Abstracts

Abstract

Sixteenth-century France was characterised by a juridical split between "pays de droit écrit" and "pays de droit coutumier" which reflected a linguistic fragmentation between "pays de langue d'oc" and "pays de langue d'oeil". In universities and in court it was still latin which ruled uncontested, the lingua franca of law as well as the legal language of the Sacred Roman Empire. In 1539, in the attempt to overcome the different particularisms and to dismiss Latin, Francis I issued the Decree of Villers-Cotterêts, declaring that hereafter all juridical acts should have been "prononcez, enregistrez et delivrez en langaige maternel françois". The 1539 Ordonnance had then remarkable consequences on other, broader fields than the strictly juridical one, and it also exerted a deep influence over the language of French literature.

Keywords

Pays de droit écrit, pays de droit coutumier, François I, Ordonnance de Villers-Cotterêts, langage françois ou maternel

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Paradigmi costituzionali, nazione e legge nell'*Enriade* di Shakespeare: nuove prospettive storiche

Abstract

Shakespeare's 2 parts of *Henry IV* and *Henry V* are revisited in the light of the constitutional competence inscribed in the plays (with reference to John Fortescue and Thomas Elyot), as of the recently reconstructed political role of the Earl of Essex (A. Gajda 2012), Shakespeare's first patron, reflected in prince Henry. These aspects are connected with the concept of *nation* inscribed in the plays and with the now better reconstruable background of the Elizabethan *social debate*. Hence a more complex profile and significance of the 'self-educating' young prince and later king Henry V.

Keywords

Shakespeare, Enrico V, Earl of Essex, legge, costituzionalismo elisabettiano

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Pubblicazioni: *La nuova scena inglese: Edward Bond*, Einaudi, Torino 1977, *Le soglie del postmoderno: Finale di partita di S. Beckett*, Il Mulino, Bologna 1991; cura di tre volumi su *Amleto* (2002), *Otello* (2006) e *La tempesta* (2010) di Shakespeare (Clueb, Bologna), oltre un centinaio di saggi tra cui 16 su "Shakespeare and the law", il più recente la voce "The law in Shakespeare's theatre" nell'opera in 2 voll. *The Cambridge Guide to the Worlds of Shakespeare*, Cambridge University Press 2016.

Paradigmi dell'antico e libertà moderna. *La legislazione di Licurgo e Solone* di Friedrich Schiller

Abstract

Recent contributions have underlined the 'political' significance of Schiller's essay on *The legislation of Lycurgus and Solon* – «perhaps the most political writing» of the German poet, as it was argued. The concrete political significance of the essay can be reconstructed considering this writing based on university lessons held in 1789 in the context of the Quarrel of the Ancients and the Moderns in the late 18th century and investigating the historical and cultural premises of the preference accorded by Schiller to Solon and Athens to the detriment of Lycurgus and Sparta. In the year of the French Revolution Schiller – the freedom-fighter and the believer in human rights – draws a continuity line from ancient Athens to modern Europe. On the other hand, some meaningful contradictions of his argumentation reveal the fundamental difficulty that emerges comparing the liberty of the Ancients with the liberty of the Moderns.

Keywords

Liberty, Human-Rights, Quarrel of the Ancients and the Moderns, Sparta, Athens, Schiller, Lycurgus, Solon

Paolo Panizzo

Professore a contratto di Letteratura tedesca presso l'Università di Trieste e borsista post-doc presso la Martin-Luther-Universität Halle-Wittenberg con un progetto di ricerca (Habilitation) sull'opera di F. Schiller e V. Alfieri. È autore dello studio monografico *Ästhetizismus und Demagogie. Der Dilettant in Thomas Manns Frühwerk* (2007) e di saggi critici su Schiller, Nietzsche, Heinrich e Thomas Mann. Ha curato inoltre i volumi *'Aufklärung' um 1900. Die klassische Moderne streitet um ihre Herkunftsgeschichte* (2014) e *Literatur des Ausnahmezustands 1914-1945* (2015).

