

RESEARCH ARTICLE

Cutting and Binding: The Hebrew Brit and the Qur'anic Mīthāq as a Shared Semitic Covenantal Grammar

The Constitution of Medina and the Foundations of Covenantal Pluralism

Prof. Dr. Iqbal Akhtar

Florida International University, United States

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ORCID: <https://orcid.org/0000-0001-6840-8377>

Corresponding author: Prof. Dr. Iqbal Akhtar | iakhtar@fiu.edu

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Abstract

This essay reads the Hebrew brit (ברית) and the Qur'anic mīthāq (ميثاق) as functional counterparts within a shared Semitic religious-legal idiom of covenant—not as etymological cognates, which they are not, but as analogous instruments of solemn, binding pact-making between God and human communities and among those communities themselves. After tracing the semantic field of brit through its characteristic idiom kārat berit (“to cut a covenant”) and the major biblical covenants, and the Qur'anic covenantal vocabulary of 'ahd and mīthāq culminating in the primordial covenant of Q 7:172, the essay takes the Constitution of Medina (Ṣaḥīfat al-Madīna) as its central case. It argues that this foundational Islamic legal document, in constituting a single umma while preserving the dīn of the Jewish parties to it, instantiates what the present author has elsewhere termed covenantal pluralism. Read against the grain of supersessionism, and in the balanced historiographical register established by Mark Cohen, the shared covenantal heritage of Jews and Muslims emerges as the deep grammar that underwrote centuries of creative intellectual and spiritual symbiosis. Aim. This study aims to recover covenant as an idiom of dialogue rather than competitive supersession, and to locate the conditions of medieval Jewish-Muslim flourishing in a common covenantal grammar present at the foundations of both traditions.

Keywords: covenant; brit; mīthāq; Constitution of Medina; covenantal pluralism; Semitic philology; Jewish-Muslim relations; supersessionism

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1. Introduction

Few categories carry the theological weight of covenant. In the Hebrew Bible, the term *brit* organizes the whole drama of the relationship between God and Israel: it is the instrument of creation’s preservation after the flood, the ground of the promise to the patriarchs, the constitution given at Sinai, and the hope of a renewed and interiorized bond announced by the prophets. In the Qur’an, an equally dense vocabulary of pledge and pact—‘*ahd*, *mīthāq*, ‘*aqd*—binds humanity to its Lord from before the beginning of time and binds the prophets and their communities to one another across history. That two scriptural traditions, emerging from the same Semitic world and in self-conscious relation to one another, should each place covenant at the center of their account of God and humanity is not a coincidence to be noted and set aside. It is an invitation to comparison.

This essay accepts that invitation, but it does so with a philological discipline that the comparison has too often lacked. Its first claim is deliberately modest and precise: the Hebrew *brit* and the Arabic *mīthāq* are not etymological cognates. They share no consonantal root; they descend from different lexical families; and any argument that rests on a supposed linguistic kinship between them rests on sand. Yet—and this is the essay’s second and larger claim—within the shared conceptual vocabulary of the Semitic religions, *brit* and *mīthāq* are exact functional counterparts. Each names the solemn, ratified, binding pact by which a relationship of mutual obligation is established and sealed under God. To read them together is to recover a common covenantal grammar: a shared way of imagining how God and a human community, and how human communities among themselves, may be bound in faithfulness.

The essay’s third claim is historical and theological. It takes as its central case the document Western scholarship calls the Constitution of Medina—the *Ṣaḥīfat al-Madīna* or “umma document”—and argues that this foundational text of Islamic political life is best understood as a covenantal charter, one that constitutes a single political community while explicitly preserving the religious distinctiveness of the Jewish groups party to it. In this gesture, the Medinan compact instantiates what I have elsewhere called *covenantal pluralism*: the conviction, grounded in the covenantal traditions themselves, that a binding common order and the integrity of distinct religious communities are not rivals but partners.¹ The final claim follows from the third. If covenant can be read as an idiom of dialogue rather than supersession—if the later covenant renews rather than cancels the earlier—then the shared covenantal heritage of Jews and

¹Iqbal Akhtar, *Covenantal Pluralism: The Geopolitics of Interfaith Religious Freedom* (Cham: Springer, 2026), open access, hardcover ISBN 978-3-032-31478-9, <https://link.springer.com/book/9783032314789>.

Muslims is not merely an interesting parallel but the very grammar that made possible centuries of creative intellectual and spiritual symbiosis.

The argument proceeds in seven movements. It begins with the ancient Near Eastern matrix from which biblical covenant drew its forms, then traces the semantic field of the Hebrew *brit* and the Qur'anic *mīthāq* in turn. A central philological section establishes the functional-but-not-cognate relationship between the two terms. The essay then turns to the Constitution of Medina, presents the major interpretive debate over its treatment of the Jews without artificially resolving it, and develops the theology of covenant as dialogue. It closes by substantiating—carefully, and in a deliberately balanced register—the claim that this shared covenantal heritage underwrote real and lasting flourishing.

