

ISSN: 2519-1268

Issue 5, Spring 2018

Editor-in-Chief

Vassilis Vagios (National Taiwan University)

Editorial Board

Lai, Ying Chuan (National Chengchi University)

Blanco, José Miguel (Tamkang University)

Chang, Wen Hui (Chung Yuan Christian University)
Leipelt-Tsai, Monika (National Chengchi University)
Tulli, Antonella (National Taiwan University)

Advisory Board

Takada, Yasunari Professor Emeritus, The University of Tokyo Chang, Han Liang Professor Emeritus, National Taiwan University

Kim, Soo Hwan Hankuk University of Foreign Studies

Finglass, Patrick The University of Nottingham Chaudhuri, Tushar Hong Kong Baptist University

Kim, Hyekyong Inje University

Assistant

Chi-Fang Tsai

The Journal is published three time a year (February, June, October) by the Department of Foreign Languages and Literatures, National Taiwan University.

All correspondence should be addressed to the Department of Foreign Languages and Literatures, National Taiwan University, Roosevelt Rd., Section 4, No. 1, Taipei 106, Taiwan, R.O.C.

Phone:+886-2-33663215 Fax: +886-2-23645452



Issue 5 (Spring 2018)

Table of Contents

Editorial	
Europe was herself a refugee	
VASSILIS VAGIOS	1
Articles	
Discovering <i>La muerte ocultada</i> : Exploration on the Evolution of the <i>H</i>	Romance in the
Sephardic Diaspora	
WEN-YUAN CHANG	11
Migration, Xenophobia: Challenges for the Language Curriculum	
CHRISTOPH MERKELBACH	39
Exile and the Nature of Law in Medieval Castile	
(The Un-Lawing of the Cid)	
MICHAEL MCGLYNN	63
Linguistic and Extra-Linguistic History Behind Roman Jakobson's Disti	nctive Feature:
The Perspective of European Crises and Intellectual Odyssey	
CHANG-LIANG OU	99



Issue 5 (Spring 2018), pp. 1-9 DOI: 10.6667/interface.5.2018.62

EDITORIAL:

ISSN: 2519-1268

Europe was herself a refugee

VASSILIS VAGIOS
National Taiwan University

Europe, no matter how much Europeans forget it, was herself an exile and a refugee. A young Phoenician princess living in Tyre in Lebanon (not far from Syria; that is, the origin of the majority of the most recent refugees arriving to European lands). There in Tyre, Zeus came across Europe, took the shape of a bull, kidnapped her, and carried her forcefully to Crete. In the centuries after, millions and millions of people were driven by force off their ancestral lands. Sometimes from outside Europe, sometimes across Europe, sometimes to outside Europe. Sometimes the force was migration pressures of other populations, sometimes it was expansionist wars, sometimes it was the slave trade, sometimes it was religious turmoil, ideological bias, or racist persecution. Every time the refugees were new embodiments of the mythical Europe and they became the creators of the geographical, political, cultural space we know as Europe today.

Europe might not always remember her mythical past, yet often remembers her own historical experience of the hardship of forced homelessness. A video distributed by the United Nations High Commission for Refugees narrates how an 82 year old prisoner, Panagiota Vasileiadou, opened her home and provided hospitality to refugees in Idomeni (a village at the northern borders of Greece where a big number of refugees had gathered in 2015-2016). She recalls:

I was seven years old when our house was burned down. We

didn't have a spoon, a fork, bread or clothes. The only thing we had were the nightgowns we were wearing. Five children. No clothes. Nothing.

UNHCR, 2015, 0:55

As long as there are people like this woman, people who maintain either a personal, or a family, or a historical memory of refugeeship, then the political apparatus that runs Europe will always be under a pressure to formulate fundamental European values like those in the Treaty of Lisbon: "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities".

However, one should not think that these values are uncontested within Europe. On the contrary, as Onghena (2015) notes, when the refugees came, there was no strong voice to defend these "European" values, instead

... what has resulted is an absence of voice, a total silence while other voices make noise, a lot of noise. The xenophobic discourse has established itself, curiously, in countries with rather tolerant pasts—the cases of Sweden and Finland, for example— and has been consolidated in places where extremist populist parties already form part of coalition governments or support minority governments. Their influence on mainstream politics is evident. The threat of the rise of extremist populist parties results in a Europe that is intolerant, xenophobic and racist.

