

## The Qurʾān and Its Legal Environment

*David S. Powers*

### Internal Perspective

**A**LTHOUGH NOT A LAW BOOK, strictly speaking, the Qurʾān does contain approximately 500 verses that treat important legal, moral, and ethical matters. These include ritual practice – prayer, alms-giving, fasting, and pilgrimage; marriage, divorce, inheritance, and adoption; trade and commerce; dress; food and drink; sexual relations; and crime and punishment. The text frequently takes the form of a verbal exchange between two figures: an authorial voice and an unidentified addressee. In some instances the authorial voice speaks in the first person plural (“we”) and addresses his/her/its pronouncements to a single, male addressee (“you”); for example, “We gave her to you in marriage” (Q 33:37). In other instances, the authorial voice possesses knowledge of questions presented by an unidentified group of people to the male addressee and it provides instruction on the proper response to those questions; for example, “They ask you about wine and games of chance. Say: ...” (Q 2:219). In still other instances, the authorial voice refers, in the third person singular, to pronouncements by a divine figure to a group of men; for example, “Allāh commands you [masc. pl.] concerning your children ...” (Q 4:11). The formulation of such statements reasonably may be understood as indicating that the contents of the Qurʾān were transmitted by God to a prophet – universally understood by Muslims to be a man named Muḥammad. In that case, the Qurʾān is a written record of an ongoing series of communications between God and Muḥammad. One consequence of this assumption is the transformation of what a non-believer might regard as mundane civil matters – for instance, marriage, inheritance, and diet – into matters of sacred import.

In a number of instances, there appears to be a tension – perhaps even a contradiction – between two or more verses of these revelations. For example, one revelation states that *khamr* or red wine has both negative qualities and positive qualities (“great sin” and “benefits”; Q 2:219); another instructs

believers not to approach prayer while intoxicated – leaving open the possibility of consumption at other times (Q 2:219); while a third characterizes wine as an abomination to be avoided in all circumstances (Q 5:90). Which of these three instructions should a believer follow? The tension between these three pronouncements was resolved by invoking the doctrine of *naskh* or abrogation (see Q 2:106 and 16:101): Muslim scholars teach that Q 2:219 and 4:43 were revealed *before* Q 5:90 and that the two *earlier* verses were abrogated by the chronologically *later* one.

This interest in relative chronology naturally developed into an interest in absolute chronology. Over time, the Muslim community produced detailed information about the timing and circumstances of individual revelations. This information is encoded in reports known as *asbāb nuzūl al-āyāt* or “occasions of the revelations.” The reports included within this literary genre generally state that one or another revelation was sent down about this or that Companion at a specific moment in time and in connection with a specific episode that occurred in the Hijaz during the period of revelation, 610–632 CE. For example, a woman whose husband died as a martyr in a certain battle and who had no resources to support her children approached the prophet and apprised him of her situation. The prophet consulted with the divinity, who then sent down a revelation that addressed this woman’s predicament. Initially, the revelation associated with the episode was inserted into a rough chronological grid; for example, one verse was revealed “at the beginning of Islam,” another was revealed before – or after – the hijra, and a third was “the last verse revealed to Muḥammad.” Subsequently, with the introduction of the Islamic calendar, it became possible to assign a specific date to each revelation, for example, AH 1, 5, or 11.

It follows from what precedes that the Qur’ān emerged in a local, Hijazi environment: Revelations “came down” or “were sent down” to the Prophet Muḥammad over a period of twenty-three years, beginning in Mecca (610–622) and continuing in Yathrib/Madina (622–632). If so, then the laws contained in the Qur’ān reasonably may be understood in the context of Arabian customary law which, presumably, was either confirmed, modified, or rejected by the Qur’ān. In their efforts to establish the chronology and circumstances of revelation, Muslim scholars have – perhaps unwittingly – generated a considerable body of information about Arabian customary law. Let us consider three examples:

1. In Medina Sa‘d b. al-Rabī‘ and his wife Ḥabība bt. Zayd, both Helpers, were experiencing marital problems. To resolve these problems, God sent down a revelation that established a general procedure for dealing with marital disputes: it advises the families of a husband and

wife who are considering divorce to choose two *ḥakams*, or arbiters, who might reconcile the couple – one from the family of the husband and one from that of the wife. (This revelation became v. 35 of *Sūrat al-Nisā'*). Presumably, the *ḥakam* mentioned in this revelation was a figure familiar to the Qur'ān's audience. If so, then one may conclude that in Arabian customary law marital disputes – and perhaps other disputes as well – were resolved by a figure known as a *ḥakam*. In this instance, the Qur'ān appears to confirm an established Arabian customary practice.

2. Islamic sources report that prior to the emergence of Islam women in the Hijaz did not have the right to inherit. This situation is exemplified by a case relating to a Companion named Aws b. Thābit al-Anṣārī, who, shortly before his death at Uḥud in 3/625, appointed two of his paternal cousins as co-executors of his estate. Following the Companion's death, the two co-executors refused to share his estate with his wife, Umm Kuḥḥa, and his three daughters. Umm Kuḥḥa now approached the Prophet and appealed to his sense of justice. The Prophet instructed her to return home so that he might consult with the divinity. On the morrow, God sent down a revelation that awards specific fractional shares of the estate to females in their capacity as daughters, mothers, sisters, and wives (this revelation became vv. 11–12 of *Sūrat al-Nisā'*). In this instance, the Qur'ān appears to modify or reform Arabian customary law by raising the status of women, albeit for reasons not specified in the text.
3. Shortly before or after the Battle of the Trench in 5 AH, Muḥammad fell in love with the wife of his adopted son, a man named Zayd. According to local customary law, however, it was forbidden for a man to have sexual relations with the wife – or former wife – of his son. In order to facilitate the Prophet's marriage to this woman, God sent down a revelation in which He introduced a distinction between the wife of a biological son and that of an adopted son (“so that there should be no sin for the believers concerning the wives of their adopted sons”). This revelation became v. 37 of *Sūrat al-Aḥzāb*. Almost immediately, however, God sent down another revelation in which He abolished the institution of adoption (“call them after their [true] fathers”). This revelation became v. 5 of *Sūrat al-Aḥzāb*. In this instance, the Qur'ān initially endorses the institution of adoption as regulated by Arabian customary law but shortly thereafter abolishes the institution.

From examples like these, certain key features of Arabian customary law in the Hijaz in the first half of the first century AH begin to emerge. For example, arbiters played an important role in the resolution of disputes, women did not have the right to inherit, and adoption was a common practice. These are “facts” that no Muslim scholar, in my view, would dispute.