2. Covenant in the Ancient Near Eastern World

Covenant was not invented at Sinai. It was the common political and legal language of the ancient Near East, the ordinary means by which kings bound vassals, parties sealed agreements, and obligations were made enforceable under the sanction of the gods. The decisive scholarly recognition of this fact belongs to George Mendenhall, whose 1954 studies argued that the covenant traditions of early Israel had borrowed the form of the suzerain-vassal treaty known from Hittite diplomatic archives.² Building on Viktor Korošec's analysis of Hittite state treaties, Mendenhall identified a recurring formulary: a preamble naming the great king, a historical prologue rehearsing his past benefactions, the stipulations binding the vassal, provision for the document's deposition and periodic public reading, a list of divine witnesses, and a closing series of blessings and curses.³ The structure of the covenant at Sinai—and still more clearly the structure of the book of Deuteronomy and the covenant ceremony of Joshua 24—maps onto this formulary with a precision that cannot be accidental.

Moshe Weinfeld refined the picture by distinguishing two ancient Near Eastern legal instruments that the biblical traditions had drawn upon. The first was the conditional suzerain-vassal *treaty*, in which the inferior party undertook obligations on pain of curse; this was the model for the Mosaic covenant, with its imperatives and its sanctions. The second was the unconditional royal *grant*, by which a king rewarded a faithful servant with a gift—land, or a dynasty—that bound the giver rather than the recipient. This, Weinfeld argued, was the model for the covenants with Abraham and with David, in which God obligates

²George E. Mendenhall, *Law and Covenant in Israel and the Ancient Near East* (Pittsburgh: The Biblical Colloquium, 1955), reprinted from *The Biblical Archaeologist* 17 (1954): 26–46, 49–76.

³Mendenhall, *Law and Covenant*, building on Viktor Korošec, *Hethitische Staatsverträge: Ein Beitrag zu ihrer juristischen Wertung* (Leipzig: Weicher, 1931). The treaty form comprises preamble, historical prologue, stipulations, deposition and periodic reading, a list of divine witnesses, and blessings and curses.

himself by oath to a perpetual promise.⁴ The distinction matters for the present argument, because it shows that even within a single tradition covenant was a flexible instrument, capable of expressing both a demanding mutuality and an unconditional gift.

Mendenhall's thesis has not gone unchallenged, and intellectual honesty requires that the challenges be registered. Critics have pointed out that the fullest formal parallels to the biblical covenant come not from the second-millennium Hittite treaties but from first-millennium Neo-Assyrian instruments, above all the Succession Treaty of Esarhaddon of 672 BCE, whose resemblance to Deuteronomy 28 is especially close. This has suggested to many scholars a later, seventh-century horizon for the developed covenant formulary, and to some—most forcefully Ernest Nicholson—a doubt whether the Sinai tradition was originally conceived in treaty terms at all.⁵⁶ These debates concern the dating and direction of borrowing; they do not disturb the basic finding that covenant in Israel was articulated through the shared legal vocabulary of its world. That finding is what licenses the comparison this essay pursues. If biblical covenant was from the outset a Semitic and ancient Near Eastern idiom rather than a Hebrew peculiarity, then the appearance of a structurally analogous covenant theology in the Qur'an—another product of the Semitic religious world—belongs to the same broad history of ideas, even where there is no question of direct literary dependence.

3. The Hebrew *Brit*: Semantic Field and the Cutting of Covenant

The etymology of *brit* is genuinely uncertain, and the candor of the standard reference literature on this point is itself instructive. Weinfeld's authoritative entry surveys the principal proposals: derivation from the Akkadian noun *birītu*, “bond, fetter, clasp”; from the Akkadian preposition *birīt*, “between”; or from a Hebrew root b-r-h, “to eat,” with reference to the covenant meal.⁷ Weinfeld himself favored the first, yielding a primary sense of *brit* as “bond” and hence “obligation” or “imposition,” a meaning he set

⁴Moshe Weinfeld, “The Covenant of Grant in the Old Testament and in the Ancient Near East,” *Journal of the American Oriental Society* 90, no. 2 (1970): 184–203. Weinfeld distinguishes the unconditional royal *grant* (Abrahamic, Davidic) from the conditional suzerain-vassal *treaty* (Sinaitic).

⁵Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press, 1986), questions whether the Sinai tradition was originally cast in treaty form.

⁶On the closer formal parallels with first-millennium Neo-Assyrian instruments—above all the Succession Treaty of Esarhaddon (672 BCE)—and the later, Deuteronomic horizon they imply, see Dennis J. McCarthy, *Treaty and Covenant: A Study in Forms in the Ancient Oriental Documents and in the Old Testament*, 2nd ed., Analecta Biblica 21A (Rome: Pontifical Biblical Institute, 1978), 1–24.

⁷Moshe Weinfeld, “ברית *berīth*,” in *Theological Dictionary of the Old Testament*, ed. G. Johannes Botterweck and Helmer Ringgren, trans. John T. Willis, vol. 2 (Grand Rapids, MI: Eerdmans, 1975), 253–55. Weinfeld surveys the competing derivations—Akkadian *birītu* (“bond, fetter”), the preposition *birīt* (“between”), and Hebrew b-r-h (“to eat”)—and defends the first. On the objection from *kārat*, see Ernst Kutsch, *Verheissung und Gesetz*, BZAW 131 (Berlin: De Gruyter, 1973).

alongside the Akkadian *riksu* and the Hittite *išhiul*, both meaning “bond,” and the Latin *vinculum fidei*. The difficulty, as Ernst Kutsch observed, is that one does not “cut” a fetter, and the dominant Hebrew idiom for making a covenant is precisely *kārat berît*—“to cut a covenant.” The lesson is the one James Barr taught a generation of biblical scholars: meaning is governed by usage, not by a contested and possibly irrecoverable etymology.⁸ For the comparative purposes of this essay, what matters is not the deep prehistory of the word but the shape of its use.

