

Abschlussbericht DFG-Villa Vigoni-Gespräch „Law and Literature in Diaspora Studies“

1. Allgemeine Angaben

🕒 Antragsteller, Institut/Lehrstuhl:

Prof. Dr. Daniela Carpi (British Literature/Università di Verona)

Prof. Dr. Klaus Stierstorfer (British Literature/Westfälische Wilhelms-Universität Münster)

🕒 Thema des Projekts:

Law and Literature in Diaspora Studies. *Villa Vigoni Gespräch in den Geistes- und Sozialwissenschaften*

🕒 Berichtszeitraum, Förderungszeitraum insgesamt:

6—9 May, 2013

Liste der wichtigsten Publikationen aus diesem Projekt:

The proceedings of the Villa Vigoni talks are set to be published in the convenors' book series, *Law and Literature* (de Gruyter, ISSN: 2191-8457), under the title *Diaspora, Law and Literature*, edited by Prof. Daniela Carpi and Prof. Klaus Stierstorfer

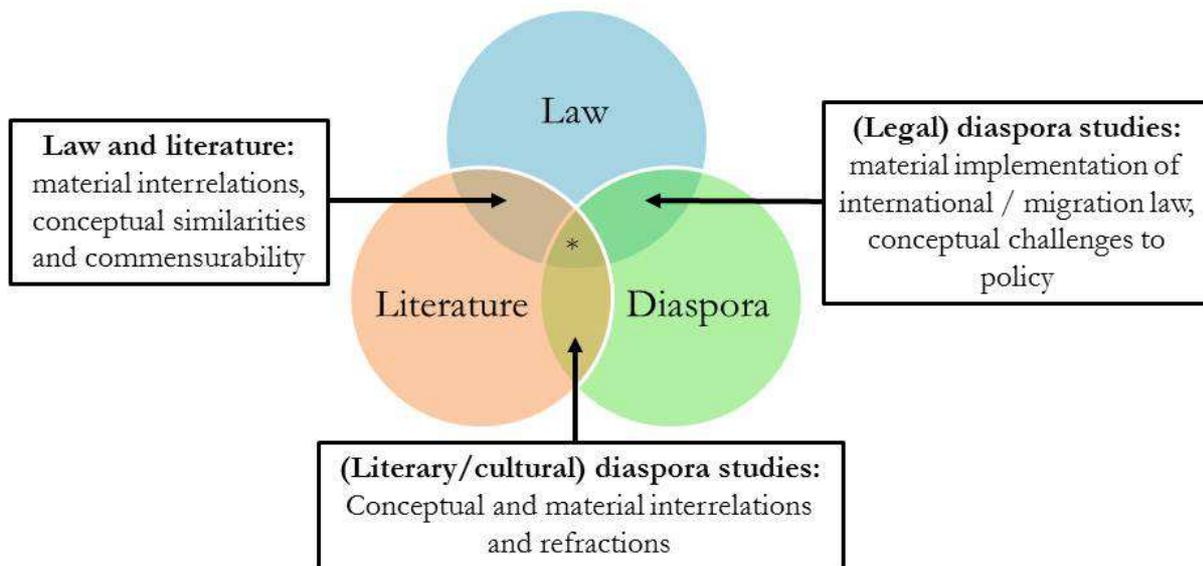
2. Arbeits- und Ergebnisbericht

🕒 Ausgangsfragen und Zielsetzung des Projekts

Today's globalised world is shaped in an unprecedented manner by international migration. Large numbers of individuals and often entire groups or even nations are on the move for a wide variety of reasons. This phenomenon creates massive challenges to nation states and civil societies, culturally, economically, politically, and not least in the realm of jurisdiction. However, it also creates opportunities and new perspectives. Widespread awareness of this challenge has contributed to research in the humanities and social sciences, with 'diaspora studies' evolving as an interdisciplinary and even transdisciplinary field of study over the past years. Scholars in the field have begun to develop a set of methodological tools for describing and analysing encounters between various cultural spheres, both on the level of material culture and in a more abstract, conceptual realm. This emerging methodology shares its interest in cross-fertilization between cultural domains with another burgeoning field, the interdisciplinary study of the relations between law and literature. A well-established subject in its own right in the United States that has only recently begun to receive systematic academic attention in continental Europe, it tends to focus on the ways in which the two cultural practices of law and literature mutually negotiate each other and in how far the structural and practical characteristics and mechanisms of one domain also apply in the other. The most stimulating debates, however, revolve around the question after the commensurability of the domains, and it is