### External Perspective

It must be noted that the above-mentioned key features of Arabian customary law have been “recovered” from exegetical expansions of one or another verse of the Qurʾān over the course of the second and third centuries AH. Efforts by the Muslim community to establish the chronology of revelation and the historical circumstances in which individual revelations were sent down arguably were part of a process of historicization that unfolded over several centuries. The resulting historical narrative is plausible but may not be accurate. One characteristic of this historical narrative is that it systematically excludes the possibility of any connection between qurʾānic law and the legal systems in place in the Middle East on the eve of the emergence of Islam.

Arabia is an integral part of the Mountain Arena, the series of mountain ranges – Taurus, Pontus, Caucasus, Zagros, al-Jawl, Red Sea Hills, Sinai, Nusayri, and Amanus – that circumscribe Anatolia, Mesopotamia, and Arabia. The arena created by this ring of mountain ranges includes the Hijaz, which is strategically located on the north-south axis that connects Arabia to Mesopotamia and Iran and to the Yemen and Ethiopia; and on the east-west axis that connects Egypt and the Persian Gulf. For millennia, merchants, soldiers, nomads, and others have traveled back and forth between these regions, bringing the inhabitants of Arabia into contact with the inhabitants of Egypt, the Fertile Crescent, and Iran. By ca. 500 CE, many of these people would have been monotheists of one affiliation or another – rabbinic or non-rabbinic Jews, East or West Syrian Christians, Manicheans, Mandaeans, and/or Zoroastrians. These contacts would have exposed the inhabitants of the Hijaz not only to Near Eastern social, economic, political, and religious ideas and practices but also to legal practices and institutions as well.

A non-believing historian might ask the following questions: What was the larger legal landscape or environment in which the Qurʾān emerged? What is the relationship between that legal environment and the laws and rules in the Qurʾān? What literary or documentary texts may have served as the sources of the rules and regulations found in the Qurʾān?

If we shift the focus of scholarly attention away from the Hijaz and to-

wards the Mountain Arena, the field of investigation relevant to the legal environment of the Qur'ān becomes much wider. We may now juxtapose and compare qur'ānic law not only with Arabian customary law but also with Byzantine law, Sasanian law, Roman provincial law, Jewish law, and Christian law, keeping in mind that this list is not exhaustive. In what follows, I will attempt a brief summary of the legal environment in the Mountain Arena on the eve of the emergence of Islam in the seventh century CE and discuss a handful of examples that suggest points of contact between the Qur'ān and the wider Near Eastern legal environment.

## Legal Environment

### Byzantine Law

Byzantine law is based largely on earlier Roman political, cultural, and social institutions, and Roman law served as the basis of the Byzantine legal system. Law took the form of imperial enactments, and many “new laws” (*novellae*) dealing with public, private, economic, and social life were issued by emperors such as Theodosius (r. 379–395 CE) and Justinian (r. 527–565 CE). Shortly after his accession in 527, Justinian appointed a commission of jurists to compile all existing Roman law into one corpus that might be used throughout the empire – including the Greek-, Syriac-, and Aramaic-speaking provinces of the Mountain Arena. The resulting compilation, sometimes referred to as the Codex of Justinian, included three components: the Digest (529), the Code (529), and the Institutes (529). The Digest was a collection and summary of the writings of classical Roman jurists on law and justice; the Code specified the laws of the empire, based on earlier imperial pronouncements (called “constitutions”) and some of Justinian’s own legislation; and the Institutes, which contains a summary of the Digest, was probably designed to serve as a textbook for law students. In 529, toward the end of the emperor’s reign, a group of legal scholars produced a supplement to the Code that included laws enacted after 529 as well as a summary of Justinian’s imperial pronouncements. This text is known as the *Novellae Constitutiones* or *Novels*. Together, these four texts are known as the *Corpus Iuris Civilis* (CIC).

Many of the jurists who contributed to the CIC were teachers at the law school of Beirut, established ca. 200 CE. By the fifth century, the Beirut law school had developed a reputation as a preeminent center of Roman jurisprudence, and in the sixth century the centerpiece of its curriculum was the CIC. Many of the students who completed the four-year program of study went on to serve as lawyers and magistrates in the eastern provinces of the empire, where they would have been responsible for the regulation of what

has been called Near Eastern provincial law.<sup>1</sup> The school was destroyed by a massive earthquake, tsunami, and fires that leveled Beirut in 551 – approximately twenty years before the birth of Muḥammad. It never reopened.

### Sasanian Law

The Sasanian Empire (224–651 CE), called Êrānshahr by its inhabitants, was the last Iranian empire before the rise of Islam. In the third century, the king of kings invested judicial authority in the Zoroastrian high priest or supreme judge (*mowbedan mowbed*) and subordinate priest-scholars, who exercised authority over all aspects of life, both religious and secular, including the sealing of contracts, regulation of disputes, and punishment of criminals. These scholars produced a complex and sophisticated body of law that was based on the *Avesta*, cosmological thought, and other aspects of the Zoroastrian tradition. One important source for the Iranian legal tradition is the *Mādayān ī Hazār Dādestān* or *Book of a Thousand Judgments*, compiled toward the end of the reign of Husraw II (591–628) and shortly before the Arab invasion of Iran. Written for jurists who had expert knowledge of the Sasanian legal system, this text arguably emerged during a period in which Sasanian law was still practiced and judges had the authority to pronounce judgment in all fields of law. It is a fundamental source for the social and institutional history of Sasanian Iran.

### Syrian Orthodox Church

The early Jesus movement was spread by the Apostles, who traveled extensively throughout the Roman Empire, establishing communities in its major cities and regions. In addition, soldiers, merchants, and preachers founded church communities in North Africa, Asia Minor, Armenia, Caucasian Albania, Arabia, and Greece. By the turn of the second century CE there were more than forty such communities in Asia Minor, Greece, Italy, and India.

According to Acts 11:26, “[I]t was in Antioch that the disciples were first called ‘Christians,’” and Antioch claims the honor of being the most ancient Christian church in the world. The Patriarchate of Antioch – or the Syrian Orthodox Church – was established in the year 37, with Peter as its first Bishop and the first Patriarch of the Church. From Antioch, Christianity spread to other Syrian cities and provinces, attracting both gentiles and Jews. The Bishopric of Antioch – together with the Bishoprics of Rome, Alexandria, and Jerusalem – was recognized as a Patriarchate by the First Council of Nicaea in 325.

