

NEGOTIATING IDENTITIES

EXPRESSION AND REPRESENTATION IN THE
CHRISTIAN - JEWISH - MUSLIM MEDITERRANEAN

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John Tolan (Faculty)

Biography:

John V. Tolan works on the history of religious and cultural relations between the Arab and Latin worlds in the Middle Ages. He received a BA in Classics from Yale, an MA and a PhD in History from the University of Chicago, and an *Habilitation à diriger des recherches* from the Ecole des Hautes Etudes en Sciences Sociales in Paris. He has taught and lectured in universities in North America, Europe Africa and the Middle East and is currently Professor of History at the University of Nantes and director of a major project funded by the European Research Council, "RELMIN: The legal status of religious minorities in the Euro-Mediterranean world (5th-15th centuries)" (www.relmin.eu). He is author of *Petrus Alfonsi and his Medieval Readers* (1993), *Saracens: Islam in the Medieval European Imagination* (2002), *Sons of Ishmael: Muslims through European Eyes in the Middle Ages* (2008), and *Saint Francis and the Sultan: The Curious History of a Christian-Muslim Encounter* (2009; French edition published in 2007).



Seminar Abstract:

The legal framework of religious pluralism in Medieval Mediterranean societies.

In the middle ages, from Baghdad to Barcelona, significant communities of religious minorities resided in the midst of polities ruled by Christians and Muslims: Jews and Christians throughout the Muslim world (but particularly from Iraq westward), lived as *dhimmis*, protected but subordinate minorities; while Jews (and to a lesser extent Muslims) were found in numerous places in Byzantium and Latin Europe. Muslim and Christian rulers of the MA claimed that their power emanated from God; the majority religion was closely associated with ideologies of power (of caliphs, emperors, popes, kings). These ideologies clearly express the religious inferiority of those who do not profess the majority faith, inferiority which is to be reflected in social inferiority. Yet we also find clear religious and legal injunctions concerning the toleration of members of rival religions within these societies. Legalists (Jewish, Christian and Muslim) forged laws meant to regulate inter-religious interactions, while judges and scholars interpreted these laws. The lecture will provide a broad comparative overview of the legal status of religious minorities in medieval Muslim and Christian societies. The seminars will involve close reading of key texts.

Bibliography:

Primary Texts:

Selected texts from the RELMIN Database:

- Laws from the *Codex theodosianus* (438); canons of church councils (Lateran III, Lateran IV), papal bulls (Alexander III, Clement III, Innocent III, Honorius III, Gregory IX); *fiqh* manuals; *response*, *fatwas*.

Secondary Texts:

- Carlos, Brian A. *Muslims of Latin Christendom, Ca. 1050-1614*. Cambridge: Cambridge University Press, 2014.
- Emon, Anver. *Religious Pluralism and Islamic Law: Dhimmis and Others in the Empire of Law*. Oxford: Oxford University Press, 2012.
- Nemo-Pekelman, Capucine. *Les Juifs Et Le Droit À Rome (Ive-Ve Siècles)*. Paris: Honoré Champion, 2010.
- Simonsohn, Uriel I. *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam*. Philadelphia: University of Pennsylvania Press, 2011.

Reading list for the seminar :

Primary texts: (NB: if the page loads in French, click on the British flag for the English version)

- *Codex Theodosianus* 2.1.10 (<http://www.cn-telma.fr/relmin/extrait70988/>)
- Abī Zayd al-Qayrawānī on the possibility for dhimmīs to use Muslim courts (<http://www.cn-telma.fr/relmin/extrait252603/>)
- Māwardī ‘Alī b. Muḥammad on the judicial autonomy of *dhimmīs* (<http://www.cn-telma.fr/relmin/extrait136579/>)
- Ibrāhīm b. ‘Abd al-Raḥīf (d. 1332) on whether a Muslim qadi can judge *dhimmīs* (<http://www.cn-telma.fr/relmin/extrait252252/>)
- Solomon ben Abraham Adret (Rashba), *Responsum* on recourse to Gentile contracts (<http://www.cn-telma.fr/relmin/extrait252565/>)
- Abraham ben David de Posquières, *Responsum* (<http://www.cn-telma.fr/relmin/extrait252482/>)
- *Decretum* [C. 2, q 7, c. 25] (<http://www.cn-telma.fr/relmin/extrait30527/>)
- Lateran III council (1179), canon 26 (<http://www.cn-telma.fr/relmin/extrait1097/>)

Secondary works:

- *The Legal Status of Dmimi-s in the Islamic West (Second/Eighth-Ninth/Fifteenth Centuries)* (Brepols, 2013). (Read in particular introduction, conclusion, articles by Rustow and Echevarria). Online at: https://www.academia.edu/4541420/The_legal_status_of_Dhimm%C4%AB-s_in_the_Islamic_West_second_eighth-ninth_fifteenth_centuries
- *Jews in Early Christian Law: Byzantium and the Latin West, 6th-11th centuries*. (Brepols, 2014). (Read in particular introduction, conclusion, articles by Mathisen, González Salinero, Stocking). Online at: https://www.academia.edu/6450040/Jews_in_Early_Christian_Law_Byzantium_and_the_Latin_West_6th-11th_centuries

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