

READING THE QUR'AN  
AS A LAW BOOK

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*We have set you on a course of rites, a shari‘a, so follow it, and do not follow the whims of those who do not know. (Q 45/ al-Jāthiya:18)*

*Today the good things have been made lawful for you...(Q 5/ al-Mā’ida:5)*

Scholarship on the Qur’an as a source of legislation and legal tradition has taken many forms, ranging from the nineteenth-century search for origins to contemporary perspectives that are substantially influenced by later developments in the history of Islamic law. This lecture takes a step back and endeavors to examine the Qur’an in its original context as a law book. I begin by identifying three features of the Qur’an that ought to complicate the reading of Qur’anic legislation: its literary form; its recurring ideas about law that, cumulatively, and perhaps surprisingly, exhibit ambivalence toward the imposition of legal obligations; and its variation in legal form and vocabulary across different suras (or chapters). I then draw on those features to reevaluate particular legislative provisions of the Qur’an and identify different modes of Qur’anic law-making.

## THE QUR'AN'S LITERARY FORM

When considering the Qur'an as legislation, it is important to recognize that the coherent literary form of many suras suggests that individual chapters may have been performed in their entirety, presumably by an individual before an audience. This is particularly true of the Meccan suras. Of course, not all suras are Meccan, some are Medinan. Moreover, it is in the Medinan suras that most of the Qur'an's legislation is found. Although some scholars<sup>1</sup> have made a strong case for the formal coherence of the lengthier Medinan suras, it remains unclear whether these suras were also designed with performance in mind. If the Meccan suras are organic, integral literary wholes, then it may be that the Medinan suras were to a greater proportion the products of some kind of redaction. The problem is that the nature and duration of any such redaction is a great unknown.<sup>2</sup> However, the fact that the entire Qur'an displays end rhyme and assonance strongly suggests that it was an oral, living, and performed

1 In particular, Neal Robinson (Sura 2), Matthias Zahniser (Sura 4), and Michel Cuypers (Sura 5). All three have been influenced in their approaches to the Qur'an by developments in the study of the rhetoric of the New Testament.

2 The Qur'an does refer to its own emendation. Q Muzzam-mil/ 73:20 suggests that it is emending the opening of Sura 73 by lightening the obligation to engage in night vigils; Q Anfāl/8:66 expressly lightens the Qur'anic community's obligation to wage war against superior forces.

text. Thus, any appreciation of the Qur'an's legislation must keep this aspect of the text firmly in view.

There is, however, no real evidence for the liturgical use of whole suras before groups of early Muslims, and so we do not know what these performances were like for any of the suras. Literary evidence suggests that intoned chanting of the Qur'an was a secondary phenomenon, and the earliest biographies of the Prophet (the *Sīra*) do not really depict Muḥammad or anyone else performing whole suras in a liturgical setting before a group of worshippers. So the sources at our disposal do not reinforce what the Qur'an's literary form suggests about its likely social function.

This means that, for all the suras, there is a significant gap in our knowledge about the purposes and functions of the Qur'an in the earliest Muslim community. It would be reasonable to assume that the Qur'an must have had some significant social function, since it was evidently an extremely successful religious text. We cannot say precisely what the function was, but it must have involved the communication and reception of the Qur'an, or subsections of it, by an individual and by an audience, respectively. We can posit such a situation for the Meccan suras. Can we hypothesize that the Medinan suras involved some aspect of public performance as well? This is an important question because the Qur'an's most systematic legislation is in the Medinan suras.

It is necessary to ask what the most important literary features of the Qur'an are because these must bear on how Qur'anic legislation was originally received and understood by the Qur'an's earliest audience. We might identify repetition as one prominent formal feature that occurs at various levels of the text (words, phrases, narratives). Repetition of the kind found in the Qur'an suggests that the text's primary instantiations were at least in part oral and perhaps even partly improvised in the context of performance. In addition to repetition, the one formal feature of the Qur'an that calls attention to itself is the consistent end-rhyme and assonance. The Qur'an has consistent end-rhyme throughout (some eighty-five percent of the text rhymes), thus suggesting, even for complex and possibly redacted suras, the likelihood of performance and also, occasionally, the likelihood of purely sonic rather than semantic signification.