1. See Crone 1987.

Religious treatises written by members of the Syriac Church arguably were circulating in the religious and legal zone in which the Qur'ān was produced. One such text is the *Didascalia Apostolorum* or Teaching of the Apostles, a treatise that purportedly was composed by the Twelve Apostles at the time of the Council of Jerusalem in the year 50, but likely was written ca. 230, in Greek, by a bishop in Northern Syria, perhaps near Antioch. In the late fourth century, the *Didascalia* was revised and incorporated into the Greek *Apostolic Constitutions*. A Latin palimpsest from the fifth century is extant, and the text was later translated inter alia into Syriac. Although the earliest manuscript evidence for the Syriac *Didascalia* dates only to 683, it is likely that the text was in circulation on the margins of Arabia – if not in Arabia itself – on the eve of the emergence of Islam and that it is a “document of plausible relevance for the Qur'ān’s original audience.”<sup>2</sup>

### Church of the East

By the end of the fourth century CE, Aramaic-speaking Christians had established an extensive network of communities that stretched across the Iranian Empire, from Arabia to Afghanistan. These communities are known collectively as the Church of the East and its members are called East Syrians, to distinguish them from Christian communities in Byzantium or West Syrians.

In 410, a church synod announced to members of the East Syrian Church that the Sasanian king of kings Yazdagird I (r. 399–420) had issued an Edict of Toleration in which he formally recognized the bishop of Seleucia-Ctesiphon as the leader of the Church of the East, granted Christians autonomy within the empire, and promised to enforce judicial decisions made by ecclesiastical authorities. This bishop – now called catholicos – exercised jurisdiction over Christian communities in Mesopotamia, eastern Arabia, and the Iranian plateau, and the boundaries of the church were nearly identical to those of Êrānshahr. Christian religious figures who lived in the early Islamic period produced several comprehensive legal compendia, for example, the *Syndicon Orientale*, which preserves canons (*qanone*) and customary laws (*namose*) issued at synods held during the Sasanian period (although the text itself was edited only in the eleventh century). These canons and customary laws regulated the beliefs, rituals, and social and economic activities of Christian bishops, priests, and ascetics.

2. Zellentin 2013, viii. Another text of “plausible” – albeit indirect – relevance to the Qur'ān’s initial audience is the (‘Pseudo’-)Clementine Homilies, a fourth-century Greek text that was later translated into Latin, Syriac, and Arabic. This text endorses many ritual practices for gentile followers of Jesus that are rejected by the *Didascalia*. See Zellentin 2013, index, s.v. Clementine Homilies.

## Rabbinic Law

The word *halakha* (literally, “way to walk” or “path”) is used to identify the corpus of rabbinic legal texts and, by extension, the overall system of Jewish law. The starting point of *halakha* are 613 commandments (*mitzvot*) – 248 positive and 365 negative – found in the Hebrew Bible. The manner in which these commandments are to be observed in daily practice was developed by rabbinic authorities on the basis of discussion and debate, as recorded in two texts: the Mishnah, a redaction of Jewish oral traditions undertaken by Judah the Prince at the beginning of the third century; and the Gemara, a record of rabbinical analysis of, and commentary on, the Mishnah. Together, these two texts constitute the Talmud, a massive corpus of rabbinic opinions, legislation, customs, and recommendations. In late antiquity, there were two major centers of Jewish scholarship in the Mountain Area, one in Galilee, the other in Babylonia. Each center produced its own Talmud: The Jerusalem Talmud was compiled in the fourth century and the Babylonian Talmud was compiled ca. 500, although the text did not reach its final form until 700, at the earliest.

Jewish communities living in Byzantium and Iran were incorporated into the legal systems of these two empires. Beginning in the third century, Jews living in the Palestine and the Levant became “citizens of Rome” who were subject to Roman civil law. Jews had their own courts, but they also had the right to bring lawsuits before imperial judges. Indeed, Justinian’s Code prescribed that Jews must bring both civil and religious matters before imperial judges; and that certain disputes might be brought before a Jewish court only if both litigants agreed to do so. The Jewish community was led by a *nasi* (literally “prince”) or patriarch who had the power to appoint and suspend communal leaders inside and outside of Palestine; and by *amoraim*, rabbinic sages who were active between ca. 200 and 425 and who served *inter alia* as legal specialists and judges.

There was a substantial Jewish community in Sasanian territories. A legal maxim that appears four times in the Babylonian Talmud – “The law of the land is the law” – acknowledges Jewish recognition of the legal authority of the Sasanian king of kings. The maxim was understood as signifying that Sasanian law was binding on Jews, and, in certain cases, preferable to Jewish law. The leaders of the Jewish community in Iran were the Exilarch or head of the exiles and the *amoraim* or rabbinic sages. Like their East-Syrian Christian counterparts, Persian Jews used Zoroastrian legal rules to settle disputes, transfer wealth and property, contract marriages, and make arrangements for inheritance.



## Aramaic Common Law

Many of the legal traditions and institutions associated with the ancient Assyrian and Babylonian empires continued to be practiced in the Mountain Arena following the fall of those empires, albeit now as local provincial law. The inhabitants of Egypt, Syria, Mesopotamia, and Arabia shared a substantial body of legal practices and legal formulae. This shared legal tradition has been called Aramaic Common Law. Evidence for Aramaic Common Law has been found on tomb inscriptions produced between 100 and 300 in cities scattered across the Mountain Arena, including Elephantine, Petra, Palmyra, Hatra, and Edessa. These inscriptions were written in Middle Aramaic using the Nabataean cursive script.

I shall now present select examples of laws found in the Qur'ān that manifest a thematic and/or linguistic connection to laws found in the following texts, pronouncements, or inscriptions: The Hebrew Bible, Talmud, Syrian provincial law, an Iranian Church canon, Syriac *Didascalia Apostolorum*, Nabataean tomb inscriptions, and *Corpus Iuris Civilis*. The legal subjects to be addressed below include: the Ten Commandments, an ethical legal maxim, loan agreements, prohibited marriages, prohibited foods, sexual modesty, and inheritance practices.

## Examples

### *The Hebrew Bible*

The Qur'ān repeatedly asserts that it confirms the message of earlier Scriptures. Just as Jesus previously confirmed the Torah (Q 61:6), so too Muḥammad confirmed both the Torah and the New Testament. Several verses announce that the new Arabic revelation confirms “what was before it” (e.g. Q 2:97, 6:92, 10:37, 12:111, and 35:31), “the Book of Moses” (Q 46:12) or “all the Scriptures before it” (Q 5:48). Other verses specify that the new revelation confirms the Scriptures sent previously to the Jews and the Christians (Q 3:3), who are commanded to believe in the new revelation precisely because of the identity between it and the earlier Scriptures (Q 2:41, 3:81, 4:47). Conversely, members of the new community of believers are instructed to believe in the new revelation because it confirms the revelations sent previously to the Jews and Christians (Q 2:91). The Hebrew Bible, New Testament, and Qur'ān are successive links in a chain of divine revelations that all bear the same message.

