Workshop Report

Late Antique Legal Instruction and the Qur'an

Workshop of the Project "Qur'anic Commentary: An Integrative Paradigm" (QuCIP)

Held on 23 April, 30 April, and 7 May 2021 (5–7 pm) via Zoom

–

Recent scholarship has drawn attention to the resonance of the Qur'an's legal culture with late antique law-making and legal hermeneutics. Legal instruction is part and parcel of this culture. Community rules and canons remain privileged sites for legal studies in modern scholarly research. Notwithstanding this bias, oration and sermons, ethical exhortations, legal paraenesis, catechesis, testaments, wisdom sayings, parables, and narratives were prominent genres and forms used to communicate and inculcate norms, rules, regulations, and laws, both in the Qur'an and in other late antique texts. QuCIP's second workshop therefore sought to investigate Qur'anic legal instruction, i.e., the Qur'anic strategies for imparting legal knowledge, against the background of (oral and written) legal communication in Late Antiquity and early Islam.

Over the course of three meetings on 23 April, 30 April, and 7 May 2021 (5–7 pm), speakers and participants explored the nexus of late antique legal instruction and the Qur'an. Several short impulse papers of fifteen minutes, a response, and an extensive discussion structured each session. The three meetings revolved around different sets of problems and questions, namely (1) legal rhetoric, the engagement with listeners, and its impact on the organisational logic, the sequencing, and phrasing of Qur'anic legal material, (2) legal codes, scripture, and divine law, and (3) the ties and boundaries between legal instruction, ethics, and wisdom.

NORA K. SCHMID (UNIVERSITY OF OXFORD) opened **the first workshop meeting on 23 April** with a brief introduction. Using the example of the Farewell Sermon reportedly delivered by the Prophet Muḥammad in Mecca in 10 A.H./ 632 C.E., she illustrated the three sets of workshop questions. Schmid discussed oral markers and appeals to the audience in this exemplary form of legal paraenesis, the sermon's recourse to scriptural verses for the purpose of authorization, and the paraenetic entanglement of law and ethics. Taking up the first problem, that of audience engagement, **DEVIN STEWART (EMORY UNIVERSITY)** subsequently analysed the didactic and ethical implications of the multifaceted Qur'anic "signs" discourse in his paper "'Let Those Who Have Ears Listen': Ears, Eyes, and Hearts as Sites of Perception and Comprehension of God's Signs in the Qur'an". Individual reasoning and rationality emerged as an integral part of how the Qur'anic message is meant to be received: the listeners are called to actively observe, consider, and interpret – an idea that continues to undergird later Muʿtazilī thought, for example. Highlighting the importance of human agency from a

different angle, **JOHANNE CHRISTIANSEN (UNIVERSITY OF SOUTHERN DENMARK)** studied the Qur'anic rhetoric of exceptions in her paper "The Terminology of Legal Exceptions in the Qur'an: The Case of Parallel Arguments". The no-fault/no-blame/no-sin arguments she analysed were shown to lift legal liability under specific circumstances, simultaneously creating a certain ethical "vagueness". In his response, **SHAWKAT TOORAWA (YALE UNIVERSITY)** highlighted the importance of the recitational and situational context for understanding the discourse about signs and rationality as well as the Qur'anic exceptional rhetoric. The following discussion explored the concept of vagueness, or ambiguity, and the adaptive strength that resides in it, as well as the degree of human agency involved in legal and ethical instruction.

