Ibn

Muḥammad received on the issue of *qibla* was the following, “It is not righteousness that you turn your faces towards the East and the West” (Q. 2:177). Qur’ānic commentators argue that the verse is in reference to the fact that Christians pray toward the East and the Jews toward the West (*li-anna al-yahūd tatawajjahu ilā al-maghrib wa’l-naṣārā tatawajjahu ilā al-mashriq fī l-ṣalāh*).<sup>21</sup> These two verses suggest that the Muslims needed a *qibla* that was unique to Islam, and thus Mecca was chosen.<sup>22</sup>

## 2. The “Golden Path”

When dealing with issues on which Jews and Christians followed different customs, Muslims are required to choose the “golden path” between the two, as suggested by Q. 2:143: “And thus we have made you a middle nation” (*wa-kadhālika ja’alnākum umma<sup>an</sup> wasa<sup>an</sup>*). The phrase “middle nation” entails the concept that the Jews always follow the more stringent path; while the Christians follow the more lenient. The Qur’ān instructs Muslims not to follow either path.<sup>23</sup> In effect, the choice of the “golden path” constitutes a double *mukhālafā*, as it simultaneously differentiates Islam from both Judaism and Christianity.

A good example of this is the Islamic position on the issue of vendetta. Q. 2:178–179 orders Muslims to avenge the blood of their dead. If the victim’s family forgives the killer, however, the same verses allow them to make a financial arrangement with him. In return for monetary compensation, they agree not to harm him. The Qur’ān states that Allāh established the option of financial compensation as an act of leniency:

O you who believe, retaliation (*qiṣāṣ*) is prescribed for you in the matter of the slain: the free for the free, and the slave for the slave, and the female for the female. But if

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Hishām, *Sira* 2:176–177 and the commentators’ interpretations of these verses. The commentators explain that the words, “The fools among the people,” refer to the Jews of Medina.

<sup>21</sup> E.g., Abū al-Ḥasan ‘Alī b. Muḥammad al-Māwardī, *Tafsīr al-Māwardī: al-Nukat wa’l-‘Uyūn* (Kuwait: Wizārat al-Awqāf wal-Shu’ūn al-Islāmiyya, al-Turāth al-Islāmī, 1982), vol. 1, p. 153. Talmudic tractate Babā Batrā confirms the above argument: R. Joshua b. Levi and R. Abbahu said that the prayer direction is west. R. Sheshet said that a man can pray in any direction he wishes except toward the East, because Christians pray in that direction. See B. B.B. 25a-b. It is possible that the Qur’ānic commentators’ argument is based on the fact that Jerusalem is located northwest of Medina.

<sup>22</sup> For an extensive discussion about the importance of differentiating from the Jewish direction of prayer, see Ibn Taymiyya, *Mukhālafat Aṣḥāb al-Jahīm*, pp. 433–435.

<sup>23</sup> On Islam as a “middle nation,” see further Hamilton A.R. Gibb, “Pre-Islamic Monotheism in Arabia,” in *Harvard Theological Review* 55 (1962), pp. 269–280, at p. 277.



remission is made to one by his (aggrieved) brother, prosecution (for blood-money. Ar. *diyya*) should be according to usage and payment to him in a good manner. This is alleviation from your Lord and a mercy. Whoever exceeds the limit after this, will have a painful chastisement. And there is life for you in retaliation, O men of understanding, that you may guard yourselves. (Q. 2:178–179)

‘Abd Allāh b. ‘Abbās (d. 688 C.E.) states that, in this case, the Qur’ān’s reference to leniency means that the Islamic position on compensation for murder is more lenient than that of Jewish law. Specifically, he states that the Islamic law is more lenient “than what the Children of Israel commanded, which was to avoid taking ransom for the soul” (*mi-mā kāna ‘alā Banī Isrā’īl ya’ni min taḥrīm al-diya ‘alayhim*).<sup>24</sup> He further claimed that Islam is more lenient because it offers the possibility of choosing between a vendetta or demanding ransom for the soul. This leniency is considered a precedent because it adopted neither Jewish nor Christian law: Jews were commanded to avenge a death, while Christians were commanded to take only a ransom.<sup>25</sup>

In fact, Jewish law in regard to the issue of vendetta is more complicated than Ibn ‘Abbās describes. According to the Pentateuch, if someone kills another unintentionally (*shōggeg*) he must flee to one of the cities of refuge (*‘arey miqlat*). In these cities he is protected from vendetta and no one is permitted to harm him. He is permitted to leave a city of refuge only after the death of the high priest or during a Jubilee year (*shenat ha-yōvel*). If the guilty man leaves the city of refuge at any other time, the “blood avengers” (*gōāley ha-dam*) are legally permitted to kill him. This is also the case if the killer is captured by the blood avenger before he reaches a city of refuge.<sup>26</sup>

Ibn ‘Abbās’s description of Jewish law regarding vendetta, then, is correct only in cases of deliberate murder (*mezīd*). In such cases, there is no option of taking ransom from the murderer, who is to be punished with death, as stated in Num. 35:31: “Moreover *ye shall take no satisfaction for the life of a murderer, which is guilty of death: but he shall be surely put to death.*” The Qur’ānic approach to such cases is indeed opposite to that of the Pentateuch. While the Pentateuch forbids taking “ransom for the soul,” the Qur’ān is more lenient and allows it.