Abstract

"Poetry and the law are born in the same cradle". Thus Jacob Grimm, the great Romantic philologist and founding father of German studies, wrote in 1816. This famous statement was inspired by the new juridical science fostered by his master, Friedrich Carl von Savigny. With the establishment of the Historical School of Law in 1814, and by assigning a fundamental role to the jurists'interpretation, Savigny had proposed to maintain the old Reich's heritage in Germany rather than introducing a civil code fashioned after the Napoleonic template, thus laying the foundations of a bond between the study of the old German law, the Romantic Lied and the aspirations of many writers and intellectuals who, like Jacob Grimm, believed in the rediscovery of the German people authentic traditions. In nineteenth-century Germany, nation building and state building were thus both conceived and supported by means of that bond between law and literature. In this case the law-literature paradigm guided the process which combined the cultural formation of German identity with the political project of national unification. The essay outlines the development of this fascinating and ambiguous project and its ultimate failure in 1848.

Keywords

German History, Law and Literature, Romanticism, Savigny and the Historical School of Law, Jacob Grimm, nation building

Maria Carolina Foi

Maria Carolina Foi insegna Letteratura tedesca all'Università di Trieste. Il suo campo di ricerca privilegiato sono le connotazioni giuridico-politiche della letteratura moderna di lingua tedesca. Ha pubblicato diversi contributi sull'Ottocento (Kleist, Grillparzer, Mörike) e sul Novecento (Bahr, Broch, Arendt), e curato le edizioni del *Viaggio nello Harz* di Heinrich Heine e del *Don Carlos* di Schiller (Marsilio). Del 2013 è *La giurisdizione delle scene. I drammi politici di Schiller* (Quodlibet); del 2015 la nuova edizione, aumentata e aggiornata: *Heine e la vecchia Germania. La questione tedesca fra poesia e diritto* (EUT).

«Ma questa è la nostra epoca!». Daniel Defoe, Stefan Heym e la censura nella Repubblica Democratica Tedesca

Abstract

This article deals with the short story written by the East German writer Stefan Heym *The Queen against Defoe, from the notes of a one Josiah Creech* (1969). Stefan Heym focuses on the arrest of the British journalist and writer Daniel Defoe following the publication of the satirical pamphlet *The Shortest Way with the Dissenters; Or Proposal for the Establishment of the Church* (1702). In the representation of the English monarchic absolutism Heym adumbrates the political and cultural situation which was current in the German Democratic Republic. In particular, Heym is interested in the connection between the freedom of speech and the action of censorship.

Keywords

Stefan Heym, Daniel Defoe, Dissenter, GDR, censorship, copyright

Daniela Nelva

Daniela Nelva è ricercatore RTD B presso il Dipartimento di Lingue e Letterature Straniere e Culture Moderne dell'Università degli Studi di Torino. Ha pubblicato saggi su Joseph von Eichendorff, Robert Musil, Thomas Mann, Günter Grass, Christa Wolf e lo scrittore tedesco di Romania Richard Wagner. È autrice di due monografie: *Identità e memoria. Lo spazio autobiografico nel periodo della riunificazione tedesca. Stefan Heym, Günter de Bruyn, Günter Kunert, Heiner Müller* (Milano, Mimesis, Il quadrifoglio tedesco, 2009) e *Percorsi critici nei saggi di Robert Musil* (Alessandria, Edizioni dell'Orso, 2011).

Da Anne Hutchinson a Hester Prynne: donne sotto accusa nell'America di Hawthorne

Abstract

This essay examines Nathaniel Hawthorne's literary treatment of the legal battle between religious dissident Anne Hutchinson (1591-1643) and the Puritan establishment of Massachusetts in his early piece "Mrs. Hutchinson" (1830) and in his masterpiece *The Scarlet Letter* (1850). In "Mrs. Hutchinson", Hawthorne utilized the story of a woman whom Puritan authorities labeled an 'antinomian' (i.e. 'an opponent of the law') as a jumping-off point to decry the presence of women in the public sphere in his own time. In particular, Hawthorne sounded the alarm about the growing number of women writers who, in his view, represented a menace to the creation of a strong American literature. Simultaneously troubled and fascinated by Hutchinson, Hawthorne chose her as a model for his heroine Hester Prynne in *The Scarlet Letter*. In this novel Anne Hutchinson in a sense re-lives as Hester Prynne, whose confrontation with the Boston magistracy and clergy, especially in the first chapters, closely recalls the civil and religious trials brought against her predecessor.