This again is not a new experience for Europe. The co-occurrence of a discourse of humane solidarity and of intolerant xenophobia does not occur now for the first time in history; nor does the suffering of the refugee; nor does the ambivalence of the host. Even particular actions seem to repeat themselves through the centuries.

For example, on February 24, 2016 in a central square in Athens two

EDITORIAL

refugees attempted to commit suicide by hanging themselves. They made the nooses themselves using their t-shirts and a scarf.¹ Chillingly, this real life situation in the twenty first century AD has strong parallels with a scene from Aeschylus' *Suppliants* (a play produced in the first half of the fifth century BC). A group of women, the Danaids (daughters of Danaus), arrive aat the territory of the Greek city of Argos. Following the instructions of their father, they seek refuge in a temple, and when king Pelasgus arrives, they supplicate him to accept them in the city. When the king hesitates, they threaten to commit suicide:

Danaids	ἔχω στρόφους ζώνας τε, συλλαβὰς πέπλων
	I have shoulder straps and girdles to gather up my robes.
King	τάχ' ἂν γυναιξὶ ταῦτα συμπρεπῆ πέλοι.
	Such things are proper, no doubt, for women.
Danaids	ἐκ τῶνδε τοίνυν, ἴσθι, μηχανὴ καλή—
	In these then, be sure, I have a beautiful instrument—
King	λέξον τίν' αὐδὴν τήνδε γηρυθεῖσ' ἔση.
	Tell me what speech you plan to utter.
Danaids	εἰ μή τι πιστὸν τῷδ' ὑποστήσεις στόλῳ—
	If you will not give some pledge to this group—
King	τί σοι περαίνει μηχανὴ συζωμάτων;
	What will the contrivance of the sashes do for you?
Danaids	νέοις πίναξι βρέτεα κοσμῆσαι τάδε.
	To adorn these images with tablets of strange sort.
King	αἰνιγματῶδες τοὕπος· ἀλλ' ἀπλῶς φράσον.
	Your words are riddling; come, explain in simple speech.
Danaids	ἐκ τῶνδ' ὅπως τάχιστ' ἀπάγξασθαι θεῶν.
	To hang ourselves from the statues of these gods.
King	ήκουσα μαστικτῆρα καρδίας λόγον.
	I have heard a word that is a lash upon my heart.

(translation adapted from Loeb Classical Library, v. 145)

Aeschylus, Suppliants, 457–467

¹ Photographs are available here: http://news247.gr/eidiseis/koinonia/apopeira-aytoktonias-dyo-prosfugwn-sthn-plateia-viktwrias.3926244.html

The similarity between what happened in Athens in 2016 and what was envisaged by an Athenian playwright in around 470 BC is striking. In both cases the refugees use (or threaten to use) their own clothing as the instruments of suicide, in both cases their expression of anguish and desperation can be construed as a threat to the host community, in both cases the rulers feel trapped between unwelcome choices. In the case of the tragedy, the king took the case of the Danaids to the assembly of the citizens, he argued in the assembly to accept the Danaids (and their father) to the city, and the assembly voted unanimously to grant asylum, and when later the pursuers of the Danaids also arrived at Argos and attempted to seize them, the Argives came to the assistance of the Suppliants and got to war against their pursuers.

In outline the play seems to be adopting a stance of solidarity towards refugees so much so that in 2015 Moni Ovadia, himself a migrant from Bulgaria to Italy,

in staging *The Suppliants* in present-day Sicily, the director's real aim was to enter straight into some of the most urgent concerns of contemporary life. In today's Syracuse, where African refugees beg at traffic lights, he reserved a whole block of seats in the theater for refugee groups to watch the performance

Rowland, 2015

However, as Gray (2015, p. 298) points out unconditional humane aid in Classical Athenian tragedy was limited to children and women (i.e. groups who could not engage in active political activity), and even in these cases was not necessarily wholeheartedly and undeservedly given; although, this fact would not stop the Athenians from priding themselves as disinterested champions of freedom, propriety, and human values.

Actually, the particular play can be read as advancing a xenophobic rhetoric. According to Bakewell (2013, ch. 2-3) the varieties of political speech employed by the Danaids and their father, Danaos, are predicated on violence and deception respectively, in stark contrast with the

EDITORIAL

speech of persuasion that underpinned the ideology of Athenian democracy. Furthermore, Bakewell argues convincingly, the Danaids view of marriage and their sexual ethics constitute a threat to the family life of the city that receives them. The *Suppliants* is either the first or the second play of a trilogy, the other two plays do not survive for us; however, other sources inform us that as the story progressed King Pelasgos, the one who argued for the acceptance of the Danaids by the city of Argos, was killed possibly as a result of a plot by Danaos who became the ruler of Argos. So, it seems that the play can be read as a warning against providing asylum to refugees, or at least to refugees who do not share the fundamental values and principles of the host community.

