

Islamic and Jewish Legal Reasoning: Encountering Our Legal Other

Anver M. Emon, ed.

London: Oneworld, 2016. 273 pages.

This book comes at a very advantageous time, for interfaith encounters have become part of a larger conversation in academic and non-academic circles. Journals and conferences have added the dimension of how to understand the “other” and create dialogue in many innovative ways. *Islamic and Jewish Legal Reasoning: Encountering Our Legal Other* is precisely the type of text and rigorous academic guide to lead us at a time when so many religious laws are misunderstood – especially between Jews and Muslims.

The authors ask some questions: “Can the traditions of Judaism and Islam be read together through a legal religious lens without always having a common ground?” and “Can dialogue precipitate a philosophical framework that can demonstrate self-critical thought and still be engaged with the ‘Other’?” More importantly, in each section ask the authors some core questions about religion and law in order to show why the modern preoccupation with religious law is so relevant. In addition, through their methodological legal analysis, they at times demonstrate why religious law is irrelevant. The scholars featured in this book are meticulous, thought-provoking, and timely in terms of their significant lines of questioning.

The book is unique in its conception, for Anver M. Emon and the contributors’ organic approach makes it more accessible and, at the same time, academically rigorous. The book emerged from workshops and was “developed further when Emon went to Cambridge University to join Gibbs and others in the Scriptural Reasoning project, where scholars read the scriptural texts of multiple traditions with scholars from those different traditions” (p. xi). Scriptural reasoning allows one to read another’s scriptures in a way that allows for personal readings and reactions to one another’s sacred text, an approach that allows for “recognizing their own otherness to their own respective traditions” (p. xxiii).

Islamic and Jewish Legal Reasoning opens up deeply complex and glaring issues of interpretation, authority of interpretation, and the historical conditions of reading sacred text, especially for religious law. In the first chapter, “Assuming Power: Judges, Imagined Authorities, and the Quotidian,” Rumea Ahmed and Aryeh Cohen introduce us to this complex problem of authority and complex phenomenon through legal schools of thought in both traditions. The question of God as authority is crucial, as the authors ask, almost in a

Talmudic manner, the underlying questions of authority, law, and action. For example, Ahmed asserts: “When ‘law’ is fronted with ‘religious,’ we tend to think of a different kind of law than the secular, governance-oriented law to which we are used” (p. 21). He makes an indelible point as regards contemporary laws that are countering such challenges in countries like France regarding the ban on traditional attire for Muslim women.

The text encapsulates the major legal topics of the day (e.g., women, animals, virginity, war, and sovereignty) and takes them to older legal reasonings from the Mishnah and the Hadith. As a reader, one is left craving more analysis and references that enable one to explore other topics and texts in detail. In the intriguing third chapter, “The Cowering Calf and the Thirsty Dog: Narrating and Legislating Kindness to Animals in Jewish and Islamic Texts,” Beth Berkowitz and Marion Katz take on issues of compassion and legal obligations toward animals, keeping in mind the sacred and textual obligations of the individual. For example:

Both set of texts define responsibilities toward animals; the first Mishnah and Talmud passages require a person to assist in the unloading of a burdened animal, while Ibn Qudama likens animals to wives and slaves and requires house holder to care for them in a comparable way. The second set of texts, the Talmudic story about Rabbi Yehudah ha-Nasi and al-Nawai, both dramatize animal suffering by linking it to human suffering and promising reward to the person who attends to that suffering. (p. 108)

This rich and provocative dialogue and textual analysis relies on the scholars’ rigorous commitment to analyze reason as well as how the text is written rhetorically.

Chapter 2, “Guardianship of Women in Islamic and Jewish Legal Texts” (Rachel Adler and Ayesha S. Chaudhry) relates some deep and provocative issues of men, women, age, and economy. The dialogue and text in this chapter pushes the frame of authority through an analysis of legal reasoning from both the Jewish and Muslim feminist perspectives. Demonstrating the many loopholes in judiciary moments in both patriarchal traditions, the authors question one another’s traditions by simple questions and rhetorical conjectures at the end. For example, Chaudhry reflects on the Jewish legal text: “Q: Can a father betroth his daughter without her consent? A. It would appear so. [The text does not say so explicitly. However, it completely ignores the question of consent, treating the daughter as an object who may be betrothed, rather than as a free, independent agent who might have a say in her betrothal.]” (p. 47). This type of questioning of the text from the other tradition’s perspective between a female Jew and a female Muslim allows for a differing of questioning and understanding of one another’s tradition.

Furthermore, in chapter 5, Arye Edrei and Enver M. Emon's "Sovereignty, Law, and the Pedagogy of Historical Fantasy: On the Halakha on the Laws of War and the *Fiqh* on *Dhimmis*," one finds a complex but very important analysis and dialogue on sovereignty and law. The authors' use of the phrase "Pedagogy of Historical Fantasy" is seductive, and as one reads through the chapter the subtitle becomes essential to how Jews and Muslims recall or remember one another's historical context. This chapter reconstructs the types of fantasy – I would say nostalgia – that Jews and Muslims have exerted through theological concerns:

To (re)turn to history, or return to a particular history, is prospectively programmatic. For religious Zionists the return to history is a call to action. For conservative Muslims the return to a particular history draws upon the past to frame the path to the future, and ultimately redemption. (p. 212)

Edrei and Emon rethink for us the modern misperception between Jews and Muslims in terms of the political conflict of Israel and Palestine, a refreshing move and revival of texts that discuss more volatile threads that the authors term "Historical Fantasy."

Chapter 6, Adam B. Seligman's "Cross-Textual Reflections on Tradition, Reason, and Authority," reflects upon the book in both philosophical and theoretical terms and also raises questions of legality, authority, and reason with a keen sense of illuminated dialogue. In other words, the book itself is dialogical and inherently philosophical, as Seligman points out: "What our authors have achieved here is what Buber calls 'genuine dialogue,' which is the real meeting of an I and a Thou and through which – and only through which – are the creative potentialities of human cultural production possible" (p. 228). In the final chapter, "The Social Life of Reason" by Robert Gibbs, the reader is left with some good questions and open-ended ways to read one another's texts in today's challenge of religious law and secularism. The book leaves one with a desire to do more research and dialogue with other traditions in order to fully grapple with the meanings underlying Gibbs' conclusion: "The dialogue is constituted by the Socratic moment of learning that we don't know" (p. 246).

This refreshing book has a powerful theme and, through its rare dialogical methodology, presents the work of conscientious scholars who are determined to open up the world of legal reasoning within Jewish and Muslim texts.

Mehnaz M. Afridi
Assistant Professor, Religious Studies Department
Director, Holocaust, Genocide, and Interfaith Education Center
Manhattan College, New York, NY