It should come as no surprise that the Qur'ān contains echoes of, and references to, Mosaic Law. Consider, for example, the Ten Commandments

or Decalogue, a set of biblical principles relating to ethics and worship, including positive instructions to worship only God, honor one's parents, and keep the Sabbath, as well as the prohibition of idolatry, blasphemy, murder, adultery, theft, dishonesty, and coveting. The Ten Commandments are listed twice in the Hebrew Bible, first at Ex 20:1–17, and again at Deut 5:6–21. Both versions state that God inscribed the commandments on two stone tablets, which he gave to Moses on Mount Sinai.

The Qur'ān introduces a list of moral and ethical injunctions that is similar to the Decalogue while differing in certain details. This list is found in Q 17:22–39 and in Q 6:152–54. The content, style, and form of the qur'ānic injunctions bear a clear resemblance to their counterparts in the Hebrew Bible. Both texts begin with mention of the oneness of God; both include a command to honor one's parents; and both prohibit murder, sexual misconduct, theft, bearing false witness, and coveting the property of others. Some Biblical injunctions, however, are not found in the Qur'ān, for example, the command to observe the Sabbath. Conversely, the Qur'ān includes several injunctions not found in the Hebrew Bible, for example, give a kinsman his due; do not kill your children as a consequence of poverty; practice fair trade; and do not follow others blindly. Clearly, Mosaic law and the biblical Decalogue were part of the Qur'ān's legal environment, even if the Qur'ān appears to have modified the Decalogue so as to make it more suitable for an Arabian environment.

## The Talmud

### 1. *A Legal Maxim*

The Qur'ān also manifests familiarity with the Talmud. A famous maxim found in both the Jerusalem and Babylonian Talmuds (JT and BT, respectively) reads as follows: "Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world" (JT 4:9, BT Sanhedrin 37a). In Q 5:32, the authorial voice of the Qur'ān asserts that He had given this instruction to the Israelites, referring to the maxim without citing the exact Talmudic formulation: "From the time We prescribed for the Sons of Israel that whoever kills a person, except [in retaliation] for another, or [for] fomenting corruption on the earth, [it is] as if he had killed all the people. And whoever gives [a person] life, [it is] as if he had given all the people life." Note, first, that the order of the two clauses in the two texts is identical: whoever destroys/kills followed by whoever saves/gives life. However, the Qur'ān modifies the general rule that it is forbidden to take a human life by adding two exceptions: one may

take the life of a murderer, in retaliation; and one may take the life of a person who foments corruption on the earth.

Like the Hebrew Bible, the Talmud was part of the Qur'ān's legal environment. Just as the Qur'ān modified the Decalogue to make it suitable for an Arabian environment, so too it modified a Talmudic maxim to make it suitable for an Arabian environment.

## 2. *Writing Down Loan Agreements*

A long verse in Sūrat al-Baqara (Q 2:182) regulates financial transactions, including loans. The verse reads as follows:

You who believe! When you contract a debt with one another for a fixed term, write it down. Let a scribe write it down fairly between you, and let the scribe not refuse to write it down, seeing that God has taught him. So let him write, and let the one who owes the debt dictate, and let him guard [himself] against God his Lord, and not diminish anything from it. If the one who owes the debt is weak of mind or body, or unable to dictate himself, let his close associate dictate fairly. And call in two of your men as witnesses, or, if there are not two men, then one man and two women, from those present whom you approve of as witnesses, so that if one of the two women goes astray, the other will remind her. And let the witnesses not refuse when they are called on. Do not disdain to write it down, [however] small or large, with its due date. That is more upright in the sight of God, more reliable for witnessing [it], and [makes it] more likely that you will not be in doubt [afterwards] – unless it is an actual transaction you exchange among yourselves, and then [there is] no blame on you if you do not write it down. But take witnesses when you do business with each other. Only let the scribe or the witness not injure either party, or, if you do, that is wickedness on your part. So guard [yourselves] against God. God teaches you and God has knowledge of everything.

This verse instructs believers to record the terms of a loan agreement in writing. Curiously, this instruction is at variance with what would become classical Islamic legal doctrine, according to which written documents have no legal value and are merely aids to memory. Muslim jurists resolved the apparent tension between the qur'ānic prescription and classical legal doctrine by teaching that the linguistic command at the beginning of Q 2:282 (“write it down”) should be understood merely as a recommendation.

It has recently been suggested that the original meaning of Q 2:282

comes into better focus when it is placed in the context of late antique law as practiced by Jews and others.<sup>3</sup> The argument runs as follows: Lev. 19:14 contains the following command: “You shall not ... place a stumbling block before the blind....” In their discussions of this biblical verse, the rabbis asked: Who are the blind? To this they responded that the word “blind” is a metaphor for a person who is not virtuous and law-abiding. In order to prevent such a person from committing a sin, they explained, it is necessary to place “a stumbling block” in front of him. But what sin did they have in mind? And what was the stumbling block?

The rabbis linked their discussion of Lev. 19:14 to loan transactions. In late antiquity, it was customary for a person who borrowed money or property to *unilaterally* declare his debt to the creditor and assume responsibility for the money borrowed. The only written record of the transaction took the form of a homology or handwritten note (Gr. *cheirographon*) in which the debtor acknowledged having received the money and agreed to return it at the appointed time. The note was written by the debtor himself or by a scribe. This legal form was widely used after the year 400. Note, however, that there were no witnesses to the transaction. Thus, the borrower subsequently might deny having received the loan and thus avoid repayment of the debt. According to the rabbis, this was the “sin” mentioned in Lev. 19:14. They were concerned that a debtor who was not virtuous and law-abiding (i.e. “blind”) might deny having received the loan in order to avoid repayment of the debt (Baba Metzia 25b). To prevent this unscrupulous practice, the rabbis proposed putting a stumbling block in front of the blind. The stumbling block took the form of a two-witness rule: “A homology must be made in the presence of two persons, one of whom must say: ‘Write’” (Baba Batra 40a). The two-witness rule was designed to deter or prevent a debtor from committing a sin. The two-witness homology was practiced in the Syrian provinces of Byzantium.