Still, it could also be that the meaning of the play may be more complex. One of the reasons given by the Danaids for seeking refuge to Argos is that they are descendants of Io, an Argive princess that Zeus was enamoured with and was persecuted by Hera and transformed to a cow driven to wandering all the way to Egypt. In other words, they do not request asylum as foreigners, but as emigrated locals who are returning home after having lived abroad for several generations, and who claim to share in Argive identity. So, could it be that the play is questioning what really constitutes "identity", and whether any "national body" is as homogeneous in its values and principles as it claims to be? Also, could the play be raising questions regarding the attitude of any particular place towards its own people that itself has exiled in the past?

Without access to the other two plays of the trilogy it will probably be impossible to give a definitive answer. Yet, there have been other times in history when Europe has exiled her own children. One of these instances was the exile of the Sephardim, Spanish Jews forced to leave Spain in the 15th century. **Wen-Yuan Chang** in the first article of this issue examines the versions of *La muerte ocultada* (*The Concealed Death*) preserved by the oral tradition of the Sephardic communities in Morocco, and contrasts them with the versions of the same folk song preserved in Spain. As Chang shows, despite the fact that the Sep-

hardim lived for many centuries outside the Spanish world, they preserved Hispanic culture and language, albeit coloured by the pain of the persecution.

Language is an important issue when an outsider pleads to be accepted in a new community; Aeschylus recognized this issue, and used it as a way of stressing the simultaneous otherness and sameness of the Danaids. In their entrance song they utter in two instances the following lines:

Danaids ίλεῶμαι μὲν Ἀπίαν βοῦνιν,

I propitiate the Apian hills

καρβᾶνα δ' αὐδὰ ν

my foreign speech,

εὖ, γᾶ, κοννεῖς.

Land, you understand well

Aeschylus, *Suppliants*, 117–119 & 128–130 (translation adapted from *Loeb Classical Library*, v. 145)

Although they claim that the land of Argos, metonymically called Apian hills, will understand well their speech, Aeschylus gives them a vocabulary so very rare and archaic² as to make it questionable how easily the original audience would be able to understand them. Indeed, Sandin (2003, p. 60) has concluded that the language of this first song is "peculiar, even by Aeschylean standards… perhaps a deliberate means to depict the foreignness of the Danaids."

Language is also an important issue in the acceptance of a refugee population by a host community in our present times. Christoph Merkelbach in our second article takes up this issue and he stresses the importance of making it possible for refugees both to maintain their own language and to learn the language of the host community. His argument goes against a prevailing mentality in most places in Europe where assimilation of refugees is equated with an obliteration of their otherness. Instead he proposes the establishment of a multi-lingual curriculum as

² The words κ αρβᾶνα ("foreign") and κοννεῖς ("understand" appears only here and in the lexicographers in the surviving Ancient Greek literature.

EDITORIAL

much more fitting for a Europe that is, and always was, multi-cultural and diverse.

Language is also an important issue in the acceptance of a refugee population by a host community in our present times. **Christoph Merkelbach** in our second article takes up this issue and he stresses the importance of making it possible for refugees both to maintain their own language and to learn the language of the host community. His argument goes against a prevailing mentality in most places in Europe where assimilation of refugees is equated with an obliteration of their otherness. Instead he proposes the establishment of a multi-lingual curriculum as much more fitting for a Europe that is, and always was, multi-cultural and diverse.

Returning to my thoughts on the interpretation of Aeschylus' *Suppliants*, I would like to point out another dimension that complicates even further the picture. The king in Argos is named as Pelasgos, and Pelasgoi was the name of the people living in the land that was subsequently occupied by the Greeks, while in Greek myth Danaos was the ancestor of the royal house of Mycenaeans, and $\Delta\alpha\nu\alpha\sigma$ i, "Danaans", was in Homer of the names for Greeks. So, is this play about the danger that others are for the receiving communities, or is it a play telling its original audience that they themselves were once the refugee and the other?