And in use, *brit* is overwhelmingly something one *cuts*. The verb *kārat* (“to cut, sever”) is the standard verb of covenant-making, with close Aramaic parallels in the eighth-century Sefire treaties, where the cognate idiom *gʒr ʿdy* likewise speaks of “cutting” a treaty.⁹ The ritual logic behind the idiom is displayed unforgettably in Genesis 15. Abram is commanded to bring a heifer, a goat, a ram, a turtledove, and a pigeon; he cuts the animals in two and arranges the halves opposite one another; and as darkness falls a smoking oven and a flaming torch—figuring the divine presence alone—pass between the pieces. The rite is a self-maledictory oath: the party who passes between the severed animals invokes upon himself their fate should he break faith.¹⁰ What is theologically arresting about Genesis 15 is that God alone passes through, binding himself by the most solemn of oaths to the promise of land and progeny. Here covenant is not a yoke laid upon the human party but a gift the divine party guarantees with his own self-curse.

The biblical covenants are not uniform, and the tradition’s own vocabulary marks their differences. The covenant with Noah after the flood is universal in scope, embracing “all flesh” and signed by the bow set in the clouds; tellingly, it is *established* (*heqîm*) rather than *cut*, as befits a unilateral divine pledge to the whole created order.¹¹ The covenant with Abraham, as we have seen, takes the form of an unconditional grant of land and descendants; so too the covenant with David, which promises an everlasting dynasty and which Weinfeld read against the language of Neo-Assyrian royal grants.¹² The covenant at Sinai, by contrast, is the great conditional covenant, framed in the imperatives of the Decalogue and the covenant code and sealed with blood and with the people’s assent. And the prophets, confronting the rupture of that covenant, look beyond it: Jeremiah announces a “new covenant” written not on tablets of stone but on the

⁸James Barr, *The Semantics of Biblical Language* (Oxford: Oxford University Press, 1961), esp. 107–60, on the methodological priority of usage over etymology.

⁹Moshe Greenberg et al., “Covenant,” in *Encyclopaedia Judaica*, 2nd ed., vol. 5 (Detroit: Macmillan Reference, 2007), 249–53. The idiom *kārat berît* finds an Aramaic parallel in the eighth-century Sefire treaties (*gʒr ʿdy*).

¹⁰Delbert R. Hillers, *Covenant: The History of a Biblical Idea* (Baltimore: Johns Hopkins University Press, 1969), 40–45; Weinfeld, “berîth,” 259–60. On the rite of Genesis 15 as a self-maledictory oath, see also Gordon J. Wenham, *Genesis 15–16*, Word Biblical Commentary (Waco, TX: Word, 1987).

¹¹Genesis 9:8–17. The verb is *heqîm* (“to establish, confirm”) rather than *kārat*; see Hillers, *Covenant*, 104–6.

¹²Weinfeld, “The Covenant of Grant,” 184–203.

heart, an interiorized bond that will not be broken.¹³ Across this range—universal and particular, conditional and unconditional, external and interior—*brit* remains the single, supple category through which Israel thinks the bond between God and his people.

4. The Qur'anic *Mithāq*: The Firmness of the Bond

The Qur'an is, to a degree not always appreciated, a covenantal scripture. Words pertaining to covenant occur well over a hundred times in its text, and two terms dominate the field. The first is *'ahd* (from the root 'h-d, "to enjoin, to charge, to pledge"); the second is *mīthāq*, from the root w-th-q, "to be firm, trustworthy, securely bound." The morphology is itself eloquent: a *mīthāq* is, etymologically, that which is made firm and trustworthy, a bond ratified and sealed. Joseph Lumbard, in the most important recent study of the subject, counts *'ahd* twenty-nine times as a noun and *mīthāq* twenty-five times, and shows that the exegetical tradition treats the two as synonyms—much as the Hebrew *brit* can designate both a pact between human parties and the bond between God and humanity.¹⁴ A subsidiary vocabulary of *'aqd* ("contract"), *iṣr* ("burden"), and *amāna* ("trust") fills out the semantic field.

The Qur'anic covenants are layered, and the layering is the key to their theology. At the deepest level stands the primordial covenant of Q 7:172, the "Day of *Alast*." "And when thy Lord took from the Children of Adam, from their loins, their progeny, and made them bear witness concerning themselves—'Am I not your Lord?' (*alastu bi-rabbikum*)—they said, 'Yea, we bear witness.'" In this pre-temporal scene the whole of humanity, drawn from the loins of Adam, acknowledges the lordship of God and contracts an obligation that precedes and underlies every later covenant. Gerhard Böwering has shown how this verse became the fulcrum of Qur'anic interpretation for the primordial covenant, and how in the hands of the early mystics it grounded an entire metaphysics of the soul's pre-eternal knowledge of its Lord.¹⁵ Wadād al-Qāḍī has stressed its anthropological function: the *mīthāq* of *Alast* establishes human accountability, so that no one may plead ignorance of God on the day of judgment, and the prophets are sent through history

¹³Jeremiah 31:31–34; Hillers, *Covenant*, 168–71.