here that the proposed colloquium intends to offer an interface with diaspora studies: it aims to explore, by way of an intimate exchange between the disciplines of literary studies, legal studies, and diaspora studies, the way in which encounters between cultural spheres are framed and analysed in the various fields. Thus, it offers an opportunity for debate on fundamental conceptualisations in different academic disciplines with a view to interdisciplinary exchange with clear and definite benefits for all participants. This kind of exchange on concepts and theory is not usually achieved in interdisciplinary encounters between three distinct fields, and the forum offered by Villa Vigoni seemed particularly suited for facilitating it. Shunning a rigid sequence of pre-written papers, the proposed event sought to engage experts in a lively debate revolving around key theoretical issues. Bringing together scholars from Italy, Germany, Great Britain, the US, the Netherlands, Sweden and India from the three main areas of jurisprudence, the social sciences, and the humanities, the meeting in Villa Vigoni undertook to develop an interdisciplinary approach as the most promising perspective on the nature of diasporic phenomena in the cultural spheres of the law and literature, which was also manifested in the attempt to cross the boundaries between theory and practice. Drawing on and fusing hitherto disparate disciplinary models and approaches, the ongoing project aims at developing a shared terminology and providing a new understanding of the cultural domains of law and literature in their intersection with diasporic phenomena. In doing so, it utilizes existing networks of the Italian and German partners, such as the various co-operations between the organizers in the field of 'law and literature', as well as the Münster-based Marie Curie Initial Training Network CoHaB on diaspora studies. The colloquium aimed to create synergies from these networks, and especially to strengthen the Italian-German co-operation between them.

The intersection between the three cultural domains of law, literature and diaspora is evident: both law and literature are subjects of individual concern for diaspora studies, and they have also been studied in their relation to each other. Their mutual interrelations may be visualized to the present purpose as follows:



The intersection of the three domains, marked in the above illustration by an asterisk, formed the point of entry for the colloquium. As the figure shows, the intersections between each two domains have been scrutinized both in terms of their material manifestations and of their conceptual bases and/or consequences. It was the declared aim of the proposed event to enter into a dialogue on the potential of conceptual and methodological cross-fertilisation. Given the highly fruitful results of academic engagements with the 'dual' relationships in the matrix sketched above, it was only to be expected that a focus on the 'triple' intersection would yield stimulating insights of consequence for each constituent discipline. Specifically, the panels of the proposed colloquium mapped out the territory to be charted over the course of the event: in the first three panels, contributors were asked to comment on the constitutive relations between law and literature (1), literature and diaspora (2), and law and diaspora (3); and to present their theses on conceptual and heuristic models from their fields that they deemed promising for the study of the other intersections, as well. Such models, the convenors suggested, might entail ontological, terminological, and methodological reflections about their subjects such as aspects of the fundamental commensurability between the cultural spheres of law and literature; the conceptualisation of hybridity in legal and cultural studies; or the question of how to assess diasporic constructions of belonging across different media and realms of cultural production. In two concluding panels, the theses were to be subjected to concluding discussions aimed at specifying areas in which terminological, methodological and conceptual exchange is particularly promising.

🕒 **Entwicklung der durchgeführten Arbeiten einschließlich Abweichungen vom ursprünglichen Konzept, ggf. wissenschaftliche Fehlschläge, Probleme in der Projektorganisation oder technischen Durchführung**

Examining in how far the disciplines of legal studies and literary/cultural studies can help in understanding and exploring diasporic phenomena, *Klaus Stierstorfer (Münster)* suggested in a

programmatic opening statement that contributors sift the field of research in 'law and literature' for approaches, concepts and methodologies which would travel particularly well to the field of diaspora studies, and that they explore law and literature research with the question in mind whether the potentially novel challenges of its application to diaspora studies might not, in itself, stimulate further development in understanding the interface between law and literature.