Again, we are not in a position to answer the question without more detailed knowledge of the missing plays in the trilogy. However, my question is really meant to draw attention to the matter of how complicated interpretation is, how many details must be taken into consideration, how many questions we should ask ourselves before we can understand what others say and do. Especially so in respect to other cultures or other times. **Michael McGlynn** in the third artcle in this issue takes up exactly this question with reference to the meaning of "exile" in other times and other places. His article examines the concept of exile in medieval Castile, and he finds that "exile" itself should be interpreted, and that different systems of values, in this case systems of law, can regard

it differently; so in contrast to the modern views of exile as an unduly harsh punishment, medieval Castile elites considered it as concomitant of their infighting and as a mechanism that allowed both parties to benefit.

Edward Said reflecting on exile, he concludes with a short list of the positives of the state of being an exile, among them:

Seeing "the entire world as a foreign land" makes possible originality of vision. Most people are principally aware of one culture, one setting, one home; exiles are aware of at least two, and this plurality of vision gives rise to an awareness of simultaneous dimensions, an awareness that —to borrow a phrase from music— is *contrapuntal*.

Said (2002, p. 148)

A very good illustration of this point is our concluding article by **Chang-Liang Qu**, who traces the development of Jakobson's concept of "distinctive feature". The article brings into full relief how Jakobson's forced relocation from country to country, and the concomitant compulsion to re-express himself in several languages, contributed towards the development and maturation of a concept that played decisive role in the history of twentieth century linguistics.

Said (2002, p. 145) noted that "exiles...do leaven their environments". We hope that our readers will find this collection as a valuable contribution to this sentiment, and we are planning to expand our input with Issue 7 which is dedicated to the complementary topic "Immigrants and Diasporas in European Languages and Literatures".

EDITORIAL

References

- Bakewell, G. W. (2013). *Aeschylus's Suppliant Women: The Tragedy of Immigration*. Madison, WI and London: University of Wisconsin Press.
- Gray, B. (2015). Stasis and Stability: Exile, the Polis, and Political Thought, c. 404-146 BC. Oxford: Oxford Classical Monographs.
- Onghena, Yolanda (2015). "The Crisis of European Values". CI-DOB. Retrieved February 10, 2018 from https://www.cidob.org/en/articulos/monografias/refugiados/the_crisis_of_european_values
- Rowland, Ingrid D. (2015). "From Aeschylus to the EU." *The New York Review of Books*. Retrieved February 10, 2018 from http://www.nybooks.com/daily/2015/07/07/greek-tragedy-aeschylus-migrants-debt/
- Sandin, P. Aeschylus' Supplices. Introduction and Commentary. Göteborg: Göteborgs Universitet. 2003.
- Said, E. W. (2002). *Reflections on exile: and other essays*. Cambridge, MA: Harvard University Press.
- UNHCR (2015). *Greece: The Refugees' Grandmother in Idomeni*. Retrieved February 10, 2018 from https://www.youtube.com/watch?v=Hb_Hdjy4CVw



Issue 5 (Spring 2018), pp. 11-36 DOI: 10.6667/interface.5.2018.57

Discovering La muerte ocultada: Exploration on the Evolution of the *Romance* in the Sephardic Diaspora

WEN-YUAN CHANG National Taiwan University

Abstract

At the end of the fifteenth century, the Spanish Jews were forced to abandon the country or to convert to the official Catholic faith. As a matter of fact, a multitude of Spanish Jews had already left Spain many decades before because of the socio-political intolerance. The Diaspora was very difficult; a large number of them died and suffered from great agony. The expelled Spanish Jews, also known as Sephardim, preserved the Spanish culture for many centuries; nevertheless, since the beginning of last century, this invaluable living legacy has been coming to an end. It is expected that as long as the Sephardic studies continues, the lessons learnt from the rich Sephardic cultural tradition will remain unforgettable.

The purpose of this article is to analyze a well-known ballad (romance) of the Sephardic oral tradition in North Africa: La muerte ocultada (The Concealed Death), standing out from many other similar but different Spanish versions. Given the Diaspora theme, the exploration on the Morocco's archaic versions has been concentrated on, because Morocco is the Sephardic area, where we have found more versions of the *romance* in question, and probably many of them had existed earlier than the time when the Jews were expelled from Spain.

Keywords: La muerte ocultada, romance, Judeo-Spanish ballads, Sephardic oral tradition, Moroccan Sephardim

© Wen-Yuan Chang

This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

http://interface.ntu.edu.tw/

Discovering *La muerte ocultada*: Exploration on the Evolution of the *Romance* in the Sephardic Diaspora

At the end of the fifteenth century, the Spanish Jews were forced to abandon the country or to convert to Christianity. In fact, many of them started to emigrate long time before, on account of the socio-political intolerance to their religious group (Benbassa & Rodrigue, 2004, p. 23). The expelled Spanish Jews, also known as Sephardim, of which the invaluable legacy has gradually faded out over the past centuries, have been the protagonists of incredible vicissitudes along with a tenacious struggle for survival.