¹⁴Joseph E. B. Lumbard, "Covenant and Covenants in the Qur'an," *Journal of Qur'anic Studies* 17, no. 2 (2015): 1–23, at 2–4. *Mīthāq* derives from the root w-th-q ("to be firm, trustworthy, bound"); Lumbard counts *'ahd* twenty-nine times as a noun and *mīthāq* twenty-five times, and shows the two function as synonyms in the exegetical tradition. Occurrence counts vary across reference works and should be checked against a concordance.

¹⁵Q 7:172. Gerhard Böwering, *The Mystical Vision of Existence in Classical Islam: The Qur'anic Hermeneutics of the Ṣūfī Sahl al-Tustarī (d. 283/896)* (Berlin: De Gruyter, 1980), 145–57, 185–95; and Böwering, "Covenant," in *Encyclopaedia of the Qur'ān*, ed. Jane Dammen McAuliffe, vol. 1 (Leiden: Brill, 2001), 464–67. See also Louis Massignon, "Le 'Jour du Covenant' (*yawm al-mīthāq*)," *Oriens* 15 (1962): 86–92.

not to impose a new obligation but to *remind* humanity of the one it already contracted upon the *fitra*, the innate disposition with which every human being is born.¹⁶¹⁷

Above this primordial covenant the Qur'an sets a covenant of the prophets. In Q 3:81 and Q 33:7 God takes a *mīthāq* from the prophets that they will worship God, summon others to do so, and confirm and support one another; Q 33:7 is, with the marriage bond of Q 4:21, one of only two covenants the Qur'an dignifies with the epithet *mīthāq ghalīz*, a “weighty” or “solemn covenant.”¹⁸ And beneath the covenant of the prophets stand the particular covenants with particular communities, of which the most frequently invoked is the covenant with the Children of Israel. “O Children of Israel,” God commands in Q 2:40, “fulfill My covenant, and I shall fulfill your covenant”; Q 5:12 recalls how “God took a *mīthāq* from the Children of Israel” and raised up among them twelve leaders.¹⁹ These passages are not incidental. They show the Qur'an constructing its own covenantal theology in explicit and sustained intertextual relation to the covenant of Israel—invoking it, engaging it, and, as Reuven Firestone has argued, reconfiguring its notion of election so that chosenness becomes a matter of faith and fidelity rather than the inherited possession of a single people.²⁰

The structural result, as Lombard demonstrates, is that classical Qur'anic exegesis already contains what he does not hesitate to call a “covenantal pluralism.” The several covenants do not stand in a relation of supersession, the later cancelling the earlier. They stand in a relation of witness: each subsequent covenant testifies to the reality of the first, the prophetic covenant recalling humanity to the primordial pledge, the particular covenants instantiating it in the life of particular communities.²¹ This is a theology not of replacement but of renewal—a point to which the argument will return, for it is precisely the structure that allows covenant to function as an idiom of dialogue rather than of competitive supersession.

¹⁶Wadād al-Qāḍī, “The Primordial Covenant and Human History in the Qur'ān,” *Proceedings of the American Philosophical Society* 147, no. 4 (2003): 332–38.

¹⁷Q 30:30; al-Qāḍī, “Primordial Covenant,” 333–35. The prophets *remind* (*dhikrā*) humanity of an obligation already contracted upon the *fitra*, the innate disposition.

¹⁸Q 3:81; Q 33:7. The latter, with the marriage contract of Q 4:21, is one of only two covenants the Qur'ān designates a *mīthāq ghalīz* (“weighty” or “solemn covenant”); see Lombard, “Covenant and Covenants,” 6–7.

¹⁹Q 5:12–14; Q 2:83–84; Q 2:40. See Lombard, “Covenant and Covenants,” 9–12.

²⁰Reuven Firestone, “Is There a Notion of ‘Divine Election’ in the Qur'ān?” in *New Perspectives on the Qur'ān: The Qur'ān in Its Historical Context* 2, ed. Gabriel Said Reynolds (London: Routledge, 2011), 393–410; see also Firestone, *Who Are the Real Chosen People? The Meaning of Chosenness in Judaism, Christianity, and Islam* (Woodstock, VT: SkyLight Paths, 2008).

²¹Lombard, “Covenant and Covenants,” 1, 17–20. Lombard argues that a “covenantal pluralism” is internal to classical Qur'anic exegesis: the later covenants do not abrogate the first but each bears witness to it.

5. Brit and Mīthāq: Functional Counterparts, Not Cognates

It is tempting, having set the two covenant theologies side by side, to reach for the language of cognates—to suggest that *brit* and *mīthāq* are, at some deep Semitic level, the same word. The temptation must be resisted, for the suggestion is simply false, and the integrity of the comparison depends on saying so plainly. Hebrew *berīt* clusters, on the best reconstruction, around a b-r root; Arabic *mīthāq* derives from the root w-th-q. The two share no consonant in common. They are not cognates, and no amount of theological enthusiasm can make them so. The Hebrew term whose Arabic relative is a genuine cognate lies elsewhere: the root b-r-r, “to be pure, sincere,” stands behind the Arabic *barra*, “to keep one’s promise”—but that is a different word from *mīthāq*.²²

