

Call for Abstracts

Forms and Functions of Legal Discourse Intertextuality in Works of Jewish and Islamic Law and Literature – Quotations, Allusions, References, and Plagiarism

21.-23.06.2022

The projects „Enactments of Authority: Rhetorical Strategies in Jewish and Islamic Legal Texts“ and „Canonization and Diversification in Islamic Law and in Arabic Rhetoric in Comparison“ of the Collaborative Research Centre 1385 „Law and Literature“ at the University of Münster invite you to participate in a workshop focusing on forms and functions of legal discourse intertextuality in works of Jewish and Islamic literature and law.

The phenomenon of intertextuality is common to both legal and literary discourse. Specifically, legal texts, and even more so religious law texts, often construct their line of argument by resorting to immutable and canonized sacred texts, previous codes, judgments formulated in the past, opinions of earlier jurists transmitted orally and in writings alike. Similarly, in literature too, intertextuality is an integral part of the process of literary creation. Every text produced contains within itself its literary past through intertextual references, be they explicit or not. This kind of bond that each individual text has with its predecessors, contemporaries, and futures is defined by Genette transtextuality, i.e. „all that sets the text in a relationship, whether obvious or concealed, with other texts“.

Within the framework of transtextuality and the bond that connects the various genres and texts to each other, the phenomenon of intertextuality is an interesting field of investigation that unites legal and literary texts. By the term intertextuality Genette refers to „a relationship of copresence between two texts or among several texts: that is to say, eidetically and typically as the actual presence of one text within another“ and it can be actualized in different forms accordingly to the level of awareness of the incorporation of a text into another. If the text cited is explicitly reported and recognized as such we are dealing with a case of quotation, if instead it is not recognized as a text other than the one in which it is inserted, we are dealing with a case of plagiarism. The third, more complex case is that of the allusion, defined by Genette as „an enunciation whose full meaning presupposes the perception of a relationship between it and another text, to which it necessarily refers by some inflections that would otherwise remain unintelligible“.

Our workshop aims at exploring these different kinds of intertextuality and focusses, on the one hand, on the functions that these intertextual references fulfill in Jewish legal texts such as responsa, Codes, and Classic Rabbinic literature and works of Islamic jurisprudence (fiqh), responsa (fatāwā), legal treatises (rasā'il) and commentaries (šurūḥ). On the other hand, it is intended to analyze how legal discourse enters the purely literary realm through the mention of legal utterances and theological principles into purely literary genres, with reference to the nature of legal intertextuality and its aesthetic use.

We invite researchers to engage with us in deliberations of one or more of the following questions; researchers working with premodern and modern texts are invited.

- 1) Is the theory of intertextuality applicable to Jewish and Islamic juridical and literary texts? What are the specificities of these two cultural horizons?
- 2) How are ideas, traditions, statements, previous rulings, or texts taken up in Jewish and Islamic legal texts?
- 3) What role do quotations, allusions, and references play for the line of argumentation? How do they contribute to the persuasiveness of legal reasoning?
- 4) Who is being quoted and why? Are only earlier legal and scholarly opinions considered or do 'external' references occur as well? Which sources are cited or referred to and for what purpose?
- 5) What differences regarding form and extent of citations and references may appear in light of changing historical and institutional contexts, especially with regards to modernity?
- 6) How and why is legal discourse used in literature? What are the modalities of intertextuality that link juridical and literary discourse?

Please send an abstract (up to 300 words), as well as affiliation and contact information to the email address nkram_01@uni-muenster.de **by 31st January 2022**. The selected participants will be notified **by 7th February 2022**. Information about the conference can be found at: <https://www.indico.uni-muenster.de/event/1017/>

The workshop will be held in-person at the University of Münster. However, we closely watch the situation surrounding Covid-19, and should the health situation preclude the possibility of an in-person event, it will be held online. The online attendance will be guaranteed even if the workshop will take place in presence and therefore it will be possible to attend the conference in online mode also for those who are unable to reach the event venue.

The proceedings will be published in the interdisciplinary series „Law & Literature“ (<https://www.degruyter.com/serial/lal-b/html>) after a double-blind peer-review process.

See: <https://www.indico.uni-muenster.de/event/1017/overview>