A substantial amount of research has examined the political, religious and social dimensions of the period in an attempt to clarify the reasons behind the Spanish Jews' expulsion. Despite the fact that the expulsion cannot be attributed to a strictly deterministic causality, several factors are indicated to have played an essential role (Benbassa & Rodrigue, 2004, pp. 48-49); however, for most people nowadays, it is still difficult to understand or admit why the Sephardic Jews were expelled (Díaz-Plaja, 1972, pp. 101-103). As a matter of fact, many Jews were forced to leave Spain, while others decided to stay in the country and converted themselves to Catholicism. The ones who remained would live many generations under the eyes of the Inquisition, a judicial institution that would be in charge of prosecuting and punishing all the New Catholics that had not really abandoned their previous faith (Díaz-Plaja, 1972, pp. 102-105). Meanwhile, many of the Sephardic Jews who went abroad would also suffer wide-ranging socio-economic difficulties. North Africa, Eastern Mediterranean and other countries in Western Europe, such as France, the Netherlands, Italy, and the United King-

¹ According to Benbassa and Rodrigue (2004, p. 47), although it is difficult to reach an agreement among the scholars, it seems reasonable to estimate that about one hundred and fifty thousand people left Spain in 1492.

dom, would be the destinations of many Sephardic immigrants at the end of fifteenth century.

Emigration was not easy; for example, half of the Sephardim that travelled to North Africa died because of plunder, illness and natural disasters. Moreover, the poor pre-existent Jewish communities of Morocco did not extend a sincere welcome to the newcomers (Díaz-Mas, 1986, p. 73). In spite of all, the expelled Spanish Jews who went to North Africa and Eastern Mediterranean could preserve their traditions and a peculiar Spanish language, which has maintained for centuries some old and charming elements of the medieval Spanish that has already disappeared in modern speakers. On the other hand, those who went to the other West European countries mentioned above were so integrated into the local societies that they had lost their Spanish by the XVIII century (Díaz-Mas, 2004, p. 276).

Among Spanish people, the Sephardic world is full of topics of fascination, of mystery, and even of a sense of guilt for the way they have been treated; but in most cases, there is a lack of knowledge and detailed information. Nevertheless, the Sephardic legacy is undoubtedly associated with Spanish culture and history. The preservation and investigations of this tradition is essential to revive the Sephardic culture and tradition. The voices of the Sephardic people are not only a lesson of history, philology and literature, but also valuable promotion of the art of living, which is so necessary in modern times. In this article, one well-known ballad (hereinafter referred to as *romance*)² of the Sephardic oral tradition in North Africa will be analyzed: *La muerte ocultada* (*The Concealed Death*), in the hope that it will cast a new light upon their cultural legacy.

² As P. Díaz-Mas has explained (2008, p. 115): "el romancero no es más que una manifestación hispánica de un tipo de poesía narrativa de origen medieval que existe o ha existido en prácticamente todas las culturas europeas, y que se conoce bajo el nombre genérico de balada, aunque recibe nombres distintos en cada cultura: ballad en el ámbito de la lengua inglesa, volksballade en alemán, chanson en el dominio francófono, canzone en Italia, tragúdi en Grecia, etc." (All the English translation of Spanish quotations will be my own and provided throughout this paper: "The romancero is only a manifestation of a kind of narrative poetry of medieval origin, which exists or has existed in nearly all European cultures, under different names: ballad in the English culture, volksballade in German, chanson in France, canzone in Italy, tragúdi in Greece, etc.") Herein the Spanish word romance will be referred to Spanish ballad; the word romance is considered more adequate than the term ballad, because the former allows the reader to identify its Spanish origin.

1 Romance in the Sephardic tradition

As the brilliant Hispanist Menéndez Pidal affirmed, wherever Spanish is spoken, there is *romance*, "Tengo por dogma que el romance existe donde quiera que se habla el español" (Espinosa, 1915, p. 454); this is as such in the Judeo-Spanish spoken ambient. Nearly four centuries after their expulsion, the Spaniards rediscovered, during the Spanish campaign in Africa and after the taking of Tetuan in 1860, in the Jewish quarters of the city, the Sephardic communities which after many generations outside Spain still preserved the Spanish culture. With the surprise of finding the Sephardim, the Spanish troops discovered that the Sephardic Jews had an uncomfortable life, as Díaz-Mas (1986, p. 188) showed after studying the writings of the campaign chroniclers, "se plasma la impresión que los sefardíes marroquíes despertaron en los españoles; hay siempre una mezcla de curiosidad y prevención hacia aquellos individuos que vivían, en su mayoría, en la más absoluta miseria."