In Q 2:182, the Qurʾān arguably is referring to the rabbinic two-witness homology – or to a provincial variant thereof. The verse envisages a situation in which the creditor is not himself present at the recording of the debt obligation and therefore may not be able to verify the terms of the loan upon receiving the handwritten note. This is why two witnesses are required. Note, however, that the verse introduces a local modification of the two-witness rule by allowing for witnessing by one man and two women while at the same time transforming what was no doubt a conventional legal practice into a sacred injunction: it was God who taught the scribe the art of writing; the debtor should “guard himself against God his Lord” by specify-

3. Leicht 2011.

ing the full amount of the loan; the proper recording of the loan and its due date “is more upright in the sight of God”; and all of this is a matter of divine instruction and omniscience (“God teaches you and God has knowledge of everything”). In this manner, the two-witness homology of late antiquity became a divine commandment to put a loan agreement in writing. The thematic parallels between the Syrian provincial homology – as discussed by the rabbis – and Q 2:182 point clearly to a shared legal environment.

### East Syrian Church Canons

In the sixth century, many elite Christians practiced certain Zoroastrian institutions and sought to have these practices authorized by Zoroastrian courts. The behavior of these elites was criticized by leaders of the Church of the East, who issued rules that were designed to deter members of the community from following Zoroastrian law and going to Zoroastrian courts. In 544, for example, the catholicos Mār Abā (r. 540–552) formulated a canon in which he attempted to prevent East Syrian elites from engaging in the practice of substitute successorship.<sup>4</sup> It is prohibited, Mār Abā declared, for a Christian man to marry the wife of his father or his uncle, his aunt, his sister, his daughter, or his granddaughter – as the “Magians do”; similarly, it is prohibited for a Christian man to marry the wife of his brother – as the Jews do. Mār Abā’s efforts were unsuccessful, however, and elite Christians continued to engage in the Zoroastrian practice.<sup>5</sup>

One finds similar prohibitions in Q. 4:22: “Do not marry women whom your fathers have married, unless it is a thing of the past. Surely it is an immorality, an abhorrent thing, and an evil way.” Q. 4:23 continues this line of thought by prohibiting marriage with “your mothers, your daughters, your sisters, your paternal aunts, [or] your maternal aunts....” The Qur’ānic prohibitions were introduced 50–75 years after Mār Abā’s canon, and, like that canon, may have been a response to the widespread practice of substitute successorship.

4. One important goal of Zoroastrian aristocratic households was the transmission of wealth, status, and noble identity from one generation to the next. The successful achievement of this goal was facilitated by Sasanian jurists who created legal institutions that regulated marriage, inheritance, and adoption. See Payne 2015, 2016.

5. A generation later, in 585, the catholicos Ishoyahb I (582–596) issued two canons on civil matters, both of which treated the subject of inheritance. Another catholicos, ‘Ishô’bokt (death date unknown), was the author of *Maktbânûtā d-’al Dinê* in which he attempted to create a unified corpus of ecclesiastical regulations – religious and civil – for the Church of the East. This text, which was composed only in the eighth century, nevertheless includes legal material from the years preceding the Arab conquest of Iran and is thus relevant to the legal environment of the Qur’ān.

## The Didascalia Apostolorum

As noted, it has recently been argued that the Syriac *Didascalia Apostolorum* (DA) was circulating in or near Arabia prior to the emergence of Islam and is a “document of plausible relevance for the Qurʾān’s original audience.”<sup>6</sup> Let us consider two examples discussed by Zellentin.

### 1. Veiling Practices

The Syriac *Didascalia* makes the following statement about the veiling of women:

If you want to become a believing woman (*mhymnt'*), be beautiful for your husband (*lb'ky*) only. And when you walk in the street, cover your head with your garment, that because of your veil your great beauty may be covered. And paint not the countenance of your eyes, but have downcast looks. And walk being veiled. (DA III, 26, 5–11).

The text is addressed directly to a believing woman (*mhymnt'*) whose beauty is reserved solely for her husband. Thus, when a believing woman ventures out in public, she should wear a veil, should not apply make-up to her eyes, and should cast her glance downwards. The purpose of this instruction is to channel sexual attraction into the approved realm of marriage.

In Q 24:30–31 God instructs His prophet to address believers – both men and women – as follows:

Say to the believing men (*mu'minīn*) [that] they [should] lower their sight and guard their private parts. That is purer for them. Surely God is aware of what they do.

And say to the believing women (*mu'mināt*) [that] they [should] lower their sight and guard their private parts, and not show their charms, except for what [normally] appears of them. And let them draw their head coverings over their breasts, and not show their charms, except to their husbands (*li-bu'ūlatihinna*), or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women, or what their right [hands] own, or such men as attend [them who] have no [sexual] desire, or children [who are] not [yet] aware of women's nakedness. And let them not stamp their feet to make known what they hide of their charms. Turn to God--all [of you] – believers, so that you may prosper.

6. Zellentin 2013.

Whereas the Syriac *Didascalia* addresses only women (*mhyṃnt'*), the Qur'ān addresses both men (*mu'minīn*) and women (*mu'mināt*): Believing men are instructed to lower their glances (presumably not to look at women when they venture out into public) and to protect their private parts; believing women receive the same instruction, to which the Qur'ān adds that they must guard their charms and cover their heads and breasts. Whereas in the Syriac *Didascalia* the beauty of a believing woman is reserved exclusively for her husband, the Qur'ān makes exceptions for five groups: (1) close blood relatives; (2) relatives by marriage; (3) concubines owned by male relatives; (4) men who have no sexual desire; and (5) young children. Like the Syriac *Didascalia*, the Qur'ān seeks to channel sexual attraction into the realm of marriage. In addition to the clear thematic parallels between the two texts, there are also clear linguistic parallels, for example, *mhyṃnt'* v. *mu'mināt* and *lb'lk̄y* v. *li-bu'ūlatihinna*. Again, these thematic and linguistic parallels are evidence of a shared legal environment and they suggest that the Qur'ān's immediate audience was familiar with the Syriac *Didascalia*. As it did with the Hebrew Bible and the Talmud, the Qur'ān modifies some of the rules found in the Syriac *Didascalia* to make them more suitable for an Arabian environment.

## 2. *Prohibited Foods*

In the first century, some members of the Jesus movement insisted that gentile believers were required to observe the law of Moses (Acts 15:5), while others, including Peter and Paul, argued that this burden should not be placed on the “necks” of the gentiles (Acts 15:10). The two opposing groups reached a compromise. The apostles and elders sent two representatives – Judas and Silas – to Antioch with a letter instructing gentile believers in Christ that they are required to abstain from only four practices. The letter is quoted in Acts 15:23–29. The relevant section reads as follows: “It seemed good to the Holy Spirit and to us not to burden you with anything beyond the following requirements: You are to abstain from food sacrificed to idols, from blood, from the meat of strangled animals and from sexual immorality. You will do well to avoid these things. Farewell.”