Leif Dahlberg (Stockholm) compared traditional 'ascending' conceptions of law, arising from, the agreement and consent of those affected by it, to contemporary territorial conceptions that lead to diasporics being governed by foreign laws. Drawing on Georg Simmel, Dahlberg argued that the diasporic subject remains a stranger in the court of law and inquired to what extent their experience can be heard – and can demand to be heard – in it. In his paper, Dahlberg showed the immense significance the stranger has in diasporic studies as an individual who not only does not belong, but is prone to ongoing movement, never arriving and thus never returning.

Jeanne Gaakeer (Rotterdam) in her contribution explored the question in how far national literatures and jurisdictions function as "binding agents" within and without diasporas, with a particular focus on the form of the *bildungsroman*, a topic that proved highly fruitful in connecting a number of contributions and stimulating debate among participants. The ensuing discussion largely focused on the genre of the *bildungsroman*, because on the one hand, its origins as a classic European white male narrative provokes immediate commentary in the field of diaspora studies and on the other hand, the narrative perspective of a *bildungsroman* is also often characterised by unreliability, which is significant for the nostalgic element in diasporic literature. On a meta-methodological level, Gaakeer offered reflections on the 'diasporicity' of interdisciplinary exchange, suggesting that interdisciplinarity itself might be thought of as 'the result of a diasporic movement'.

Pointing out the productive differences and similarities between the concepts of diaspora and indigeneity, *Peter Schneck (Osnabrück)* proposed to muster the theoretical and methodological potential of postcolonial theory to examine the role of literary conceptualizations of human rights subjects and the specific ways in which such conceptualizations may help or hinder more general conceptualizations of indigeneity and diaspora in legal and human rights discourses. His approach generated discussion on the concept of an indigenous diaspora, which is fairly new to the discourse. Is it possible to define an indigenous people as a diaspora despite the fact that they have not been removed from their home country, or is the fact that they have been deprived of most of their land the decisive issue? *Melanie Williams's (Exeter)* keynote address offered a fascinating account of a specific instance of the negotiation of diasporic identity in the case of Derek Mahon, supplying her readings of selected poems dealing with the experience of exile, displacement and belonging with fresh research on the poet's familial background as reflected in his work. Among Mahon's recurring themes, Williams argued, is a concern with identity and the recognition that the individual is 'more than

social'. Her choice of genre led to a particularly interesting discussion especially among the literary scholars in attendance, concerning the generic characteristics of the speaker/persona in poetry. While most papers that dealt with literature grounded their findings in narrative, Williams's keynote address thus opened up the intersection of poetry and diaspora studies.

As one of the founding figures of the field of diaspora studies as it is recognized today, *Avtar Brah (London)* approached the intersections of diaspora with law and literature in the domains of citizenship, governance and governmentality, intersectionality, and the various concepts of identity employed in the different fields. Her paper was the first of four that moved towards the crucial question of citizenship and the diaspora. Since citizenship is not only a question of psychological, but rather of legal belonging, the tension that arises in the new discourse of legal diaspora studies is here brought to the fore very clearly, which was equally demonstrated by the next paper, in which *Janet Wilson (Northampton)* focussed on fictions that expose the gaps and discontinuities as well as the contiguities between legal and literary discourses, considering such texts as 'sites in which the regulatory mechanisms and functions of the law are challenged in circumstances created by movements of border crossings, migration and resettlement'. Like Avtar Brah, Wilson drew on the legal ramifications of diaspora and the question of citizenship, referring to an ongoing discussion within legal studies on how and how much cultural contexts count in legal conflicts. Wilson suggested to employ the methodology of queer studies to throw light on crossovers between diasporic phenomena, law, and literature, indicating that queerness 'is like diaspora space in that it is a space of inbetweenness, which is non-national and non-global, where home is an uncanny space of difference, not sameness, imposing states of minority and affiliation'.