The Sephardic communities are poor; moreover, they live frightened of their neighbours: "Jewish communities, both in the Balkans and Morocco, were clearly as fearful of their Muslim neighbours in the late nineteenth century as they had been, according to Addison, in the late seventeenth century" (Pomeroy, 2005, p. 21). Nevertheless, the strength of their spoken language persisted for centuries, and alongside it so also did the long-standing *romances*. The songs of *romance* helped the Sephardim to cope with the misery and fears in life: "para llenar las horas de asueto, para hacer menos penosas las labores de la casa o el trabajo artesanal, para animar las reuniones, acompañar los juegos, celebrar las fiestas y, muy especialmente, acunar a los niños" (Díaz-Mas, 1986, p. 156). In addition, their own religious ritual custom also contributes to the continuous recital of *romance*: "As the Jewish religion proscribes the playing of musical instruments on the Sabbath and on holy days,

^{3 &}quot;For me it is undoubted that wherever Spanish is spoken, the *romance* exists." These are the words that Menéndez Pidal wrote to the folklorist Aurelio Macedonio Espinosa.

^{4 &}quot;which reflected the impressions that Moroccan Sephardim aroused in the Spaniards; there is always a mixture of curiosity and prevention towards those individuals living mostly in absolute poverty."

^{5 &}quot;to fill the leisure hours, to make less painful the housework or craft work, to encourage meetings, accompany games, celebrate the holidays and, especially, to cradle the children."

song was a popular form of entertainment. Ballads, traditionally sung unaccompanied, were particularly suitable." (Pomeroy, 2005, p. 15)

The social and physical isolation of the Sephardic community from their Muslim neighbours (Pomeroy, 2005, pp. 14-15), on the one hand, prevented the access to other forms of culture that could expand their worldview and, on the other, helped to keep the oral tradition as Ortega pointed out:

Pocas son las distracciones de que disfrutan los hebreos en Marruecos, fuera de aquellas que ha importado la influencia de Europa. Las visitas y los paseos, un baile con panderetas y sonajas, muy parecido a la danza mora, y, sobre todo, el recitar viejos romances castellanos de la Edad Media, llenos de belleza y poesía, con una música dulce y primitiva, constituyen las distracciones más populares entre los israelitas de Magreb.⁶

(Ortega, 1929, p. 207)

It is obvious that in the Sephardic tradition the *romances* are both an important part of their hard everyday life and a result of their collective identity and expression, which transmits their rich Spanish culture and additionally reflects their different experiences in their immigrated countries.

2 The different versions of La muerte ocultada (The Concealed Death)

In the Judeo-Spanish literature, the vitality of the *romance* genre is consistently commented upon by scholars, and its fame among the public is indisputable (Díaz-Mas, 1986, p. 150). The *romance* is always a mixture of melody (although the corresponding melody is not always found) and text with a characteristic narrative content (Epic, Carolingian and so

^{6 &}quot;There are few distractions enjoyed by the Jews in Morocco, other than those that have imported the influence of Europe. Visits and walks, a dance with tambourines and rattles, much like the Moorish dance, and, above all, reciting old Castilian *romances* of the Middle Ages, full of beauty and poetry, with a sweet and primitive music, are the most popular distractions among the Israelites from Maghreb."

on). They are simply the reasons that make *romance*, a poetry genre, easy to recite. Accordingly, by imitating the same rhythm, it is easy to extend the same verses with similar or quite different finales. The structural flexibility contributes to its vitality and creativity. The Sephardic *romance* has been learned by heart and mainly transmitted by oral tradition, though some people have transcribed what their ancestors sang, while some *romances* were diffused among the Sephardim diaspora from some books that arrived from Spain (Díaz-Mas, 1986, p. 152).

Among the *romances* which the Sephardim sang, there is one, *La muerte ocultada*⁷ (*The Concealed Death*), that appears in a great variety of versions very widely diffused in the Iberian Peninsula (in Castellan, Catalan, and Portuguese), America, Morocco and the Balkans (Díaz-Mas, 2005, p. 331). The common argument presented in the *romance* is that the death of the husband is hidden from the wife. In many versions, when she discovered it, her life also vanished because she was devastated by the grievous news.