What, then, is the relation between *brit* and *mīthāq*? It is the relation of functional counterparts within a shared Semitic religious-legal idiom. Both terms name, in their respective traditions, the solemn and ratified pact that constitutes a relationship of binding obligation under God. The Arabic lexicographers gloss w-th-q in terms of firmness and trustworthiness—a *mīthāq* is a bond made *secure*—while the Hebrew *brit*, on Weinfeld’s reading, carries the sense of a binding obligation, a *vinculum*.²³ The convergence is not at the level of sound but at the level of concept and function: two different Semitic languages, reaching for the idea of the most solemn binding agreement, each developed a primary covenant term and surrounded it with a vocabulary of oath, pledge, and bond. That the Qur’an pairs *mīthāq* with *‘ahd* much as Hebrew usage deploys *brit* across the range from human treaty to divine covenant is a parallel of structure, not of etymology—and it is precisely such structural parallels, governed by usage rather than by speculative word-histories, that a disciplined comparison may legitimately build upon.

This precision is not pedantry; it is what makes the larger argument possible. A comparison that rested on a false claim of linguistic kinship would collapse at the first scrutiny of a Semiticist. A comparison that rests, instead, on the demonstrable fact that two scriptural traditions of the same religious world independently placed a functionally identical category of covenant at the center of their accounts of God and humanity is robust, and it is generative. It allows us to speak of a shared *covenantal grammar*—a common way of imagining the bond between the divine and the human, and among human communities—

²²On the broader Semitic vocabulary of oath, bond, and pact, see Paul Kalluveettil, *Declaration and Covenant*, Analecta Biblica 88 (Rome: Biblical Institute Press, 1982). The Hebrew line etymologically cognate with Arabic *barra* (“to keep a promise”) is b-r-r (“to be pure, sincere”), not w-th-q.

²³The classical lexica gloss the root w-th-q in terms of firmness and trustworthiness; see al-Ṭabarī and *Lisān al-‘Arab*, s.v. w-th-q, discussed in Böwering, “Covenant,” 464. The observation that *brit* and *mīthāq* are functional rather than etymological counterparts is the present author’s, grounded in Weinfeld, “berīth,” 253–55, and Böwering, “Covenant,” 464–67.

without committing ourselves to any untenable thesis about borrowed words. It is on this firm ground, and not on the sand of false cognates, that the reading of the Constitution of Medina which follows is built.

6. The Constitution of Medina as Covenantal Charter

If the foregoing establishes a shared covenantal grammar in the realm of theology and scripture, the Constitution of Medina shows that grammar at work in the realm of law and politics. The document—which calls itself simply a *kitāb*, a “written document,” and whose underlying pact the sources also call a *ṣaḥīfa*—is conventionally dated to the first year or so after the *hijra* of 622 CE, and it survives in two recensions: that of Ibn Ishāq, transmitted through Ibn Hishām’s recension of the *Sīra*, and that preserved in Abū ‘Ubayd’s *Kitāb al-Amwāl*.²⁴ Its standing among historians is unusual and worth dwelling on. In a field notoriously skeptical of the historical reliability of the early Islamic sources, the Constitution of Medina commands a near-consensus of authenticity. Patricia Crone, among the most exacting of the source-critical scholars, judged that the document, lodged within an otherwise unreliable biographical narrative, “sticks out like a piece of solid rock in an accumulation of rubble”; Michael Lecker, whose monograph is the definitive treatment, affirms that even the iconoclasts of the field accept it as an original document going back to the Prophet himself.²⁵ Brought to Western scholarly attention by Julius Wellhausen in the late nineteenth century, it has since been studied by Goldziher, Gil, Serjeant, Goto, Rubin, Simonsen, and Lecker, among others—a roster that signals both the document’s importance and the intensity of the debate it has provoked.²⁶

The substance of the document is the constitution of a political community. It binds the Emigrants from Mecca (the *Muhājirūn*) and the Medinan Helpers (the *Anṣār*), together with their allies, into a single body for the purposes of mutual defense, the redemption of captives, the payment of blood-money, and the internal arbitration of disputes, with the Prophet as the community’s ultimate referent. The word it uses for this body is the word that would have one of the longest careers in Islamic history: *umma*. As Frederick Denny showed in a careful lexical study, the *umma* of the document marks a decisive shift away from the kinship basis of pre-Islamic Arabian society toward a community defined by shared commitment and

²⁴Michael Lecker, *The “Constitution of Medina”: Muḥammad’s First Legal Document*, Studies in Late Antiquity and Early Islam 23 (Princeton, NJ: Darwin Press, 2004), 1–7. The document calls itself a *kitāb* (“written document”); the pact is also termed a *ṣaḥīfa*. It survives in the recensions of Ibn Ishāq (via Ibn Hishām) and Abū ‘Ubayd’s *Kitāb al-Amwāl*.

²⁵Patricia Crone, quoted in Lecker, *Constitution of Medina*, 2: the document “sticks out like a piece of solid rock in an accumulation of rubble.” Lecker affirms that even the most skeptical source critics accept it as going back to the Prophet.

