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Lecture in English

From sacred to legal: Normative texts and textual communities

Tuesday 21st October 2014

at 6.00pm

Simone WEIL amphitheater
5, allée Jacques Berque, Nantes

by
Talya FISHMAN

and
Jonathan BROWN

Talya FISHMAN is professor of Religious studies and modern intellectual history at the University of Pennsylvania where she works since 2001. Her work focuses on Judaism in the medieval and early modern periods, with special interest in Jewish intellectual and cultural history. She has authored, among others: *Becoming the People of the Talmud: Oral Torah as Written Tradition in Medieval Jewish Cultures* (2011) and *Shaking the Pillars of Exile: "Voice of a Fool" 's Early Modern Jewish Critique of Rabbinic Culture* (1997).

Jonathan BROWN holds the Prince Alwaleed bin Talal Chair of Islamic Civilization and is an Associate Professor in the School of Foreign Service at Georgetown University in Washington DC. He is also the Associate Director at Georgetown's Center for Muslim Christian Understanding. He received his doctorate in Near Eastern Languages and Civilizations from the University of Chicago in 2006. He has published articles in the fields of Hadith, Islamic law, Sufism, Arabic lexical theory and Pre-Islamic poetry and is the editor in chief of the Oxford Encyclopedia of Islamic Law. Dr. Brown's current research focuses on modern conflicts between Late Sunni Traditionalism and Salafism in Islamic thought.

Theme

Sacrality and Legal Normativity: Varieties of Jewish Textual Authority in Historical Perspective; par Talya Fishman,

Though considered the foundational text of Judaism, and a source of Jewish law, the Torah has played more of a symbolic, than an actual, role as the guide to normative Jewish life. The text which has served as the Jewish legal reference work, par excellence, is the Babylonian Talmud. After explaining this shift, my remarks will revise the inherited historiographic narrative which presents the Babylonian Talmud as a text which served as the preeminent source of Jewish legal authority from the turn of the sixth century, the time of its last named tradents. Those familiar with this corpus know that its extreme "multivocality" -- its dogged refusal to resolve legal disputes -- is among the features that made the Babylonian Talmud remarkably ill-suited to the cultural task that it ultimately came to perform. Drawing on literary and historical evidence, I will argue that several centuries elapsed before the Babylonian Talmud was a fully functional guide to applied Jewish law, and will demonstrate that the processes of "readying" the Talmud for this role were different in the medieval Jewish subcultures of Sefarad and Ashkenaz, whose populations lived in the lands of Islam and Christendom, respectively. Reconstruction of these processes— both conscious and unconscious—reveals that the pathways to legal normativity were related to the social, institutional and compositional practices of the broader milieux in which these Jewish subcultures developed.

Islam's Scripture, Legal Interpretation and Social Praxis regarding Polygamy and Violence against Women; par Jonathan Brown,

This paper demonstrates how the hermeneutics applied to the Quran and precedent of the Prophet resulted in substantive law (fiqh) greatly removed from the evident meaning of scripture. It goes on to explore how the application of law in court praxis and pre-modern Islamicate societies offered two other layers of scriptural interpretation, constructing new relationships to fiqh, the Quran and prophetic teachings.