In the same vein, approaching the topic with a focus on the fundamental but often violated right of diasporics to 'exercise their cultural heritage', *Franziska Quabeck (Münster)* called for a 'politics of recognition' (Taylor) in which literature can serve as a mediating force. Taking up the question of cultural rights again, and especially the question of the role cultural context does and should play in legal conflicts, this paper tied in with the discussions initiated by Janet Wilson and Avtar Brah. In an innovative and engaging reading of Kazuo Ishiguro's *Never Let Me Go* (2005), Quabeck illustrated her argument by demonstrating how the novel conceptualises the conditions of diaspora metaphorically by the depiction of an excluded and segregated minority in a science-fictional scenario.

A representative of the Centre for Advanced Studies in India, *Sridhar Rajeswaran (Kachchh)* gave an account of Gandhi's diasporic experience in South Africa and its impact on his political career and thought. Pointing out that the Indian Freedom movement was spearheaded by lawyers, Rajeswaran suggested that in South Africa, Gandhi found 'empowerment, agency, currency and the necessary tools of ahimsa and satyagraha, which he field-tested there, honed, adopted and adapted to become the veritable arms to his struggle against the British in his homeland, when he returned'. His paper

was of particular interest because he drew on the phenomena of history and historiography, which are of crucial significance in diaspora studies.

In her account of the 'politics of visibility and invisibility' that inform the integration of diasporics, *Paola Carbone (Milan)* discussed the negotiation of bodies and fashion in Hanif Kureishi's *My Son the Fanatic*, highlighting (in a way that resonated with statements made earlier by Quabeck and Williams, among others) that literature 'fosters the development of a renewed sensitivity' for cultural practices by which 'the self is defined and the perception of the other is refined'. Her focus on the short story triggered particular discussions again concerning the generic elements of literature, because the story's narrative perspective and narrative twist at the end prove to be particularly fruitful for negotiating such ambiguous issues as those constituting diasporic discourse. *Sidia Fiorato (Verona)* took a discerning look at crime fiction, clearly a genre closely connected to representations of law and legal communities in literature, examining the function of the detective as a cultural mediator in the postcolonial context. Fiorato identified the hermeneutic character of both literature and law in their relation to a transnational and transcultural world as a potential point of departure for further interdisciplinary research.

In a comprehensive conceptual and methodological mapping of the incipient field of 'legal diaspora studies', *Emma Patchett (Münster)* discussed the various ways in which legal studies have attempted to cope with phenomena of transnationalism, transjurisdictionalism, and the abiding power of the colonial binary. She agreed with a number of previous speakers on the role of literature as a counter-hegemonic discourse and suggested, in her readings of texts from very different diasporic contexts (including, like Wilson, the 'queer diaspora' in Kureishi's *Buddha of Suburbia*), that identity be theorized not as the recognition of hybridity, but as the negotiation of territorial jurisdiction and spatio-temporal belonging as a process of reterritorialisation. Her approach thus tied in with the question of "global" citizenship and cosmopolitanism, which had been raised during the previous panel discussion and was here debated anew, arguing in favour of the concept of global citizenship.

In his historical overview of the transformations of diaspora and identity, *Riccardo Baldissone (London)* proposed to view diaspora as the 'normal mode' of identity that is ongoing and performative. Taking the cue from Gilbert Simondon, Baldissone argued for a view of the individual and of collectives that attends to their internal multiplicity, viewing them as trajectories and processes of individuation and transindividuation in a world that is more adequately described as a *polycosmos* or multiverse than as a *cosmos*. His paper returned to the question of citizenship again, as he regarded the very origins of the modern state and the earliest approaches to it as well as their significance for present-day conceptions.

Nilufer Bharucha (Mumbai) instanced the case of the ancient and immense Indian diaspora, often viewed under the rubrics of colonial and postcolonial diasporas, with further economically-based sub-

categories apparently custom-tailored to their situation. Bharucha examined the laws that have been devised over centuries and continents in the context of the Indian diasporas, and the ways in which literature has responded to them, served as a de-mythologizing force and as a medium for the preservation of cultural identity. Her historical overview of the beginnings of the Indian diaspora and the practice of their commodification in slave labour provided a historical perspective of the diaspora and maintained the diachronic approach that the conference aimed for.