In 683–84, the Decree of the Apostles in Acts 15 was quoted almost verbatim by Athanasius of Bālād, the Jacobite Patriarch of Antioch, in an encyclical letter, written in Syriac, in which, among other things, he invokes the words of the apostles who had instructed gentile believers to “distance themselves from fornication (*znywt'*).” To this instruction he adds that gentile believers also should distance themselves “from what is strangled (*ḥnyq'*) and from blood (*dm'*), and from the food of pagan slaughter (*dbḥ ḥnp'*), lest they be by this associates of the demons and of their unclean table.”

Q 5:3–5 reads as follows:

Forbidden to you [to eat] are: carrion, blood (*al-dam*), and the flesh of swine (*khinzīr*), and what has been dedicated to [a god] other than God. And the animal strangled (*wa 'l-munkhaniqat*<sup>7</sup>) or beaten to death, that which dies by falling or is gored to death, and that which is mangled by a beast of prey – except what you have slaughtered (*mā dhubiḥa*) and what is sacrificed on stone altars. [You are also forbidden] to divide (*tastaqsimū*) with divination arrows – all that is transgression.

Like Acts 15 and Athanasius, the Qurʾān prohibits believers from consuming the flesh of an animal that has been strangled (*ḥnyqʾ* v. *al-munkhaniqat*<sup>7</sup>), blood (*dmʾ* v. *al-dam*), and food slaughtered by pagans (*dbḥ ḥnpʾ* v. *mā dhubiḥa*) – although in the Qurʾān the order of presentation is different from that of the other two texts. Again, the thematic and linguistic parallels point to a shared legal environment.

### Aramaic Common Law

Evidence for Aramaic Common Law is found, for example, on tomb inscriptions located in Madāʾin Ṣāliḥ (Hegra), a large settlement at the southern end of the Nabataean kingdom, approximately 250 miles northwest of Yathrib. These inscriptions contain legal terms that are related linguistically to Arabic, for example, Aramaic *rhn*, “to give in pledge” (cf. Arabic *rahana*, with the same meaning). One inscription reads as follows: “This is the tomb that Ḥalafu son of Qôsnatan made for himself and for Suʾaydu, his son, and his brothers, for whatever male children may be born to this Ḥalafu, and for their sons and their descendants by hereditary title forever ...”.<sup>7</sup> The inscription identifies the people who may be buried in the tomb and prohibits members of the family from selling the tomb or giving it away as a gift, warning that anyone who violates this instruction will be subject to a fine. Another inscription identifies the builder of the tomb and his heirs as the owners of the structure, levies a curse on anyone who might sell, purchase, or assign the tomb to someone as a pledge, and warns that a fine will be imposed on anyone who violates these instructions.<sup>8</sup>

7. Healey 1993, no. 36.

8. Tomb inscriptions also point to connections between South Arabian law and the Qurʾān. For example, in an inscription found in Haram, the authors ask the God Ḥalfān for forgiveness for having postponed (*nashaʾaw*) the performance of an unspecified ritual by two months. The language of postponement here appears to anticipate that of Q 9:37, which criticizes unbelievers who attempt to align the calendar with the seasons and changes or modifies



Another source for Aramaic Common Law are legal texts written in Nabataean cursive script and recorded on papyri and other materials. A cache of such documents was discovered in a leather pouch in a cave in Nahal Hever on the western shore of the Dead Sea. These documents, which belonged to a Jewish woman named Babatha, had been drawn up and recorded in a Nabataean court. The documents were issued over a period of forty years, between 96 and 134, and they include contracts relating to marriage, property transfers, and guardianship. Some of the documents, for example, indicate that a surviving daughter does not automatically inherit from her father in competition with her male paternal uncles and cousins (as noted, the inheritance rights of daughters is a subject to which the Qur'ān pays close attention). The documents shed considerable light on the provincial legal system in this area at the turn of the second century. Clearly, Nabataean provincial law continued to be practiced in Judea after the annexation of this province by the Romans in 106. And there is reason to believe that the Arabic-speaking inhabitants of northern Arabia continued to practice this common law into the Byzantine and early Islamic periods. If so, then this material is part of the legal environment in which the Qur'ān was produced.

### Corpus Iuris Civilis

Q 4:12 is a long verse that treats the subject of inheritance. It is composed of two distinct sections, the first dealing with a surviving husband or wife, the second with siblings. The first section – hereinafter Q 4:12a – reads as follows:

And to you a half of what your wives leave, if they have no children. But if they have children, then to you the fourth of what they leave, after any bequest they may have made or any debt. And to them the fourth of what you leave, if you have no children. But if you have children, then to them the eighth of what you leave, after any bequest you may have made or debt.

Q. 4:12a awards a surviving husband one-half or one-fourth of his deceased wife's estate and it awards a surviving wife one-fourth or one-eighth of her deceased husband's estate; in both cases the difference in the size of the award depends on whether or not there are any children. In both instances, the surviving spouse receives the larger fractional share when the couple

---

the earlier practice: "The postponement (*al-nasī'u*) is an increase of disbelief by which those who disbelieve go astray..." See de Blois 2004.

has no children, the smaller when they have children. The share of the husband is awarded “after any bequest they (f. pl.) may have made or debt”; and the share of the wife is awarded “after any bequest you (m. pl.) may have made or debt”; in both instances, this phrase appears to refer to the order in which claims against an estate are to be settled: (1) bequests, (2) debts, followed by (3) the inheritance shares.

The Qur’ān treats a widow as an heir who has the same status as the deceased’s children, parents, and siblings – even if her share is smaller than that of blood relatives. This is unusual. In ancient Babylonia, a wife did not inherit unless her husband expressly designated her as an heir in a last will and testament. In Jewish law, a husband is heir to his wife, but a wife is not a legal heir to her husband, although she does enjoy a number of rights that afford her a share in her husband’s estate and that ensure provision for her sustenance and essential needs until her remarriage or death. In Egypt, a husband and wife inherited from their respective families, but not from each other. The same was true in Roman law and, no doubt, in Syrian provincial law as well. Compared to other Near Eastern legal systems in antiquity and late antiquity, the Qur’ān’s treatment of wives as heirs is anomalous.