#### LEGAL THEMES AND IDEAS IN THE QUR'AN

The Qur'an contains much material other than legislation—narratives, parables, exhortations, polemics against other religious communities, eschatological details, short prayers to be said aloud, mysterious words and letters, and so on. These materials, for all their diversity, add up to a moral trajectory for the world that God created. God creates the world, creates humans, creates their sustenance, and crucially, provides them with signs ranging from the food they eat and the animals they use to prophets and their respective messages

to the ruins of communities who failed to heed those prophets' messages. By means of these signs and by means of the Qur'anic revelation, God aims to apprise humans of the world's teleology: the world will come to an end, probably cataclysmically, and people will be judged. This is the master narrative against which Qur'anic legislation unfolds.

### *Good Works*

The impending judgment of humans will focus on their actions in this world; good faith compliance with the Qur'an's rules could reasonably be expected to militate in favor of a positive judgment. The Qur'an, however, often simply urges humans to perform good acts:

*Give the good tidings to those who believe and do righteous deeds ('amilū al-ṣāliḥāt) that they will have gardens...(Q 2/al-Baqara:25, emphasis added)*

Many other passages make this point by means of parallels, similes, and so on. The Qur'an encourages doing unspecified righteous deeds and thus, implicitly, frequent and open-ended reflection on what those deeds might be. There are about one hundred passages in the Qur'an that urge the performance of good works in these terms, using the words for "doing works" (*'amila*) and "good" (*ṣāliḥ*) in conjunction. The Qur'an's promotion of the idea that there is *generally* righteous behavior may suggest a broader conception of ethical behavior than mere adherence to rules. Indeed, the

general character of these “righteous deeds” leaves much scope for ethical speculation.

### *Jewish Law*

Of particular interest is the Qur’an’s depiction of Jewish legal history. The Qur’an portrays some laws imposed on the Jews as divine punishment. These instances suggest that divine legislation may be used punitively for certain communities. Jewish dietary laws in particular are portrayed as divine punishment either for general disobedience or for specific acts of wrongdoing. Originally, the Qur’an tells us, the Jews had no food laws at all until the Torah imposed dietary restrictions:

*All food was lawful (ḥill) for the Children of Israel apart from that which Israel forbade to himself before the Torah was sent down (3/Āl ‘Imrān:93)*

The dietary restrictions were imposed, however, as a punishment for the Jews’ “insolence”:

*For those who are Jews We have forbidden everything with claws... We made that their recompense for their insolence (6/al-An‘ām:146)*

Jewish dietary laws are one particular focus of Qur’anic polemic, but financial malpractice is another:

*Because of wrong-doing on the part of the Jews... and because of their turning from God’s way and their taking usury when they*

*were forbidden to take it, and their devouring the property of people in vanity... (Q 4/al-Nisā':160-161)*

The Qur'an never criticizes the validity of these laws that burden Jews; they are rules of divine origin and thus valid and deservedly imposed according to the Qur'an's worldview. The Qur'an even recognizes the continuing validity of some rules of Jewish law as expressed in the Torah:

*How do they make you judge when they have the Torah, in which is God's judgment?... We revealed the Torah... We prescribed for them in it a soul for a soul; an eye for an eye; a nose for a nose; an ear for an ear; a tooth for a tooth... (Q 5/al-Mā'ida:43-45)*<sup>3</sup>

This passage alludes to or paraphrases the biblical *lex talionis* and approvingly notes its application to the Jews. Elsewhere the Qur'an makes clear that the same framework—retaliation for intentional killing and wounding—applies to torts committed by members of the Qur'anic community as well (Q 2/al-Baqara:178).

The Qur'an is even aware that its depiction of the punitive aspect of Jewish law is a recurring theme:

*To the Jews We have forbidden what we have told to you before. (Q 16/al-Nahl:118)*

The Qur'an's retelling of the history of Jewish law concludes,

3 Compare Ex 21:24-27; Lev 24:20-21; Deut 19:21.

in part, with the coming of Jesus, who is sent as a messenger to the Jews and who says that he comes to confirm the Torah and to make lawful some of that which had previously been forbidden (3/Āl ‘Imrān:49-50). This theme is particularly significant because the Qur’an portrays itself as the culmination of this process of the partial repeal – and perhaps even the fulfillment – of the law. The Qur’an proclaims in Sura 5 especially that it has come to make “the good things (*al-ṭayyibāt*)” lawful (e.g., Q 5/al-Mā’ida:5, 87-88).