Keywords

Hawthorne, Anne Hutchinson, patriarchy, trial, public women, Hester Prynne, *The Scarlet Letter*

Leonardo Buonomo

Leonardo Buonomo insegna Letteratura angloamericana all'Università degli Studi di Trieste. I suoi principali campi di ricerca sono l'Ottocento, la letteratura italoamericana e la cultura popolare (in particolare, le serie TV). Il suo libro più recente è *Immigration, Ethnicity, and Class in American Writing, 1830-1860: Reading the Stranger* (Madison, NJ: Fairleigh Dickinson University Press, 2014). Di prossima uscita è il saggio "Ethnicity and Race" nel volume *Hawthorne in Context*, ed. Monika Elbert (New York, Cambridge University Press).

Abstract

If it is true that the Dreyfus Affair brought the "Jewish Question" into the public spotlight, then it is equally true that the trial of the French officer showed how overnight society could deprive a man of his rights, make him a criminal and alienate him. The scandal, which threatened the foundations of democracy and justice, turned the Dreyfus Affair into a sort of paradigm. Literature responded with tales of people whose behaviour and aspirations clashed with a society in which legal equality had become an empty formula and the law was applied arbitrarily. This article focuses on Hannah Arendt's analysis of the Dreyfus Affair as it clarifies various levels of meaning within German-Jewish literature, the authors of which, though mainly sceptical of contemporary Zionism, pondered the Jewish Question at length, tying it, as Arendt did, to the transformation of the modern State into a totalitarian one. Against this setting, this article examines Schnitzler's play *Professor Bernhardi* and Kafka's unfinished novel *The Castle*, two contrasting works in which the crisis affecting Jewish assimilation was portrayed alongside an increasingly corrupt apparatus and a world ever more prone to the logic of power.

Keywords

Dreyfus Affair, antisemitism, Hannah Arendt, totalitarianism, Arthur Schnitzler's *Professor Bernhardi*, Franz Kafka's *The Castle*

Gabriella Pelloni

Gabriella Pelloni è ricercatrice di letteratura tedesca presso il Dipartimento di Lingue e Letterature Straniere dell'Università di Verona. Ha insegnato presso le Università di Verona, Padova e Potsdam e ha svolto soggiorni di ricerca e *fellowships* in Germania e in Israele. Oltre a numerosi saggi sulla letteratura e cultura tedesca dal 19° al 21° secolo è autrice dei seguenti volumi: *Tra razza, medicina e estetica. Il concetto di degenerazione nella critica culturale della* Fin de siècle (Unipress 2008); *Genealogia della cultura. Costruzione poetica del sé nello Zarathustra di Nietzsche* (Mimesis 2013); (con Isolde Schiffermüller) *Pathos, Parodie, Kryptomnesie. Gedächtnis der Literatur in Nietzsches 'Also sprach Zarathustra'* (Winter 2015); (con Isolde Schiffermüller) *Ingeborg Bachmann. Male Oscuro: Notizen, Traumnotate und Briefe aus der Zeit der Krankheit* (Suhrkamp 2016).

L'ispirazione e i limiti della legge. Thomas Mann e un processo per oltraggio

Abstract

In the essay *Bilse und ich* (1905) Thomas Mann, who would utilize the literary essay repeatedly to clarify fundamental aspects of his own poetry, makes his first attempt at working out in a systematic manner the supporting principles for his personal conception of writing. The opportunity presents itself with a trial regarding giving offence, in which *The Buddenbrooks* (1901) was compared by the public prosecutor to works by Fritz Oswald Bilse, a soldier, who, some time previously, had gained a certain notoriety for publishing a *roman à clef* in which unpleasant events taking place in the military unit where he was serving, had been revealed. Rejecting this comparison, Mann reflects on certain paradigms conventionally associated with the sphere of aesthetic creativity, discussing critically the nexus between invention and narrative effectiveness.

