

Quran and its legal environment (fourteenth chapter of Le Coran des historiens): Application of Historical Approach in Ijtihad

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Abstract

Le Coran des historiens (The Historian's Quran) has been published in three large volumes in 2019 in French with the contribution of thirty researchers. The first volume consists of twenty chapters that examine the historical context of the Quran as well as its text and its manuscripts. Chapter fourteenth (The Quran and its Legal Environment) is the only chapter that is related to Islamic law and tries to reconstruct the legal environment of the Quran. A catalogue of legal texts from late antiquity that possibly had intertextuality relationships with the Quranic text has been made. Byzantine, Sasanian, Roman Provincial, Jewish, and Christian law are parts of the legal environment that has been studied in this chapter. The author of this chapter also proposed a new reading of verse 12 of Surah An-Nisa, which has different legal results comparing with those are known in traditional Islamic law. After reviewing the chapter, examples of the application of this historical approach in the framework of traditional Islamic law and Islamic jurisprudence has been presented. Persian translation of the chapter has also been provided.

Key words:

Le Coran des historiens; legal environment of the Quran; Kalala; Quranic law; Orientalism.

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