*The Law as Easy and Unburdensome*

On a number of occasions, God communicates to the Qur’anic audience that He wants religion or religious obligations to be easy, not onerous. Sometimes God changes religious obligations to make them easier or “lighter.” Sometimes these two ideas are combined. The pair of terms that makes this point most obviously is *‘usr* and *yusr*, hardship and ease, as in a passage that describes exceptions to rules mandating fasting during Ramadan:

*God desires ease for you, not hardship... (2/al-Baqara:185)*

And they appear twice in Sura 65 (65/al-Ṭalāq:4, 7), both times after rules that specify certain restrictions on conduct after a divorce.

The idea that God makes things easy sometimes appears in contexts where God makes things easier than they were previously. In Sura 73, for example, God requires that one

stay up most of the night to recite the Qur'an but then, in the last verse of the sura, requires only that one "[r]ecite whatever recitation is reasonable..." (73/al-Muzzammil:20). This idea of easing is also expressed with the verb *khaffafa*, to "lighten," which is used in the Qur'an in regard to: the relaxation of the requirement that believers be prepared to vanquish an army ten times their number (8/al-Anfāl:66); the dispensation to marry female slaves for those men who lack the means to marry free women (4/al-Nisā':28); and the possibility that perpetrators of intentional homicide may, at the victims' discretion, pay the blood price in lieu of being subjected to retaliation (*qiṣāṣ*, 2/al-Baqara:178).

#### *Language of Exception and Absence of Liability*

A related theme is found in the Qur'an's many ways of denoting exceptions and the absence of liability, for which the Qur'an has a well-developed and easily recognizable vocabulary. The most common phrase denoting the absence of liability is *lā junāḥ* ("there is no sin" or "fault"), which occurs some twenty-five times in the Qur'an, and which generally indicates one of two things. It can denote the absence of liability for certain specified conduct, as in the case where a man wishes to re-marry a wife that he has divorced:

*...she is not lawful to him after that, until she marries another husband. If the latter divorces her, it is no sin for the couple to come together again (fa-lā junāḥ 'alayhimā, 2/al-Baqara:230)*

It can also indicate absence of liability for taking advantage of specific exceptions to legal obligations (e.g., Q 2/al-Baqara:233, concerning weaning). Another term, used in a way similar to *junāḥ*, is *ḥaraj* (“difficulty,” “blame,” or “sin”). In Sura 9, the term *ḥaraj* is used to signal an exception for the infirm, the ill, and the poor to the requirement to provide material assistance for external conflicts:

*There is no blame (ḥaraj) on the weak, the sick, and those who can find nothing to spend. (9/al-Tawba:91)*

But, unlike the term *junāḥ*, *ḥaraj* does not appear only in legal contexts, and it occurs much less frequently, only eleven times in the Qur’an.

A different kind of exemption from liability is signaled by the phrase *illā alladhīna tābū* (“except for those who repent”). This phrase is sometimes used in a very general way, to encourage those who “do evil” (e.g., *alladhīna ‘amilū... al-sū’... thumma tāba*, 16/al-Naḥl:119) to repent and avoid punishment, but its use is most prominent in proximity to the Qur’an’s penal provisions: “brigandage” (*ḥirāba*, Q 5/al-Mā’ida:33-34), theft (Q 5/al-Mā’ida:38-39) and unlawful sexual contact (Q 4/al-Nisā’:16). Another phrase that indicates immunity from legal proceedings is *lā sabīl ‘alā* (“one may not proceed against X”), which is used, for example, in regard to wives who return to being obedient to their husbands after exhibiting “marital recalcitrance” or *nushūz* (4/

al-Nisā':34). In this case, the phrase refers to the unavailability of the measures that the same sura otherwise allows husbands to take against wives in cases of marital disharmony (admonishment, banishment to a bed apart, and hitting).

Finally, there is a special turn of phrase denoting the exemption from liability for pagan or pre-Qur'anic acts that are inconsistent with subsequent Qur'anic legislation: *illā mā qad salafa* ("except for what has already been done"). The phrase is not always used to grandfather in pre-Qur'anic behavior, but it is used to do so in reference to several conspicuous areas of the law, such as certain hunting and dietary matters (Q 5/al-Mā'ida:95), the ban on usurious interest (Q 2/al-Baqara:275), and certain incestuous marriages (Q 4/al-Nisā':23). There is, of course, a dialectic here: the existence of many exceptions might signal that there are lots of rules; but many of these exceptions are broad exemptions from liability and arguably strongly militate against any characterization of the Qur'an as hyper-legislative.

