

Research Workshop February 11<sup>th</sup> - 12<sup>th</sup> 2019

## **Rabbinical Law and Legal Theory**

### ***Reception Issues and Hermeneutics***

Forum for Comparative Research of Religious Legal Discourses (RdR-Forum)  
Hochschule für Jüdische Studien Heidelberg, Landfriedstrasse 12, 69117 Heidelberg

with GRK 1728 Theologie als Wissenschaft

*Registration is required*

All sections will take place at seminar room number 4.

Monday, February 11<sup>th</sup> 2019

#### *Section 1: State of Discussion*

11:00 WELCOME

11:15 OPENING LECTURE:

Prof. Arye Edrei (Tel Aviv):

Jewish Law within the present socio-political and legal world. Few court cases

12:45 LUNCH

#### *Section 2: Questions and Objections*

##### *Unit 1: THE "PRO" – Aspects in favor of reception and inspiration*

14:00 Prof. Dr. Karl-Heinz Ladeur (Hamburg):

What does "textuality of law" mean under the conditions of postmodernism? What and how can secular Western law "learn" from Jewish legal thinking?

Replica: Prof. Dr. Matthias Armgardt (Konstanz)

##### *Unit 2: THE „CONTRA?“ – Critical evaluation of the reception idea*

16:00 Prof. Dr. Klaus Günther (Frankfurt am Main)

Justice to the unique case. Problems of legal certainty to be examined and taken into account

Replica: Prof. Dr. Ronen Reichman (Heidelberg)

Statement: Prof. Dr. Ino Augsberg (Kiel)  
and discussion

18:00 GATHERING FOR DINNER, BEING TOGETHER

Tuesday, February 12<sup>th</sup> 2019

*Section 3: Theory*

*THE TOOL KIT OF THEORY SPEAKING TO SPECIFIC HERMENEUTICS*

- 10:00 Prof. Dr. Lena Salaymeh (Princeton / Tel Aviv)  
What and how to adopt – Proposals from the perspective of Legal Theory
- 10:30 Prof. Dr. Marietta Auer (Giessen)  
What and how not to adopt – Demarcations of Legal Theory
- 11:00 Podium together with Prof. Dr. Knut Wenzel, Dr. Doris Forster, Gilad Shenhav

*Section 4: Harvesting*

*FRUITS AND CONCLUSIONS, BROADENING TO CHRISTIANITY AND ISLAM*

- 12:00 Forum 1 – structured, moderated, with all speakers and participants:  
On Methodology: Instruments of legal theory for normative discourses in Judaism,  
Christianity and Islam
- 13:00 SNACK
- 13:30 Forum 2 – structured, moderated, with all speakers and participants:  
On Multidisciplinarity: Questions unsolved and unasked regarding companionship
- 14:30 CLOSURE, LAST INFORMATIONS, OUTLOOK (END 15:00)

Each of the four sections bases on the previous. Participants do not just present an expertise they bring, but interact. So *coming later or leaving early should be tried to avoid*.

Contact:

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GRK 1728 Theologie als Wissenschaft  
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## ABOUT THE SUBJECT

Rabbinical law comes into contact with secular legal theory, where and when it is integrated into discourses of modern life worlds and states, because it offers something on current legal problems. Legal theory at law faculties developed an increasing interest in the specifics of rabbinical legal discourses. When European jurisprudence accessed rabbinical law in order to be inspired by the methods used there, it has so far sometimes been precisely that which aroused interest, namely a specific strangeness of rabbinical law, which at the same time (too) hindered it. While the legal theoretical research of at least a section of rabbinical law (Jewish Law) in Israel and the USA has been widely researched and politically discussed by lawyers and legal theorists for some time, some promising approaches can already be recorded in German-speaking countries, but they are still rare and meet with criticism. With the workshop of the RdR-Forum the discussion in the German-speaking area is to be given a place for – creatively further modified – reception in this area.

The RdR-Forum is interested in this subject, because here legal theory is concerned with one matter of the Forum, and because within this context terms and concepts are newly flexibilized in a way, in which they become useful and necessary for the academic interaction of Jewish, Christian and Muslim specialists. The comparison of legal discourses does not only ask the instruments of the classical "legal comparison", but also the possibility to simultaneously problematize the legal concept and many other central concepts, since legal discourses are compared rather than simply (an already defined) "law". Legal discourses consist of various ways of identifying law and of establishing, practising and cultivating it in the context of a religious context. In addition to the legal comparison of sufficiently comparable regulatory issues, the theoretical analysis of argumentation must also play a significant role. This analysis requires the elaboration of a reflexive framework.

Since a workshop always has only limited research time available, and the Forum has already experienced several times that it takes time to get into depth with discussants from the three religious traditions (Judaism - Christianity – Islam) to such an extent that a topic goes beyond the status of "sniffing at", this workshop will for the first time, with participants from all three traditions, focus on one of them. The aim here is to fathom out a separate scientific-theoretical and hermeneutical space for a sub-area in Christian theology often arranged at the edge of the "application sciences" and to open up instruments for all three traditions from legal academic discourses.