Keywords

Thomas Mann, Buddenbrooks, *Fin de siècle*, Essay writing, Personality rights

Maurizio Pirro

Maurizio Pirro è professore associato di letteratura tedesca all'Università degli Studi "Aldo Moro" di Bari. Con monografie, miscellanee, saggi, traduzioni ed edizioni di testi si è occupato di letteratura del Settecento, cultura del primo Novecento e letteratura del secondo dopoguerra. Ha pubblicato le seguenti monografie: *Anime floreali e utopia regressiva. Salomon Gessner e la tradizione dell'idillio* (Pasian di Prato 2003), *Costruir su macerie. Il romanzo in Germania negli anni Cinquanta* (Bari 2009) e *Come corda troppo tesa. Stile e ideologia in Stefan George* (Macerata 2011).

Abstract

In December 1963 opens in Frankfurt am Main the great trial against the crimes committed in Auschwitz. It is the first public debate about the crimes of the Shoah and about the German responsibilities for the Jews massacre after the trials in Nurnberg. It concludes in August 1965. On the 19 October of the same year in 16 European theatres Peter Weiss' pièce *Die Ermittlung* is put on. It is a great political and media event. Is Weiss' *Oratorium* a documentary drama, based on the acts of the trial or better the questioning about the same idea and possibilities of the trial in so extreme facts?

Keywords

Ermittlung, Auschwitz, Jews, Trial

Riccardo Morello

Riccardo Morello è professore di Letteratura Tedesca presso il Dipartimento di Lingue e Letterature Straniere e Culture Moderne dell'Università degli Studi di Torino. Si occupa in particolare di letteratura austriaca moderna e contemporanea, di lirica, teatro e dei rapporti tra musica e letteratura. Ha pubblicato studi sul Settecento (Goethe, Möser, Schiller), sulla letteratura del periodo Biedermeier (Stifter, Gotthelf e Grillparzer) e del Novecento (Celan, Kraus, Bernhard, Thomas Mann, Améry, Bachmann, Soyfer). Inoltre collabora a progetti di ricerca di ambito comparatistico, storico-musicale e intorno all'ebraismo.

Il bastone del comandante Sabarmati: Salman Rushdie, Saleem Sinai e il processo indiano più famoso del XX secolo

Abstract

The Nanavati case is a crime of passion that shook India between the 50s and the 60s of last century, and culminated in what has been called "the Indian O.J. Simpson trial". In his masterpiece, *Midnight's Children*, Salman Rushdie refers to it in a chapter titled "Commander Sabarmati's Baton". All critics consider it a minor episode in the novel. Yet, Rushdie's accuracy in anticipating and preparing it, its position in the plot as well as in the protagonist's life, stress the importance of this case in the novel's narrative economy. The aim of this essay is to show that the Nanavati/Sabarmati trial is a turning point of the novel, since it marks the end of the protagonist's childhood, and is one of the most successful examples of Rushdie's «poetics of crowd».

Keywords

Salman Rushdie, *Midnight's Children*, K. M. Nanavati, India

Silvia Albertazzi

Silvia Albertazzi, docente di Letteratura inglese, coordina il dottorato in Studi letterari e culturali all'Università di Bologna. Ha scritto il primo testo di teoria postcoloniale apparso in Italia, *Lo sguardo dell'Altro* (2000), i capitoli dedicati al '700 e '800 della *Breve storia della letteratura inglese Einaudi* (2004) e, più recentemente: *In questo mondo, ovvero, quando i luoghi raccontano le storie* (2006); *Il nulla, quasi. Foto di famiglia e istantanee amatoriali nella letteratura contemporanea* (2010); *Belli e perdenti. Antieroi e post-eroi nella narrativa contemporanea di lingua inglese* (2012); *La letteratura postcoloniale. Dall'Impero alla World Literature* (2013).