The second workshop meeting on 30 April focussed on concepts like scripture, codes, and divine law in legal instruction. The different papers examined how they are employed to provide opening or closure, to promote legal continuity or rupture, or to authorize legal knowledge. **MOHSEN GOUDARZI (UNIVERSITY OF MINNESOTA)** focussed on the Qur'an's approach towards Jewish and Christian law in Q al-Māʾida 5:44–48 in his paper "Between Triumphalism and Pluralism: Legal Diversity in the Qur'an". Rejecting the idea that the passage presents Judaism, Christianity, and Islam as operating under distinct legal systems and following three distinct legal codes, he argued that the Qur'an imagines its legislation to be in continuity with the laws given to the Israelites. The concept of the "code" was subsequently further explored by **JOSEPH LOWRY (UNIVERSITY OF PENNSYLVANIA)**. In his paper, Lowry raised the question "Are there Codes in the Qur'an?" and suggested criteria for identifying particular Qur'anic passages as "legal codes" based on the understanding of codes in Biblical Studies. Certain Qur'anic legislative units fulfil these criteria, for example the "neo-covenantal code" in Q al-Baqara 2:178–242. According to Lowry, these units stand out as structural elements and suggest legislative completeness in a condensed form. While divine law is often associated with closure, in Late Antiquity it was also open to human agency, notably in the framework of teaching and dissemination, as **CAROLINE HUMFRESS (UNIVERSITY OF ST ANDREWS)** demonstrated in her paper "Legal Exegesis and Divine Law in the Sixth Century CE (Junillus, Institutes)". In his Latin *Instituta regularia divinae legis*, a work composed between 542 and 549 C.E. in a question-answer format that ties it to the late antique culture of debate, Junillus Africanus appealed to public legal instruction at Nisibis to systematize divine law for the purpose of teaching. His inventive classification of law is founded on a divine hermeneutic in which lawgiving equals teaching. Responding to the three papers, **BEHNAM SADEGHI (UNIVERSITY OF OXFORD)** focussed on the *Sitz im Leben* of the case studies, inquiring about the historicity of the occasion of revelation for Q 5:44–48, the chronological and redactional implications of Qur'anic codes, or the mnemonic functions of legal instruction in a question-answer format. In the subsequent discussion, the issues of extensiveness and distinctness were repeatedly brought up. For example, participants discussed the boundaries of codes, the relation of the Qur'anic concept of the Gospel to that of the Torah, or Junillus' expansive concept of a created world that can be read as law pointing to its creator.

During **the third workshop meeting on 7 May**, participants explored the nexus of law, ethics, and wisdom in the Qur'an and in late antique legal instruction. Issues of evil, sin, wrong-doing, and impurity connected the three impulse papers. **ANGELIKA NEUWIRTH (FU BERLIN, BERLIN-BRANDENBURG ACADEMY OF SCIENCES AND HUMANITIES)** opened this final meeting with an analysis of the Qur'anic pericopes involving the enticer figure Iblīs in her paper "Diabolos/Iblis

and the Invention of Juridical Reasoning". Based on a comparative analysis of the Qur'anic Satan with the diabolic figures appearing in biblical and post-biblical traditions (e.g., in Job, the Cave of Treasures, etc.), Neuwirth argued that Iblīs' reasoning in the Qur'an points to a new understanding of evil as having a psycho-dynamic and rhetorical component. Further evidence for an emergence of evil from a court-room setting comes from the Christian tradition, where the devil's argumentation skills are highlighted (e.g., Ephrem). Shifting the focus from the interrelations of law and ethics to the links between law and wisdom, **SAQIB HUSSAIN (UNIVERSITY OF OXFORD)** examined "Wisdom, phronesis, and natural law" by concentrating on the term *ḥikma* ("wisdom") and its complex relation to *kitāb* ("scripture") in the Qur'an. He distinguished Qur'anic scripture-bearing prophets from prophets bearing *ḥikma*, among them especially Jesus. While scripture occasionally becomes a site for contest and exaggerated legalism, *ḥikma* introduces a natural morality that can potentially function as an ethical corrective. Contest over legal and ethical issues emerged as a crucial component of community formation in **HOLGER ZELLENTIN'S (UNIVERSITY OF TÜBINGEN)** paper "Qur'anic Law and Ritual in Light of the Late Antique Biblical Tradition", which focussed on the issue of purity. Zellentin distinguished prohibited and regulated impurity, and he showed that the Qur'an participates in a late antique legal culture in which various communities adopted different stances towards the Decree of the Apostles. The Qur'an adopts and slightly expands the *gerim* laws expressed in the Decree. In his response to the three speakers, **NICOLAI SINAI (UNIVERSITY OF OXFORD)** drew attention to the fact that the distinction between law and ethics is often far from self-evident. He suggested that the cultivation of a conscience had to accompany the application of rules. Recourse to ethical and sapiential material may have been necessary to solve a problem of legal underdetermination. This conceptual reservoir of right and wrong which exists outside of scripture was also explored in the final discussion.

Nora K. Schmid

University of Oxford, Wolfson College