Chiara Battisti (Verona) provided a wider perspective on media constructions of cultural difference and mobility, discussing how media such as photography and film influence, shape or determine knowledge, attitudes and behaviour with respect to contemporary migration, pointing to the images transmitted by the destination countries that become both a source of information for potential migrants and an incentive to migration as well as to the media images of migrants that often play a crucial role in the process of social inclusion or exclusion of the migrants themselves, and finally to the images transmitted from countries of origin that serve to define cultural identity in diasporic communities. Another historical instance of diasporic identity and its legal implications was explored by *Karen-Margrethe Simonsen (Aarhus)* in an in-depth analysis of early modern Spanish discourse on the New World, focussing on the concept of universalism in the context of globalization processes; the impact of textual styles and in particular, comedy, on the perception of human behaviour; and the origins and parameters of modernity. Finally, *Florian Kläger (Münster)* suggested that conceptual common ground might be explored between the study of law, literature and diaspora by examining the different disciplines' conceptualization of the role of self-reflexivity for their subjects. As law, literature, and diasporic identity are all viewed as autopoietic (albeit in significantly different ways), Kläger argued that theorizations of this phenomenon might offer fruitful sites of interdisciplinary exchange and transdisciplinary research.

The mapping of the field proposed by the convenors offered initial orientation for contributors while allowing liberty for personal emphases. The range, depth, and variety of the contributions exceeded the convenors' expectations pleasantly. In a concluding discussion, the areas that had emerged as central or recurring themes (as identified in the above report) were singled out as designating directions for future research and as potential structural clusters for the planned publication (for which a schedule was also agreed on in the concluding discussion).

Darstellung der erreichten Ergebnisse und Diskussion im Hinblick auf den relevanten Forschungsstand, mögliche Anwendungsperspektiven und denkbare Folgeuntersuchungen:

The symposium produced stimulating insight into areas of intersection between law, literature, and diaspora, as well as between legal studies, literary studies, and diaspora studies, that merit future research. It has initiated an interdisciplinary dialogue with a view to developing a transdisciplinary

methodology and vocabulary that will assist scholars from all three fields in focussing and aligning their efforts towards a better understanding of diasporic phenomena.

🕒 **Stellungnahme, ob Ergebnisse der Vorhaben wirtschaftlich verwertbar sind und ob eine solche Verwertung erfolgt oder zu erwarten ist**

Apart from the publication of the symposium's results, the organisers do not expect any immediate economic outcomes.

🕒 **Wer hat zu den Ergebnissen des Projekts beigetragen (Kooperationspartner im In- und Ausland, Projektmitarbeiter/innen usw.).**

The symposium facilitated exchange between the following international experts from the fields of legal, literary, and diaspora studies, including a number of doctoral and post-doctoral researchers:

1. Dr. Riccardo Baldissone (Birkbeck College, London)
2. Dr. Chiara Battisti (Università degli Studi di Verona)
3. Prof. Dr. Nilufer Bharucha (University of Mumbai)
4. Prof. Dr. Avtar Brah (Birkbeck College, London)
5. Prof. Dr. Daniela Carpi (Università degli Studi di Verona)
6. Dr. Leif Dahlberg (KTH Royal Institute of Technology Stockholm)
7. Dr. Sidia Fiorato (Università degli Studi di Verona)
8. Prof. Mr. Dr. A.M.P. Jeanne Gaakeer (Erasmus University Rotterdam)
9. Dr. Florian Kläger (Westfälische Wilhelms-Universität Münster)
10. Emma Patchett, MA (Westfälische Wilhelms-Universität Münster)
11. Dr. Franziska Quabeck (Westfälische Wilhelms-Universität Münster)
12. Prof. Dr. Sridhar Rajeswaran (CASII, India)
13. Prof. Dr. Peter Schneck (Universität Osnabrück)
14. Dr. Karen-Margrethe Simonsen (Aarhus University)
15. Prof. Dr. Klaus Stierstorfer (Westfälische Wilhelms-Universität Münster)
16. Prof. Dr. Melanie Williams (University of Exeter)
17. Prof. Dr. Janet Wilson (University of Northampton)
18. Prof. Dr. Fabian Wittreck (Westfälische Wilhelms-Universität Münster)