#### VARIATIONS IN LEGAL FORM AND VOCABULARY

With the foregoing themes in mind—the general injunction to perform good works, the narration of Jewish legal history, the law's portrayal as a site of ease, the language of absence of liability, and the idea of fulfillment—and also recalling the Qur'an's performativity, I now turn to examine some discrete legislative passages. By paying close attention to language, form, and legal themes in the Qur'an, one can

distinguish nuances in Qur'anic references to law and show that in some cases, the Qur'an deploys law and legislation for purposes other than imposing strict rules of conduct on the Qur'anic community.

### *Commandments*

I begin with a case about which I have written elsewhere, the Decalogue. The Qur'an alludes to the biblical Ten Commandments in at least five different suras.<sup>4</sup> I say "alludes" because the references involve incomplete lists of many but not all of the biblical commandments. I am confident, however, that these passages are indeed allusions because of their form: They all begin with what I call the monotheism commandment and then have either the 'honor thy parents' commandment and/or other distinctive commandments, such as those against adultery or theft. The Commandment list in Sura 6 is one of the longest such passages:

*Say, "Come and I shall recite what your Lord has made sacred for you: that you associate nothing with him; that you show kindness to your parents; that you do not kill your children because of poverty – We shall provide for you and them; that you do not approach immoral acts, whether open or concealed; and do not kill the soul that God has made sacred, except by right. This is what He has enjoined on you, so that you may understand. Do*

<sup>4</sup> The main occurrences are in Suras 6:151-153 and 17:22-39, with shorter versions in Suras 2:83-84, 4:36, 7:33, and 60:12.

*not approach the wealth of the orphan, save with what is better, till he reaches maturity. Fill up the measure and the balance, in justice. We do not impose burdens on any soul beyond its capacity. If you speak, be just, even though it is a relative who is involved. Fulfill God's covenant. This is what He has enjoined on you, so that you may be reminded.” And “This is My path, straight. Follow it and do not follow other ways lest they take you away from His path. That is what He has enjoined on you, so that you may protect yourselves.” (Q 6/al-An‘ām:151-153)*

Although these passages all refer to the same biblical text (Ex 20:1-17, Deut 5:6-21), I argue that they invoke that text in the service of very different messages about law. The most extensive list of commandments appears in Sura 17/al-Isrā’, a sura that has the alternate title “The Israelites” and that contains extensive narrative material about Moses and the Jews. The invocation of the list here serves the purpose of situating the Qur’anic community in continuity with biblical communities and, because of its proximity to warnings about disobedience, serves as an endorsement of the legislative seriousness of the commandments. In Sura 4/al-Nisā’, the commandments appear in the midst of a long list of regulations governing the life of the Qur’anic community, again underscoring their character as legislation. In Sura 6/al-An‘ām, however, the commandments are juxtaposed with critical references to pagan practices and Jewish dietary laws and are presented as a lighter and more sensible alternative

to both. In Sura 60/al-Mumtaḥana:12, to take a final example, the abbreviated commandment list – monotheism, no theft, no adultery, no infanticide, no false witness, and obedience to Muḥammad – appears as the text of an oath to be sworn as a symbolic act of political allegiance by women who come as believing refugees to become part of Muḥammad’s community. While some of these allusions to the Decalogue, as in Sura 4/al-Nisā’, seem likely meant as rules for governing the conduct of the Qur’anic community, others seem merely allusive, or intended as mimetic figurations of the *idea* of biblical law, as in Sura 60/al-Mumtaḥana.

*Processing Between Al-Ṣafā and Al-Marwa During the Pilgrimage*

Close attention to the Qur’an’s technical legal vocabulary can also lead to reinterpretations of what are generally taken to be rules mandating conduct. For example, in Sura 2/al-Baqara:158 the discussion revolves around what pilgrims should do at the pilgrimage site of al-ṣafā and al-Marwa, two hillocks between which pilgrims walk or run. The passage reads:

*Al-Ṣafā and al-Marwa are among the waymarks of God. It is no sin [lā junāḥ ‘alayhi] for those who are performing the ḥajj or ‘Umra to the House to move round the two of them... (Q 2/al-Baqara:158)*

Most Muslim jurists designate the pilgrims' processing (*sa'y*) back and forth between al-Ṣafā and al-Marwa as a mandatory element of the pilgrimage. It seems likely, however, that this verse actually grants a dispensation to pilgrims, or makes an exception for them – one that permits rather than requires pilgrims to process between the two sites.