In late antiquity, it was customary for a husband to specify a sum of money for his wife’s support and maintenance in the event that he divorced her or predeceased her. This provision might be made either prior to the marriage, as part of a pre-nuptial agreement, or at the time of the marriage, as part of a dower agreement; alternatively, a husband might leave a bequest for his spouse in a last will and testament. If, however, a man made no provision for his wife in the form of a pre-nuptial agreement, dower, or bequest, then the widow would have no claim whatsoever against the estate of her deceased husband. Byzantine law recognizes two forms of marriage, a normal form in which the husband pays a dower and acquires marital power over his wife, and an exceptional form in which no dower is paid. In a marriage of the exceptional type, the surviving spouse has no legal claim against the deceased’s estate and her (or his) economic position may be precarious.

On October 1, 537 CE, approximately thirty years before the birth of Muḥammad, the Emperor Justinian enacted a *novella* or new law that was designed to alleviate the predicament of wives whose husbands had not specified a dower for them. This law, *Novella* 53.6, is entitled “Concerning a Poor Woman Who is Unendowed.” The first section of the law treats the case in which there was no pre-nuptial agreement or dower provision:

As every law enacted by Us is based upon clemency, and We see that when men married to women who have brought no dowry die, the children alone are legally called to the succession of their fathers’

estates, while their widows, even though they may remain in the condition of lawful wives, for the reason that they have not brought any dowry, and no ante-nuptial donation has been given them, can obtain nothing from the estates of their deceased husbands, and are compelled to live in the greatest poverty, We wish to provide for their maintenance by enabling them to succeed to them, and be called to share their estates conjointly with the children. But as We have already enacted a law which provides that when a husband divorces his wife, whom he married without any dowry, she shall receive the fourth of his estate, just as in the present instance, whether there are few or many children, the wife shall be entitled to the fourth of the property of the deceased.

At this point, the law specifies a widow's entitlement in the case in which she does receive a legacy from her husband:

If, however, a husband has left a legacy to his wife and this amounts to less than a fourth of his estate, this amount shall be made up out of the same. Hence, as We come to the relief of women who have not been endowed, or divorced by their husbands, so We assist them where they have constantly lived with them, and We grant them the same privilege.

The statute ends with a clause indicating that the new rule applies not only to poor wives but also to poor husbands:

Again, everything that We have stated in the present law with reference to the fourth to which a woman is entitled shall equally apply to a husband, for like the former, We make this law applicable to both.<sup>9</sup>

Let us compare Q 4:12a and *Novella* 53.6: Q. 4:12a is formulated as a continuation of a divine instruction in 4:11 ("God commands you"), while *Novella* 53.6 is formulated as an imperial decree ("We" and "Us"). Both texts award a fractional share of the estate to a surviving husband or wife: In Q 4:12a, a widow is awarded an indefeasible share of the estate, irrespective of her economic circumstances and without any reference to a pre-nuptial agreement or dower. *Novella* 53.6, by contrast, deals with an exceptional case – that of a poor and unendowed spouse. The entitlement of a husband compared to that of a wife also differs in the two texts: in Q 4:12a, the share of a surviving husband is twice that of a wife; in *Novella* 53.6, a surviving husband or wife receives an equal share of the estate (one-fourth). Both texts draw a connec-

9. *Corpus Iuris Civilis*, edited by R. Schoell 3:304–305.

tion between the award and the existence of children: Q 4:12a reduces the share of a surviving spouse by half if the couple has children; *Novella* 53.6 awards a surviving spouse a fractional award of the estate “whether there are few or many children.” Finally, both texts mention bequests or legacies: Q. 4:12a states that the award to a surviving husband or wife should be made after any bequest – or debt; *Novella* 53.6 specifies that if one spouse has left a legacy for the other, the survivor is entitled to the difference between the legacy and one-fourth of the estate.

The provisions of Q 4:12a and *Novella* 53.6 are clearly different. But the proximity in both time (less than seventy years) and space (Beirut v. the Hijaz) suggests that the Byzantine legislation was circulating in the legal environment in which the Qurʾān emerged. This assumption finds support in the second half of Q 4:12 – hereinafter Q 4:12b – which awards a small fractional share of the estate to siblings, and may be translated as follows:

If a man is inherited by relatives other than a parent or child (*yūrathu kalālat<sup>am</sup>*) – or a woman [is inherited by relatives other than a parent or child], and he [or she] has a brother or sister, each one of them is entitled to one-sixth. If they are more than that, they are partners with respect to one-third, after any bequest that is bequeathed or debt, without injury. A commandment from God. God is all-knowing, forbearing. (My translation)

Q 4:12b deals with a situation in which a man or woman dies without leaving either a parent or a child and his or her closest surviving relative is one or more siblings. A brother and sister inherit an equal share of the estate – one-sixth; three or more siblings share one-third of the estate, presumably on a per capita basis (“they are partners with respect to one-third”). Like the award to the surviving spouse in Q 4:12a, the award to siblings in Q 4:12b is made “after any bequest that is bequeathed or debt” – to which the phrase “without injury” is added. The Qurʾān characterizes the award as a “commandment from God,” who is “all-knowing, forbearing,” thus transforming a civil matter into a sacred injunction.

Muslim scholars have devoted considerable time and energy to the opening clause of Q 4:12b, with special attention to the word *kalāla*, which occurs only twice in the Qurʾān, here, and again in Q 4:176, another verse that deals with inheritance. In the last quarter of the first century AH (ca. 694–717 CE), the Kufan jurist Ibrāhīm al-Nakhaʿī circulated a short tradition in which ʿUmar b. al-Khaṭṭāb acknowledged that he did not know the meaning of *kalāla*. Over the course of the second century AH, additional reports focusing on ʿUmar were put into circulation. In some, he does not know the

meaning of the word. In others, he claims to know its meaning but either withholds this information from the community or suppresses it. In others, 'Umar defines *kalāla* as a person who dies without a parent or child. In addition to the meaning of the word, Muslim scholars also discussed its grammatical function (it occurs in the accusative case). And they wondered why the phrase *yūrathu kalālat<sup>an</sup>* is inserted between the two elements of the compound subject (“a man *yūrathu kalālat<sup>an</sup>* or a woman”). There are other problems, as well.

Elsewhere I have argued that the current understanding of Q 4:12b is not identical to what may have been the original text. I base this argument on the evidence of an early Qur'ān manuscript, among other things: Bibliothèque Nationale de France Arabe 328. On folio 10b of this manuscript, there are clear signs of textual manipulation – erasures and rewriting – in the immediate vicinity of the word *kalāla*. This evidence suggests that the original consonantal skeleton of this word was not *kalāla* – with two *lāms*, but rather a hypothetical *\*kalla* – with one *lām*. In other Semitic languages, nouns derived from the root *k-l-l* (e.g. Akk. *kallatu*, Heb. *kallāh*. Syr. *kalltā*) all signify a “daughter-in-law.” If one reads *\*kalla* in \*4:12b, the meaning of the opening clause changes dramatically, as follows:

If a man designates a daughter-in-law or wife as heir (*yūrithu kallat<sup>an</sup>  
aw imra't<sup>an</sup>*), and he has a brother or sister, each one of them is entitled to one-sixth ...