Another issue on which the Muslims chose the “golden path” was that of physical contact with menstruating women. Muḥammad allowed Muslims to engage in any sexual act with a menstruating woman except penetration. Islamic

<sup>24</sup> Muḥammad b. Jarīr al-Ṭabarī, *Jāmi’ al-Bayān fī Tafṣīr al-Qur’ān* (Beirut: Dār al-Ma’rifa, 1971), vol. 3, p. 374.

<sup>25</sup> See al-Māwardī, *al-Nukat wa’l-Uyūn*, vol. 1, p. 190.

<sup>26</sup> Num. 35:11–12, 25–29.

tradition holds that this permission was given in order to distinguish Muslims from both Jews and Christians. This is illustrated in the following *ḥadīth*:

It was transmitted [in Muḥammad's name] that the Christians would have intercourse with their [menstruating] women and [unlike the Jews] did not attach any importance to the menstrual blood (*wa-lā yubāluna bi'l-ḥayḍ*). As for the Jews, they totally separated themselves from their menstruating women (*ya'tazilunahunna fī kull shay'*). Allāh commanded [the Muslims] to choose a middle path between these two customs (*fā-amara Allāh bi'l-iqtisād bayna al-amrayn*).<sup>27</sup>

Modern scholars have had varied opinions regarding the number of daily prayers required by Islam. Shlomo Dov Goitein argued that Muslims must pray five times daily because Islam chose the “golden path” between the Jews and the Eastern Christians. The Jews prayed three times daily, and the Eastern Christians prayed seven times daily (the latter were inspired by the biblical verse, “Seven times a day do I praise thee,” Ps. 119:164).<sup>28</sup>

Charles Culter Torrey, however, argued that Muslims decided to pray five times daily in order to show that they are more pious than the Jews, who prayed only three times daily.<sup>29</sup> Whatever the reason for Islam's adoption of the five daily prayers, Goitein and Torrey all agree that the decision was motivated by the desire to differentiate Islam from the Jews on this issue.

## Conclusion

We have seen that many Islamic traditions diverge from Jewish practices, usually by enacting more lenient rules of behavior. When Muslims were “trapped” between Jewish and Christian customs, they chose the “golden path” between them. Those aspects of Jewish practice from which Muslims differentiated their own practices were identical to those described in Rabbinic law. In order to accomplish this, it was essential for Muslims to have an intimate knowledge

<sup>27</sup> Muqātil b. Sulaymān, *Tafsīr Muqātil Ibn Sulaymān* (Beirut: Dār al-Kutub al-Ilmiyya, 2003), vol. 1, p. 273; Abū 'Abd Allāh Muḥammad b. Aḥmad b. Abī Bakr al-Qurtūbī, *al-Jāmi' li-Abkām al-Qur'ān* (Beirut: Dār al-Turāth al-'Arabī, 1965), vol. 3, p. 81; Maḥmūd b. 'Umar al-Zamakhsharī, *al-Kashshāf 'an Ḥaqā'iq al-Tanzīl wa-'Uyūn al-Ta'wil fī Wujūh al-Ta'wil* (Egypt: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādihi, 1948), vol. 1, p. 361; 'Abd Allāh b. 'Umar al-Bayḍāwī, *Anwār al-Tanzīl wa-Asrār al-Ta'wil* (Osnabrück: Biblio Verlag, 1968), vol. 1, p. 117; 'Abd Allāh b. Aḥmad al-Nasafī, *Tafsīr al-Nasafī* (Beirut: Dār al-Kitāb al-'Arabī, 1960), vol. 1, p. 87; Ḥasan b. Muḥammad al-Qummī al-Naysābūrī, *Tafsīr Gharā'ib al-Qur'ān wa-Raghā'ib al-Furqān* (Beirut: Dār al-Kutub al-Ilmiyya, 1996), vol. 1, p. 613.

<sup>28</sup> Shlomo Dov Goitein, *Studies in Islamic History and Institutions* (Leiden: Brill, 1968), pp. 84–85.

<sup>29</sup> Torrey, *The Jewish Foundation of Islam*, p. 135.

of Rabbinic laws and customs. This raises the question of how Muslims learned about these Jewish laws and customs.

Presuming the Islamic sources are reliable, it appears that Muslims learned about these customs from the Jews of Medina and Khaybar, with whom Muḥammad and the first Muslims had contact. This raises another question, however: Did these Jews follow Rabbinic law? This is a complicated issue that requires further extensive research.<sup>30</sup>

Another possible answer to the first question mentioned above is that of Moshe Sharon, who claims that Muslims learned about these laws from the Rabbinite Jews who lived among them or from Jewish converts to Islam. The authors of the Islamic sources, in turn, projected their customs on to the past.<sup>31</sup>

Whether employing *mukhālafa*, *wasat*, or simply distancing itself from Jewish customs, it is clear that the Islamic tradition consistently strove to avoid assimilating with the Jews. In particular, wherever possible it sought to be more lenient than Rabbinic Judaism. In this way, the Islamic tradition demonstrated its uniqueness.

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<sup>30</sup> Some scholars believe the Islamic sources dealing with the Jews of Medina are fabricated. Others believe that they contain a kernel of truth wrapped in layers of fabrication and exaggeration. Still others hold that some of the stories are true while others are fiction. If any of these possibilities are true, it would raise the question of why Islamic tradition describes the Jews of Medina as Rabbinite Jews. I intend to discuss this question in great detail in a forthcoming monograph. This article is based on parts from this monograph.

<sup>31</sup> Moshe Sharon, “The Decisive Battles in the Arab Conquest of Syria,” in *Studia Orientalia* 101 (2007), pp. 297–357, at p. 301.

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