²⁶Lecker, *Constitution of Medina*, 1. Julius Wellhausen first brought the document to Western scholarly attention in the late nineteenth century; later studies include those of Ignaz Goldziher, Moshe Gil, R. B. Serjeant, Akira Goto, Uri Rubin, and J. B. Simonsen.

willingness to follow the Prophet.²⁷ Saïd Amir Arjomand has read the whole document as an act of constitutive foundation—a piece of “proto-Islamic public law” that calls the *umma* into being.²⁸

For the present argument, the pivotal feature of the document is its treatment of the Jews of Yathrib. In a clause whose interpretation has been contested for over a century, the document declares the Jews of certain named groups to constitute, with the believers, a single *umma*—while immediately specifying that “the Jews have their religion (*dīn*) and the believers theirs.”²⁹ Here, in the founding legal instrument of the Islamic polity, is a settlement of striking structure: a single binding political order, sealed as a pact, within which a distinct religious community retains its own *dīn*, its own law, and its own internal life, while sharing in the common obligations and the common protections of the whole. Whatever the precise scope of the clause—and we shall see that its scope is fiercely disputed—its form is unmistakably covenantal. It is a *mīthāq* in the full Qur’anic sense: a solemn, ratified pact that constitutes a community and binds its members in mutual obligation under God. And it is covenantal in a way that preserves rather than dissolves religious difference.

7. The Limits of the Evidence: An Interpretive Debate

Intellectual honesty forbids presenting the Constitution of Medina as a finished charter of religious pluralism in the modern sense, and the scholarship will not permit it. The document’s treatment of the Jews is the subject of a sharp and unresolved debate, and the argument of this essay is strengthened, not weakened, by staging that debate rather than suppressing it. Three questions divide the scholars: whether the text is one pact or several; whether the major Jewish tribes were parties to it; and what kind of membership, if any, the Jewish groups enjoyed.

On the first question, R. B. Serjeant argued influentially that the so-called Constitution is in fact a composite of as many as eight distinct documents, issued over the Prophet’s first several years in Medina and only later transmitted as a unit; he read them against the *hawiah* treaties of Ḥaḍramawt and connected them to the “uniting precedent” (*al-sunna al-jāmi‘a*).³⁰ On the second and third questions—which bear most directly on the pluralism thesis—the interpretive field divides into a more expansive and a more restrictive

²⁷Frederick M. Denny, “Ummah in the Constitution of Medina,” *Journal of Near Eastern Studies* 36, no. 1 (1977): 39–47.

²⁸Saïd Amir Arjomand, “The Constitution of Medina: A Sociolegal Interpretation of Muhammad’s Acts of Foundation of the Umma,” *International Journal of Middle East Studies* 41, no. 4 (2009): 555–75.

²⁹On the constitutive “one *umma*” clause and the provision that the Jews retain their *dīn* (religion) and the believers theirs, see W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956), 221–28; Lecker, *Constitution of Medina*, 32–40.

³⁰R. B. Serjeant, “The Sunnah Jāmi‘ah, Pacts with the Yathrib Jews, and the Taḥrīm of Yathrib: Analysis and Translation of the Documents Comprised in the So-Called ‘Constitution of Medina,’” *Bulletin of the School of Oriental and African Studies* 41, no. 1 (1978): 1–42.

camp. The more expansive reading, associated with W. Montgomery Watt and developed by Uri Rubin, takes the “one *umma*” clause to embrace the Jewish parties as genuine members of the Medinan polity, entitled to its full protection and to the free exercise of their *dīn*. Rubin, while acknowledging that the Jewish participants were not the great named tribes but smaller groups attached as clients to Arab clans, nonetheless reads them as included within the believing community of Yathrib and guaranteed their religion.³¹ On this reading the document is, in substance if not in modern vocabulary, a covenantal-pluralist settlement.

The more restrictive reading, advanced with great learning by Michael Lecker and in its sharpest form by Moshe Gil, cautions against this conclusion. Lecker argues, on close analysis of the text and the prosopographical evidence, that the major Jewish tribes of Medina did not participate in the document at all; the participating Jews were smaller groups, and what they received was less a full membership in the *umma* than a guarantee of security, an *amāna*.³² Gil goes further, reading the document as evidence of an anti-Jewish policy present from the outset, in which the Jews figure only as subordinate clients of the Arab parties rather than as principals in their own right.³³ These are serious readings by serious scholars, and they must be allowed their full weight. A Hebrew- and Jewish-studies readership in particular—for whom Lecker’s work, which began as a Hebrew University doctoral dissertation, will be a natural point of reference—will rightly expect them to be engaged rather than waved aside.

What survives this debate? Not, certainly, a portrait of seventh-century Medina as a liberal pluralist utopia; that anachronism the evidence will not bear. But the deflationary readings, even at their most restrictive, do not dislodge the essay’s actual claim. For whether the Jewish parties were full members of the *umma* or protected clients secured by *amāna*, the form of their incorporation remains covenantal, and the preservation of their *dīn* remains explicit. The conservative conclusion that the evidence licenses is not “covenanted membership” in a modern egalitarian sense but “covenanted coexistence”—a binding pact, sealed under God, that bound distinct religious communities into a common order while preserving their distinctness. That is a more modest claim than the romantic reading, but it is a sturdier one, and it is all the argument requires.

³¹Uri Rubin, “The ‘Constitution of Medina’: Some Notes,” *Studia Islamica* 62 (1985): 5–23. Rubin reads the “one *umma*” as embracing the believing parties of Yathrib, including the Jewish clients, who are entitled to full protection, their *dīn* included.

³²Lecker, *Constitution of Medina*, 182–86, argues that the major Jewish tribes did not participate; the participating Jews were smaller groups attached to Arab clans, who received a guarantee of security (*amāna*).