«A footnote in legal history». Critica della giustizia e *Englishness* in *Arthur and George* di Julian Barnes

Abstract

The article considers Julian Barnes' novel *Arthur and George* (2005) as an outstanding case study of the presence of justice and the law in contemporary neo-Victorian fiction. The novel is a biofiction on Arthur Conan Doyle's commitment to campaigning in favour of George Edalij, an unjustly imprisoned young solicitor of Parsee origins, in a legal case that led to the institution of the Court of Appeal in 1907. *Arthur and George* engages with some crucial tropes of the Victorian novel, notably the nexus between testimony, evidence, knowledge and truth, which sustains the thematic core of the novel, and the epistemological concern with knowledge and belief. The novel subtly addresses issues of national identity, cultural and political ethos and renews Barnes' concern with the indeterminacy of truth and the difficulty of ever knowing the past.

Keywords

Barnes, Arthur and George, justice, Englishness, biofiction, detection, Conan Doyle

Roberta Gefter Wondrich

Roberta Gefter Wondrich è ricercatore confermato di letteratura inglese all'Università di Trieste. Tra i suoi interessi di ricerca: la letteratura irlandese contemporanea, il romanzo neo-vittoriano, James Joyce, J.M.Coetzee, la *thing theory* e i *maritime studies* nella fiction inglese e irlandese. Di recente e prossima pubblicazione ha contributi nei volumi *Sea Narratives: Cultural Responses to the Sea, 1600-present* (ed. C.Mathiessen, Palgrave 2016), *Peripheral Modernisms* (ed. K.Pizzi, Legenda, Maney Imprint, 2016) e *Neo-Victorian Biofictions* (eds M.L.Kholke e C.Gutleben, Brill Rodopi, 2017).

Abstract

This paper aims to reflect on the close relationship between the humanities and ethics that is in the foundations common to both law and literature.
I will take my cue from the theme proposed in the third session of the conference dedicated to "transitions", to introduce the issue of otherness, which is the focus of my intervention.
Understood as the "relationship with the other," otherness is the problem of the ethics that bets on the law, and is also the theme that more deeply involves literary and artistic works, which entertain and require a constant dialogue with the "other."
Can the research approach that we are focusing on – Law and Literature, or better Law and Humanities – help us to regain the ability to live this relationship? Can it lead us again towards the paths of human complexity?

Keywords

Otherness; Law; Form; Artwork; Law and Humanities

Maria Paola Mittica

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Abstract

This paper deals with some Arab literary texts of the 19th century which take into consideration questions of an ethical, juridical and political order arising from a comparison with such themes in the West, especially with regard to the concepts of freedom, equality and justice. These themes are not extraneous to Islam but they are rethought out and readapted by Ṭahṭāwī, Zakī and Kawākibī in the light of the process of renewal that was taking place at the time in every aspect of life in the Arab world – cultural, political and religious – during the decisive historical phase of *Nahda* (Rebirth) in which the modern concept of *watan* (Fatherland) was coming into being and in which the dictates of the law and jurisprudence were coming under scrutiny. Although there are differences between them, the works examined in this paper are all perfectly in line with the idea of law proper to classical Islam in which a plurality of interpretations was considered a positive factor. This tendency acquires a special value when compared with the prevalent interpretative orientation that *šarī'a*, has assumed today. By now it has become a rigid, crystallized corpus that has taken on the function of legitimizing political regimes that claim their own independence of opinion but completely distort the spirit and significance of Islam.

Keywords

R.R. Ṭahṭāwī, A. Zakī, 'A. R. Kawākibī, Islamic Freedom, Islamic Reformism, Modern Arabic Literature, Egypt XIX century, Islamic Law, Arab reformist literature

Cristiana Baldazzi

Cristiana Baldazzi, ricercatrice di Lingua e letteratura araba all'Università di Trieste, Dipartimento di Studi umanistici (DISU). I suoi interessi di ricerca includono la letteratura autobiografica (memorie e diari) di area siro-palestinese ed egiziana del XIX e XX secolo, analizzata sia dal punto di vista letterario sia della storia sociale e politica; la letteratura di viaggio tra XIX e XX secolo, in relazione ai processi di modernizzazione e di costruzione identitaria.