Networks that directly contributed to the success of the conference include the following:

- AIDEL (Associazione Italiana Diritto e Letteratura, www.aidel.it), an association for the promotion of the exchange between the disciplines of legal and literary studies, headed by Prof. Daniela Carpi. Its members include numerous German experts from various universities.
- CoHaB, an Initial Training Network on diaspora studies, funded by the EC's Marie Curie FP7 and linking together scholars from the fields of the social sciences and the humanities (www.itn-cohab.eu), headed by Prof. Klaus Stierstorfer. This network also funds doctoral

research on the legal dimensions of diaspora and links with the European Immigration Lawyers' Network, an association of legal practitioners from across the EU.

- The Centre for Advanced Studies in India (CASII), is a registered, independent, non-profit institution set up for the promotion of excellence in higher research and for academic cooperation. Its principal emphasis in research is in the construct of culture as a codification of knowledge; cultural studies as problematisation of discourses of knowledge; cultural studies as enabler of ideological discourses such as that of nation, gender, community, religion and race. CASII is among CoHaB's partners and was represented at the symposium by Prof. Sridhar Rajeswaran.

🕒 **Qualifikation des wissenschaftlichen Nachwuchses im Zusammenhang mit dem Projekt (z.B. Diplome, Promotionen, Habilitationen usw.).**

Among the symposium's participants were a number of doctoral and post-doctoral young researchers: Emma Patchett represented the young researchers from the Münster-coordinated Initial Training Network "CoHaB", which shares the symposium's interest in questions of the legislation and representation of migration of diasporas. Ms Patchett's on-going doctoral dissertation project on "Nomadism in Law and Literature: Corpus Cartography in the Novels of the Roma Diaspora" is immediately related to the topics discussed at Villa Vigoni. Post-doctoral researchers included Dr Chiara Battisti, Dr Sidia Fiorato, Franziska Quabeck and Dr Florian Kläger, all of whom are pursuing research interests in the field of law and literature.

3. Zusammenfassung

🕒 **Allgemeinverständliche Darstellung der wichtigsten wissenschaftlichen Fortschritte und ggf. ihrer Anwendungsaspekte**

🕒 **"Überraschungen" im Projektverlauf und bei den Ergebnissen**

🕒 **Hinweise auf mögliche Erfolgsberichte in den Publikumsmedien**

The aim of this initial symposium was to chart the terrain of the intersections between legal studies, literary studies, and diaspora studies with a view to developing an interdisciplinary and transdisciplinary methodology for analysing diasporic phenomena in the cultural spheres of the law and literature. Specifically, the aim of identifying conceptual and terminological desiderata for future interdisciplinary research and providing a new understanding of the cultural domains of law and literature in their intersection with diasporic phenomena generated most fruitful debates about existing differences between disciplines, but also about those terms, concepts and fields of inquiry that promise to be fruitful subjects of further debates. All contributions explored the fundamental nature of

the key areas of law, literature, and diaspora, sounding out potential fields of interaction and exchange.

The volume in preparation on *Diaspora, Law and Literature*, which is to collect extended and revised versions of all papers presented at Villa Vigoni, will be the first major publication in its area and aims to germinate wider discussion of its subject in the disciplines involved in the project.

Unexpectedly, there was a surprising coincidence of negotiations of specific literary genres, notably the *bildungsroman*. This interesting insight brought a focus on form to the fore, which was fruitfully picked up by the members of the newly established graduate training programme “Literary Form. Historical and Cultural Formations of Aesthetic Models” (represented by Prof. Klaus Stierstorfer and Dr. Florian Kläger). Although this line of research was not yet explored exhaustively at the symposium, it will productively cross-fertilize into the discussions of the graduate training programme and hence open up new lines of collaboration, both within Münster and in the wider network.

The symposium has been showcased on the much-frequented web pages of the Münster-based Marie Curie Initial Training Network “Constructions of Home and Belonging” (CoHaB); accessible at <http://itn-cohab.eu/about/past-events>.