³³Moshe Gil, “The Constitution of Medina: A Reconsideration,” *Israel Oriental Studies* 4 (1974): 44–66, offers the most restrictive reading, treating the Jews as clients of the Arab parties rather than as principals.

8. Covenantal Pluralism: Covenant as Dialogue, Not Supersession

The deepest obstacle to reading covenant as a shared heritage is the long shadow of supersessionism—the conviction that a later covenant abrogates and replaces an earlier one, that the community of the new covenant inherits the promises forfeited by the community of the old. Where covenant is understood supersessionally, it becomes an instrument of exclusion and a charter for contempt: my covenant cancels yours, my community supplants yours, and the only relationship the traditions can have is one of rivalry and replacement. Much of the bitter history of Jewish-Christian relations was written in this key, and the temptation to read Jewish-Muslim relations the same way has never been absent.

Against this, two theological resources converge. The first comes from within the Jewish-Christian dialogue of the past half-century, which produced the family of positions known as dual-covenant or multiple-covenant theology—the recognition, articulated by thinkers from Franz Rosenzweig to Irving Greenberg, and given Catholic expression in works such as Norbert Lohfink’s study of the covenant never revoked, that God’s covenant with Israel remains valid and that later covenants need not be construed as its abrogation.³⁴ The second resource, and the one most directly relevant here, comes from within the Islamic tradition itself. As we have seen, Lumbard demonstrates that classical Qur’anic exegesis already operates with a covenantal logic of renewal rather than supersession: the later covenants bear witness to the first rather than cancelling it, and the prophets recall humanity to a pledge it has always already made.³⁵ The Qur’an’s own covenantal structure, properly read, resists the supersessionist construction that has so often been imposed upon it.

It is at this convergence that the framework of covenantal pluralism takes its stand. As I have developed the concept elsewhere, covenantal pluralism is the proposition that the covenantal traditions themselves furnish the resources for a principled coexistence—that the binding common order which covenant establishes and the integrity of distinct religious communities which covenant preserves are not antagonists but partners.³⁶ The framework draws together three covenantal grammars: the Hebrew *brit*, with its vision of a people bound to God and, through that bond, to a vocation among the nations; the Medinan *mīthāq*, with its constitution of a single community that preserves the *dīn* of its constituent groups; and, beyond the scope of the present essay but integral to the larger framework, the Jain principle of

³⁴Norbert Lohfink, *The Covenant Never Revoked: Biblical Reflections on Christian-Jewish Dialogue*, trans. John J. Scullion (New York: Paulist Press, 1991); Michael S. Kogan, *Opening the Covenant: A Jewish Theology of Christianity* (Oxford: Oxford University Press, 2008). On dual-covenant thought more broadly, see the legacy of Franz Rosenzweig and Irving Greenberg.

³⁵Lumbard, “Covenant and Covenants,” 17–20.

³⁶Akhtar, *Covenantal Pluralism*.

anekāntavāda, the disciplined acknowledgment of the many-sidedness of truth.³⁷ What these traditions share is a refusal of the false choice between a common order purchased by the erasure of difference and a difference preserved only by the abandonment of any common order. Covenant, in each, is the name for a third possibility: a binding bond that does not consume the distinctness of those it binds.

Read in this light, the Constitution of Medina is not a curiosity of seventh-century Arabian politics but a charter document of covenantal pluralism—a worked example, in the founding moment of the Islamic polity, of a covenant that constitutes without dissolving, that binds without erasing. And the covenant theology of the Qur’an is not, after all, a competitor to the covenant theology of the Hebrew Bible but its structural kin: another instance of the shared Semitic covenantal grammar, deployed toward the same end of binding a community to God while leaving room, within and alongside it, for the *dīn* of the other.

9. Centuries of Flourishing, in a Balanced Register

If the foregoing is right—if Jews and Muslims share not merely a parallel but a common covenantal grammar, and if that grammar tends, when rightly understood, toward coexistence rather than supersession—then we should expect to find its traces in history. And we do. The medieval encounter of Judaism with the civilization of Arab Islam produced what S. D. Goitein, the great historian of the Cairo Geniza, called a “creative symbiosis,” and indeed Goitein went so far as to write that Judaism had never known so close and so fruitful a symbiosis as that with the medieval civilization of Islam.³⁸ The judgment was not sentimental; it rested on the documentary evidence of the Geniza, the vast cache of everyday Jewish writings that Goitein spent decades reconstructing into the six volumes of *A Mediterranean Society*, which revealed a Jewish world thoroughly at home in the Arabic-Islamic Mediterranean—commercially, socially, linguistically, and intellectually.³⁹

The intellectual fruits of that symbiosis are among the glories of both traditions. Jews under Islam wrote in Judeo-Arabic—Arabic in Hebrew characters—and through that medium entered fully into the philosophical, scientific, and literary culture of their age. Saadia Gaon translated the Bible into Arabic and composed the first great work of Jewish philosophical theology in the idiom of Islamic *kalām*; Maimonides wrote his *Guide of the Perplexed* and the bulk of his oeuvre in Judeo-Arabic, thinking Jewish thought in

³⁷Akhtar, *Covenantal Pluralism*. The framework synthesizes the Hebrew *brit*, the Medinan *mīthāq*, and the Jain principle of *anekāntavāda* (“non-one-sidedness”) into a single grammar of principled coexistence.