Three pieces of evidence support reading the verse as a dispensation rather than a requirement. First, the verse concludes by stating that it is meritorious to perform acts of worship voluntarily (*wa-man taṭawwa'a khayran*), which suggests that the procession between al-Ṣafā and al-Marwa is just such a voluntary act, not an obligatory one. Second, the phrase *lā junāḥ 'alā* is used, which, as noted above, is a technical phrase denoting the absence of liability. Presumably it was necessary to grant an express dispensation because processing between those two places was viewed by some as unlawful, possibly because it was derivative of a pagan practice. Third, Sura 22 (al-Ḥajj, "The Pilgrimage"), is devoted in its entirety to the related questions of the pilgrimage rites and the conflict with the pagans. If we transpose this concern on to Sura 2/al-Baqara:158, it is clear that al-Ṣafā and al-Marwa posed a problem, namely whether they were to be treated as part of an unacceptable surviving pagan ritual or instead incorporated into the rituals of the Qur'anic community. The conflict between pagan rituals and the practice of

the Qur'anic community is resolved in Sura 2/al-Baqara:158 by allowing but not requiring the procession between al-Şafā and al-Marwa.

### *Prayer Times*

Islamic law generally requires five ritual-prayers daily, at specific times ranging from dawn to early evening.<sup>5</sup> The Qur'an contains numerous injunctions to pray and also refers occasionally to the times when one should pray. The question is whether the times mentioned in connection with the act of praying in the Qur'an track the development from a number of prayers less than five to the five prayers now mandated by Islamic law. Viewed retrospectively, from the Islamic law tradition, it seems reasonable to suppose a Qur'anic development of doctrine on this question. On the other hand, if we imagine the Qur'an as an enthusiastic, oral, homiletical text urging its audience to acts of piety and reverence, we might interpret these passages differently, and perhaps more loosely, than Muslim jurists do.

The Qur'an uses many different words for prayer and it does not always distinguish between prayer as an organized, congregational worship activity and prayer as individual supplication. The most common words for prayer are the noun *ṣalāt* and the related verb *ṣallā*, which may well denote

<sup>5</sup> These times are pre-dawn, noon (post-zenith), afternoon, sunset, and evening (post-twilight) (*fajr*, *zuhr*, *'aṣr*, *mağhrīb*, *'iṣhā*).

organized, congregational prayer. It appears relatively frequently in conjunction with terms for times of day. Most such references are to prayer in the morning and the evening:

*...before the dawn prayer [ṣalāt al-fajr]...and after the evening prayer [ṣalāt al-‘ishā’]. (Q 24/al-Nūr:58)*

There are a few passages that seem to refer to a third ṣalāt-prayer, but the precise timing of this prayer remains unspecified:

*Perform the prayer at the two ends of the day and the early parts of the night [ṭarafay al-nahār wa-zulfan min al-layl]. (Q 11/Hūd:114)*

*Be watchful over your prayers and over the middle prayer [al-ṣalāt al-wuṣṭā]. (Q 2/al-Baqara:238)*

Perhaps the passage just quoted refers to a noon prayer. In any event, these passages are all understood to refer to two or more of the five daily prayers required by Islamic law.

There are, however, many other terms for prayer in the Qur’an: *sabbaha* (to praise God); *dhakara* (to recollect); *istaghfara* (to seek forgiveness); *da‘ā* (to supplicate); *qāma* (to stay up at night); *sajada* (to prostrate); *raka’a* (to bow down); *kharra* (to fall down on the ground); *tahajjada* (to pray at night). They may denote more informal acts of supplication, but they are also frequently urged to be performed

at particular times of day, especially in the morning and the evening:

*Seek forgiveness [wa-staghfir] for your sin and glorify your Lord [wa-sabbiḥ bi-ḥamd rabbika] by praising Him in the evening and the early morning [bil-‘ashī wal-ibkār]. (Q 40/Ghāfir:55)*

*...those who call to their Lord [yad‘ūna rabbahum] in the morning and the evening [bil-ghadāwa wal-‘ashī]. (Q 6/al-An‘ām:52)*

*...remember God often [udhkurū Allāh dhikran kathīran] // And glorify Him [wa-sabbiḥūhu] morning and evening [bukratan wa-aṣīlan]. (Q 33/al-Aḥzāb:41-42)*

*And some part of the night [min al-layl] – keep vigil with it [fa-tahajjad bihi]... (Q 17/al-Isrā’:79)*

There does not seem to be any particular correlation between timing and the terminology of praying. Perhaps these many references to times of day refer not to the specific timings of required prayers, but rather to the idea that one ought simply to pray or worship very frequently, that is, that one should worship/thank/pray/praise/recollect morning, noon, and night, as it were. The variety of terminology and the conspicuous repetition of the ideas suggests that these passages are general injunctions to the frequent performance of generally pious acts, and not purely legislative.