More than two hundred versions are compiled and divided into three groups in the monograph⁸ that Mariscal de Rhett has dedicated to this *romance* (1984-1985, pp. 19-24). Group I, corresponding to the oldest style branch, is called archaic hexasyllabic versions because of its more archaic theme and form. In this Group, the main character usually has a meeting with death and there are 43 versions respectively distributed in: Morocco (14), Eastern Mediterranean (4) and in the marginal areas of Alta Extremadura (6) and Cataluña (19). Group II is composed of octosyllabic versions. The group includes 85 octosyllabic versions, most of them from the north of Iberian Peninsula, and none found in North Africa or Eastern Mediterranean. According to Menéndez Pidal (1953, pp. 320-323), the archaic form would be the source of octosyllabic versions from the north of Spain, in order to adjust to the prevalent *romance* metrics: octosyllabic verses with assonant rhymes. Group III, called

⁷ This *romance* arrived in Spain from the French border, but the French versions were not originals and it has been indicated that the first versions might have come from Scandinavia (Mariscal, 1984-1985, p. 54).

⁸ The monograph is part of *Romancero Tradicional*, a collection of studies about the Iberian traditional *romance* that was promoted in 1957 by Menéndez Pidal. We hereafter refer to the different groups, using Mariscal's classification.

"vulgata" by Mariscal (1984-1985, p. 22), has 173 hexasyllabic versions and corresponds to another branch, the most modern style. This group usually begins in a different way from the rest, with the return of the wounded hero from the war (*Ya viene don Pedro / de la guerra herido*), and contains versions from many different places, 8 of them from Morocco, 1 from Dominican Republic and the rest (164) from Castilla, Andalucia and Extremadura.

My focus here will be on the 14 archaic Moroccan versions, because Morocco is the area, outside Spain, where we can find more versions, and many of them are so old style that they can probably be connected with the times of the expulsion. Nevertheless, the archaic Moroccan versions of *La muerte ocultada* are not the only Sephardic ones preserved; this *romance* is also present in the Eastern Mediterranean oral tradition, but it has only survived in a fragmented way as a dirge (Mariscal, 1984-1985, p. 78). The similarities to, and differences from, the other Spanish archaic versions (Alta Extremadura) will be highlighted for the purpose of identifying which Spanish culture elements are of more importance, which elements are maintained in the Sephardic songs through time and space, and which elements are the main focal points of the various versions.

Among the archaic Moroccan example, the version of Tangier, collected by José Benoliel and published by Menéndez Pidal (that can be also found as 1MR1⁹ in Mariscal) will mainly be quoted, because it is the more complete version, and contains most of the elements that can be found in the other versions of Group I:

	Levantóse Ueso	lunes de mañana,
2	tomara su armas	y a la caça iría.
	En un prado verde	sentóse a almorzare,
4	allí viera Ueso	muy negra señale.
	Un caballero	por allí passara,
6	-Assí Dios te dexe	con Alda vivire,

⁹ Hereafter I merely follow Mariscal's division codes for different versions. 1MR1 represents the 1st version of Group I, 3MR1 for the 1st version of Group III, and so on; AV stands for Ávila, CC for Cáceres, and SL for Salamanca.

que tú me dexe las armas bullire. 8 -Assí Dios me dexe con Alda folgare, que yo no te dexe las armas posare.-¡Av! ¡Vágame Dios del cielo, pensamiento tengo! 10 Firió Ueso al Huerco en el calcañale: firió el Huerco a Ueso en su voluntade. 12 Firió Ueso al Huerco con su rica espada; firió el Huerco a Ueso en las telas del alma. 14 Ya llevan a Ueso muerto y desmayado; ya llevan al Huerco con el pie atado. ¡Alda no lo sepa! Que si Alda lo sabe al suelo cae muerta. 16 - Que si Alda tuviere un hijo varone, a los ocho días le pongan mi nombre; 18 que si Alda tuviere un hijo vassallo, a los ocho días le pondrá en mi estado.-20 Y a casa de Alda tañen tañedores. y en casa de Ueso hacían guijdore. 22 En casa de Alda tañen con sonajas, y en casa de Ueso hazían las guayas. 24 -Suegra, la mi suegra, mi suegra garrida, ¿que por quién teníais las caras raspidas? 26 -Por un hermano mío que se moriría. -Suegra, la mi suegra, mi suegra garrida, 28 las que paren niño ¿cuándo van a missa? -Las que paren niño van a los ocho días; 30 y tú, Alda, a los tres meses irías. De ellas van de grana, de ellas de brocado, 32 y tú, Alda, irás de morado. De ellas van de grana, de ellas de refino. 34 y tú, Alda, de lo negro escuro.-Ya se iba Alda. ya se iba a la missa, 36 con su lindo niño que parido había. Unos la miraban, otros se reían, 38 y otros le dezían: -¡Qué vibda garrida!--Suegra, la mi suegra, mi suegra garrida,