«Vous êtes mon poème». La letteratura carceraria degli anni di piombo in Marocco

Abstract

Moroccan literature of the Years of Lead is a very interesting case of literature and law relationship. Moroccan society is still anchored to the past; nevertheless, it is crossed by radical political changes, in particular as far as the attention towards human rights is concerned. While from a legal perspective Ali Mezghani has referred to the Arab countries as an instance of "unfinished State", from a literary point of view a distinction should be drawn between the historical moment of the Years of Lead in which young activists were imprisoned (Seventies) and the cultural moment in which these years' experience resurfaced (Nineties). Writers, testimonies, interviews, films are all revolved around the same need to deal with a past which has been forgotten too often and by too many. The analysis of some of the most significant literary works of this period allows us to connect the writers' fictions with their desire to build a future while positioning themselves in relation with a society they perceive as detached from themselves. Writing, then, becomes an elaboration of an endless mourning in which the acceptance of loss does not always turn into a composition of the modern citizen.

Keywords

Moroccan literature, francophone literature, Laâbi, law and literature

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Anna Zoppellari è professore di Letteratura francese presso l'Università di Trieste. Si interessa in modo particolare di Letterature francofone del Maghreb e dei rapporti tra la letteratura e le arti visive. Tra le ultime pubblicazioni: *Ecrire le cinéma. Le ciné-roman selon Robbe-Grillet*, Paris, Hermann, 2012 (monografia); Abdelwahab Meddeb, *Poema di un sufi senza Dio. Sulla Tomba di Ibn Arabi*, Aprilia, Ortica Editrice, 2012 (traduzione); *Dentro il deserto: stanze, vesti e drappeggi come memoria (Abdelkébir Khatibi e Abdelwahab Meddeb)*, in *La grâce de montrer son âme dans le vêtement* , 2015.

Tra il dire e il fare c'è di mezzo l'Oceano. *Code Noir*, schiavitù coloniale e letterature francofone

Abstract

The colonies created by the French, in America and elsewhere, had from the late 17th Century to 1848 a principle that governed slavery, meaning the colonies' fundamental social, political and economic aspects. The Law, the so-called Code Noir, laid down the principles to be followed – but how far was it followed in reality? Literary testimonies coming from of the 'black' colonial side make clear that the law was enforced in a one-way manner: the interests of the master settlers and their nations were always protected most rigorously, while the meagre rights that were granted in theory to slaves were largely, if not systematically, disregarded. We will compare therefore what the law stipulates with what was passed down by colonial and post-colonial literature.

Keywords

Black Code, Slavery, American French Colonies, Francophone Literatures

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Si occupa soprattutto di letterature e culture francofone comparate, di diglossia letteraria, di francese fuori di Francia, di letteratura francese della colonizzazione, di letteratura dei Francesi d'Algeria, di catechismi creoli.

Il contributo di George Thomas Staunton (1781-1859) al dibattito europeo sulle leggi e la giustizia cinesi tra '700 e '800

Abstract

This essays analyses George Thomas Staunton's translation of the Qing so-called 'penal' code (1810), on the background of the century-old European debate on the laws and justice of China and in the light of the important changes in Sino-Western relationships at the beginning of the nineteenth century. In so doing, it tries to test Teemu Ruskola's notion of "legal Orientalism", by showing that Western views of the Chinese law and judicial system, particularly in the culture of the Enlightenment, were in fact more nuanced than this notion would imply. The meaning and intention of Staunton's translation are assessed as an explicit attempt to counter current representations of Chinese penal justice as cruel and inhuman and Chinese law as inadequate to protect the subjects' interests, two views on which many early-nineteenth century interpretations of China as a barbarous and backward nation depended.

Keywords

Enlightenment views of China, Chinese law, justice, British expansion in Asia, Sinology

Guido Abbattista

Guido Abbattista is a historian of modern European culture, specialized in the history of eighteenth-century and early nineteenth-century political thought in the Anglo-American area, the Enlightenment narratives and representations of human and cultural diversity, the history of anthropology and of historical thought. More recently he has extensively researched and written on the cultural phenomenon of living ethnic expositions.