The opening clause now treats the case of a man whose closest surviving blood relatives are a brother and/or sister, but who, in a last will and testament, designates either his daughter-in-law or his wife as the testamentary heir. In the absence of the will, the siblings, as the deceased's closest surviving blood relatives, would have inherited the entire estate. The purpose of the new rule formulated in \*Q 4:12b arguably was to prevent a testator from totally disinheriting his closest surviving blood relatives. Presumably, the will remained valid, but the siblings had a legal claim against the estate for up to one-third of its value. The rule strikes a balance between the personal wishes of the deceased, on the one hand, and the rights of his closest surviving blood relatives, on the other.

Note that my rereading of the opening clause of Q 4:12b has no connection whatsoever to what would become the so-called “science of the shares” or Islamic law of inheritance. In that system of law, a person contemplating death does not have the capacity to designate an heir in a last will and testament. In addition, a bequest may not exceed one-third of the estate and may not be made in favor of any person who receives a fractional share of the

estate according to the Qurʾān. However, my rereading of Q 4:12b does bear a striking resemblance to a reform of the Roman law of testamentary succession introduced by Justinian. In my view, our understanding of the original meaning of Q 4:12b comes into better focus when we situate the Qurʾān in the legal environment of late antiquity.

In Roman law, a testator was free to dispose of his estate as he wished and could even disinherit close blood relatives, for cause. As a consequence of the many abuses that resulted from this exercise of freedom, during the late Republic a special remedy was introduced to protect the rights of the testator's immediate family. This remedy was known as the *querela inofficiosi testamenti* (objection against an undutiful will). The principle was that a testator who favored strangers over his close blood relatives was acting unfairly and failing in his natural duty to provide for his family. Such a will could be challenged in a special court; if the challenge was accepted, the will was declared invalid and the estate passed to the deceased's heirs in accordance with the rules of intestacy.

Originally, the *querela inofficiosi testamenti* could be brought only by descendants of the testator, or, in the absence of descendants, by ascendants. Late classical law opened the remedy to siblings of the deceased who had been disinherited by base persons or persons of ill repute. Subsequently, siblings were allowed to use this remedy if they received less than one-fourth of the amount they would have received if the deceased had died intestate. This one-quarter was known as the *pars legitima* or *portio legitima*. In post-classical law, an alternative to the *querela* was introduced according to which a testamentary heir was compelled to pay the statutory share in full (*actio ad supplendam legitimam*), thereby reducing their inheritance – without, however, invalidating the will. In the sixth century, Justinian raised the *portio legitima* to one-third of the intestate portion in those cases in which the testator left one to four children; and to one-half of the intestate portion in those cases in which the testator left five or more children.

Justinian's reform of the *querela inofficiosi testamenti* bears a striking resemblance to my rereading of a hypothetical \*Q 4:12b. Both laws refer to an action taken by the siblings of a testator who had disinherited them; both leave the last will and testament valid and intact while awarding the disinherited siblings the same fractional share of the estate – one-third; and both strike a balance between the wishes of the testator, on the one hand, and his obligation to close blood relatives, on the other. Whereas there is no basis for a comparison between Q 4:12b, as traditionally understood, and Byzantine law, our hypothetical \*Q 4:12b makes excellent sense when viewed in the context of Justinian's reform – just as Q 4:12a makes excellent

sense when viewed in the context of Novella 53.6. Is it a coincidence that two Byzantine legal reforms formulated by jurists associated with the law school of Beirut approximately twenty years before the birth of Muḥammad – one dealing with the inheritance rights of a surviving spouse, the other with the inheritance rights of siblings – should find their way, albeit modified or in disguised form, into a single verse of the Qur'ān? If not, then two possible explanations come to mind: Either the resemblance between the Qur'ānic instructions and Byzantine law is yet another example of divine providence or what the Qur'ān calls *sunnat allāh*. Or the thematic parallels in this case – as in the cases discussed elsewhere in this essay – are yet another indication that the Qur'ān's initial audience inhabited a legal environment that was closely connected to the legal environment of the Mountain Arena at large.

### Bibliography

- Brinner, W. M. 1986. "An Islamic Decalogue." In *Studies in Islamic and Judaic Traditions: Papers Presented at the Institute for Islamic-Judaic Studies*, edited by William M. Brinner and Stephen D. Ricks, 67–84. Atlanta.
- Schoell, R., ed. 1954. *Corpus Iuris Civilis*, vol. 3. *Novellae*. Berolini.
- Crone, P. 1987. *Roman, Provincial, and Islamic Law: The Origins of the Islamic Patronate*. Cambridge.
- De Blois, F. 2004. "Qur'ān 9:37 and CIH 547." *Proceedings of the Seminar for Arabian Studies* 34:101–104.
- Gibson, M. D., ed. 1903. *The Didascalia Apostolorum in Syriac*. Cambridge [Digitally reprinted 2011].
- Günther, S. 2008. "O People of the Scripture! Come to a Word Common to You and Us (Q. 3:64): The Ten Commandments and the Qur'ān." *Journal of Qur'ānic Studies* 9.1:28–58.
- Healey, J. 1993. *The Nabataean Tomb Inscriptions of Mada'in Salih*. Oxford.
- Leicht, R. 2011. "The Qur'anic Commandment of Writing Down Loan Agreements (Q 2:282) – Perspectives of a Comparison with Rabbinical Law." In *The Qur'ān in Context: Historical and Literary Investigations into the Qur'anic Milieu*, edited by Angelika Neuwirth, Nicolai Sinai, Michael Marx, 593–614. Leiden and Boston.
- Payne, R. E. 2016. "Sex, Death, and Aristocratic Empire: Iranian Jurisprudence in Late Antiquity." *Comparative Studies in Society and History* 58.2:519–549.
- . 2015. *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity*. Berkeley.
- Powers, D. S. 1986. *Studies in Qur'ān and Ḥadīth: The Formation of the Islamic Law of Inheritance*. Berkeley.

- . 2009. *Muhammad is Not the Father of Any of Your Men: The Making of the Last Prophet*. Philadelphia.
- Simonsohn, U. I. 2011. *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam*. Philadelphia.
- Zellentin, H. M. 2013. *The Qur'ān's Legal Culture: The Didascalia Apostolorum as a Point of Departure*. Heidelberg.