³⁸S. D. Goitein, *Jews and Arabs: Their Contacts Through the Ages*, 3rd rev. ed. (New York: Schocken, 1974), 130.

³⁹S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, 6 vols. (Berkeley: University of California Press, 1967–93).

conversation with al-Fārābī and Avicenna.⁴⁰ The Hebrew poetry of the Andalusī golden age borrowed its meters and its themes from Arabic verse; Jewish and Muslim physicians, astronomers, and grammarians worked the same fields with the same tools. This was not coexistence at arm's length but a genuine sharing of an intellectual and spiritual world.

Yet the claim of flourishing must be made carefully, and here the work of Mark Cohen is indispensable. Cohen has taught us to navigate between two distorting myths. The first is the “myth of the interfaith utopia,” the romantic image—often projected onto al-Andalus, as in María Rosa Menocal's influential portrait—of a golden age of perfect tolerance.^{41,42} The second is its mirror image, the “neo-lachrymose” countermyth that arose in the polemical climate after 1967 and that reads the entire history of Jews under Islam as one of unrelieved persecution, a reading carried to its polemical extreme in Darío Fernández-Morera's assault on the “myth of the Andalusian paradise.”⁴³ Both myths, Cohen argues, distort the past, and the historian's task is to hold to the more complicated truth between them. The legal framework of Jewish life under Islam was the *dhimma*, the regime of protection extended to the “People of the Book” in exchange for the payment of tribute and the acceptance of a graded set of restrictions later codified, somewhat artificially, as the Pact of ‘Umar—a document that Cohen has shown cannot in its developed form be traced to the conquest era at all, but reflects the administrative procedures of the mature Islamic state.⁴⁴ The *dhimma* was hierarchical, not egalitarian; it subordinated even as it protected. To speak of flourishing is not to deny this.

What Cohen establishes, on careful comparison, is that Jewish life under medieval Islam—though it fell well short of any utopia—was markedly less violent, less precarious, and less persecutory than Jewish life under Latin Christendom in the same centuries, and that this difference has structural explanations.⁴⁵ It is precisely here that the argument of this essay finds its historical purchase. The relative security and the genuine flourishing of Jews under Islam were not accidents, nor were they merely the byproducts of

⁴⁰Steven M. Wasserstrom, *Between Muslim and Jew: The Problem of Symbiosis under Early Islam* (Princeton: Princeton University Press, 1995), 3–10.

⁴¹Mark R. Cohen, *Under Crescent and Cross: The Jews in the Middle Ages*, rev. ed. (Princeton: Princeton University Press, 2008), 3–14. Cohen rejects both the “myth of the interfaith utopia” and the post-1967 “neo-lachrymose” countermyth of unrelieved persecution.

⁴²María Rosa Menocal, *The Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* (Boston: Little, Brown, 2002).

⁴³Darío Fernández-Morera, *The Myth of the Andalusian Paradise: Muslims, Christians, and Jews under Islamic Rule in Medieval Spain* (Wilmington, DE: ISI Books, 2016), representing the opposing pole to Menocal.

⁴⁴Mark R. Cohen, “What Was the Pact of ‘Umar? A Literary-Historical Study,” *Jerusalem Studies in Arabic and Islam* 23 (1999): 100–157. Cohen shows that the Pact in its developed form cannot be traced to ‘Umar I or the conquest era but reflects the administrative procedures of the mature Islamic state.

⁴⁵Cohen, *Under Crescent and Cross*, 195.

imperial convenience. They rested, in part, on a theological and legal grammar that had room for the covenanted other—a grammar whose charter moment was the Medinan compact’s incorporation of the Jews of Yathrib into a common order that preserved their *dīn*, and whose scriptural ground was a covenant theology of renewal rather than supersession. The symbiosis Goitein documented was made possible, in the end, by the covenantal pluralism the traditions carried within them.

10. Conclusion

This essay has argued for a single, carefully bounded thesis: that the Hebrew *brit* and the Qur’anic *mīthāq*, though not etymological cognates, are functional counterparts within a shared Semitic covenantal grammar, and that this shared grammar—instantiated in law by the Constitution of Medina and grounded in scripture by a covenant theology of renewal rather than supersession—furnished the deep conditions for centuries of Jewish-Muslim flourishing. Each step of the argument has been hedged with the appropriate caution. The philology resists the false comfort of cognates. The reading of the Medinan compact concedes the force of the deflationary scholarship and retreats, where the evidence demands, from “covenanted membership” to the sturdier “covenanted coexistence.” The historical claim is stated in Cohen’s balanced register, between the interfaith utopia and its lachrymose mirror.

What remains, when all the necessary qualifications are entered, is a genuine and consequential finding. Covenant is not the property of one tradition that the other has borrowed or counterfeited. It is a shared inheritance of the Semitic religious world, a common grammar for imagining how God and a community, and how communities among themselves, may be bound in faithfulness without the erasure of difference. To recover covenant in this register—as an idiom of dialogue rather than a weapon of supersession—is to recover one of the oldest and most generative resources the Abrahamic traditions possess for the work of living together. The Constitution of Medina, read alongside the covenant at Sinai, is not a monument to a vanished tolerance but a standing reminder that the materials for covenantal pluralism lie close to the foundations of both traditions, waiting to be read again.

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