CHAPTER TWO

LAW AND CUSTOM

Islamic sources offer an abundance of material on the religious and spiritual life of the Jews of Medina. As such, gathering material on the subject is a challenging task. Details regarding the religious and spiritual life of the Medinan Jews in Islamic sources are not organized in any particular fashion, but rather are interspersed and difficult to compile. Furthermore, the overall writing structure of many Islamic sources is convoluted, often jumping from one subject to another. Information on the religious and spiritual life of the Jews of Medina therefore must be gathered from various sources.

It is possible to deduce details regarding the religious and spiritual life of the Jews of Medina, as reflected in Islamic sources, in several ways. In some cases, these sources will explicitly declare that a specific law or custom was practiced by Medinan Jewry. In such cases, any halakhic position directly attributed to Medinan Jews or hinted at in the Islamic sources must then be compared to its parallel—if exists—in the Bible, the Mishna, and the two Talmuds. A comparison with the relevant Talmudic sources—most often the Babylonian Talmud—often reveals a match between Talmudic law and custom and customs attributed to Jews of Medina in Islamic sources.

In other cases, I have applied a relatively new methodology to reconstruct the customs of the Jews of Medina. In one hadith, Muḥammad is said to have commanded his followers, “Do the opposite of the Jews” (khālifū al-yahūd). Islamic tradition specifically declares its intention to differentiate itself from other religions, and not to imitate, or even to intentionally act in a manner completely contrary to the customs of other faiths. This principle is called mukhālafa.

Through this principle, Islamic sources have perhaps unintentionally opened a small window which sheds light on the religious and spiritual

---

1 For an extensive list of the primary sources in which this hadith appears, see Meir Jacob Kister, “Do Not Assimilate Yourselves . . . Lā Tashabbahū . . . ,” Jerusalem Studies in Arabic and Islam 12 (1989), 321–371.

2 On mukhālafa in research, see Mazuz, “Menstruation and Differentiation,” 207–209.
life of the Jews of Medina. These sources do not always declare that a specific Islamic custom is the product of the attempts to differentiate Islamic practices from Jewish ones. As such, the researcher must attempt to identify the Jewish source to which Islam may have been reacting. The juxtaposition of Islamic sources together with Jewish sources often demonstrates Islam’s attempts to differentiate itself from Talmudic law in many areas. We can therefore deduce that many of laws and customs attributed to Medinan Jews were likely Talmudic in origin.

When Jews and Christians followed different traditions in a specific area of interest, Islam requires its followers to choose the “golden path” between the two (wasaţ), as suggested by Q. 2:143, “And thus we have made you a middle nation” (wa-kadhālika ja‘alnākum umma tan wasaţ an). The phrase “middle nation” entails the concept that the Jews always follow the more stringent path on any specific law or custom, while the Christians follow the more lenient path. The Qur’ān instructs Muslims not to follow either path.3 Choosing the “golden path” effectively constitutes a double mukhālafa, simultaneously differentiating Islam from both Judaism and Christianity.

Understanding the principle of mukhālafa and interpreting it accordingly, may often enable the reconstruction of the laws and customs practiced by Medinan Jewry. This methodology becomes possible in modern scholarship through the intensive study of traditional Islamic literature and the use of inductive reasoning.

1. The Sabbath

Extant descriptions in Islamic tradition give the impression that the Medinan Jews strictly observed the Sabbath. In 627 CE, the Muslims besieged the Banū Qurayţa. The Jews were outnumbered and militarily inferior to the Muslims. Their leader Ka‘b b. Asad wanted to carry out a surprise attack against the Muslims on the Sabbath. Although their lives were in danger, the Banū Qurayţa refused because they did not want to violate the Sabbath.4

---


4 Ibn Hishām, *Sūra*, 3:186. This subject will be discussed in greater detail in the section about laws of war.