## CONCLUSION

I have tried to suggest that we consider taking the Qur'an's legislative passages as more allusive, or even figurative, than we have done until now. Methodologically, if we undertake to study the Qur'an on its own terms, we must be cautious about relying on the filter of the later Islamic intellectual tradition. This is not because later commentators or jurists were bad interpreters of the Qur'an, but because they were engaged in particular projects that belonged to their own time, a time that must have differed substantially from that of the original Qur'anic milieu. I would, moreover, like to object to considering the later tradition a parallel repository of facts at our disposal; when we do that we miss both important questions about the Qur'an and rob that later intellectual tradition of its considerable agency and creativity.

I do not mean to imply, by offering a few modest re-readings of Qur'anic legal passages, that the interpretations of these verses in the Islamic legal tradition are wrong. Rather, I want to suggest that we might find some nuances in Qur'anic legislation by considering the Qur'an's form and function. To appreciate the Qur'an's legislative nuances, we must look back to the time when there was a Qur'an and a Qur'anic community, but not yet the institution that we call Islamic law.

I am not sure that legislation is the defining feature of the Qur'an; narrative, eschatology, or anti-pagan polemic

are at least as prevalent. Legislation does, however, form an important and identifiable part of Qur'anic discourse, and thus deserves our attention as an independent feature in its own right. The discussion here has hardly been exhaustive, but there are some specific questions that arise and deserve our attention.

First, can we locate the place of law as such in the Qur'anic worldview? The major problem here is the diversity of Qur'anic legal materials. Some, like the inheritance rules of Sura 4, point to a dense web of legislation; others, like the 'fulfillment' theme in Sura 5, point in a more antinomian direction. These diverse tendencies should probably not be reconciled but rather appreciated in their individual contexts, especially with regard to the suras in which they occur. Their diversity underscores the Qur'an's theological richness.

Second, can we develop a method for identifying or defining what the Qur'an intends as 'law,' that is, as binding rules meant to be adhered to by the Qur'anic community? This is a serious philosophical problem. Should we classify by subject matter (torts, contracts, ritual), language of obligation (the use of imperatives, for example), language indicating absence of liability (*lā junāḥ*, *lā ḥaraj*, *illā alladhīna tābū*), or some other criteria? Should we divide materials between those using a language of Judaeo-Christian polemic and those derived from Arabian custom (pilgrimage, torts)? Should we identify and analyze more literary

criteria, such as verse length, sura form, or other identifiable structural features of the text? Or should we look for institutions and enforcement mechanisms that ensure compliance with rules? However one approaches the larger question, it seems clear that a concept of 'religious law' will be necessary to accommodate a spectrum of Qur'anic legislation that runs from purely literary expression to real-world application.

Third, what can the literary study of the Qur'an's legal passages tell us about the Qur'an itself? Devising procedures for discerning meaning from the form of the suras poses serious difficulties, even though the attempt to discern such meaning is imperative. I think we have to assume that suras were constructed to impart meaning in some way that we can understand, however they were composed or redacted, and that we can detect this meaning, as well as the organizational principles that underlie their composition. In any event, we should start with the canonical text as we have it and always assume that it is (or was) intelligible.

Fourth, how did the original Qur'anic audience receive or understand material that was intended as legislative? Though all these questions pose challenges, this one may be the most difficult, since it requires us to confront the problem of what we are entitled to assume about how the Qur'anic text came into being and how we imagine the way(s) in which it might have been received and understood by those who first came into contact with it.

There is a fifth question I have not dealt with, but which is equally crucial from the point of view of legal history, namely: How can we map the development of legal doctrine from the Qur'an to the earliest formulations of Islamic law? Our understanding of where Islamic legal categories and concepts come from, how they evolve, and why they evolved in the first place remains rudimentary. But it is in this early period, between the closure of the Qur'anic text and the rise of independent scholars and theologians in the early eighth century, that the seeds of Islamic law were sown. It was only then that Qur'anic legislation – whatever its original aims – came to be taken seriously as one of several starting points for the elaboration of a specifically Islamic law, which rapidly evolved into a major style of Muslim piety and channel of profound Muslim intellectual endeavor. A serious study of the Qur'an's legislation remains the indispensable starting point for any history of Islamic law.



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