40 ¿que por quién dezían "qué vibda garrida"?
-Por ti, Alda, que Ueso se moriría.42 Como esso oyó Alda, muerta al suelo caía.¹0
(1MR1)

Among the 14 archaic Moroccan versions, there are many similarities, though some are fragmented and limited; nevertheless, the argument can be summarized in this way:

- *The husband goes hunting (normally on Monday).
- *The husband crosses his path with the Knight Huerco, symbol of the Death.¹¹
- *The husband does not accept the proposal of Huerco and fights with him.
- *The husband goes back home mortally wounded.
- *The husband dies. / The pregnant wife gives birth to the baby.
- *The mother-in-law hides the misfortune from the wife.
- *At some time in the mass the wife knows the husband has died; not long after that moment, the wife quickly passes away.

¹⁰ Ueso woke up on a Monday morning, / carried his weapons, and went out for hunting. / In a green meadow sitting down for lunch, / there Ueso saw a very dark sign. / A gentleman passed by, / "May God let you live forever with Alda, / if you let my arms shiver." / "May God let me rest with Alda, / if I do not let you give up your forces." / (Alas! Gods in heaven help me, I have a bad feeling!) / Ueso wounded Huerco in his heel; / Huerco wounded Ueso in his will. / Ueso wounded Huerco with his rich sword; / Huerco wounded Ueso mortally in his heart. / Ueso was returned lifeless and unconscious; / Huerco was then brought back with his feet tied. / (We wish Alda would know nothing about it! / Once Alda knows it, she will fall into the ground and die.) / "If Alda has a son, / eight days after his birth, he may be named after me; / if Alda has a vassal son, / eight days later, he will be heir of my state." / It is in Alda's house that the musicians play songs, / while in Ueso's house people wear mournful looks. / In Alda's house people play with rattles, / and in Ueso's house people scream "Ay." / "Mother-in-law, my pretty mother-in-law, / for whom did you have such a rasping face?" / "It's because a brother of mine died." / "Mother-in-law, my pretty mother-in-law, / for those who are having a baby, when should they go to mass?" / "Those who are giving birth may go eight days later; / yet Alda, you shall go three months later. / Some mothers dress themselves in red, others in brocade, / and Alda, you shall be dressed in purple. / Some mothers get dressed in red, others in very fine clothes, / and Alda, you shall wear dark black clothes." / Alda was going then; Alda was going to mass, / with her cute little boy, whom she gave birth to. / Some looked at her; some laughed, / and others said, "What a beautiful widow!" / "Mother-in-law, my pretty mother-inlaw, / to whom did they refer 'such a beautiful widow'?" / "To You, Alda, because Ueso died." / As soon as Alda heard that, she fell on the ground and died. (My Translation)

¹¹ As we could expect, Alda, Güeso, and Hueroo and its derivatives, are more common in old style version and we find Pedro in more modern style version. Another observation we can make is that Hueroo is replaced by Pueroo (pig) in some Spanish version. We could not expect this to be delineated in the Moroccan version simply because the swine is a proscribed animal in Jewish culture.

3 The narration in La muerte ocultada

As a narrative poem where little difference in argument can be found, we may focus on how the history is accounted in each part of the narration. The form and the meaning of the onset of the *romance* will be explored, and so will the significance of the dialogues in the narration of the actions, including the significance of some voices and the ending of the *romance*.

3.1 Onset

From the very beginning of the *romance*, four of the six¹² Spanish archaic versions seem to reveal the deep love between the married couple; that is, to satisfy the pregnancy craving of the wife, Bueso, the husband, goes out hunting and is injured by the wild boar. Here is an example:

Estaba doña Ana en día de parir

2 y se le ha antojado el cuerpo 'un jabalí.

Y salió don Bueso al monte a cazar

4 en un prado de rosas se ha puesto a merendar.¹³

(1AV1).

We can perceive the husband's sincere love with his wife, which makes him more human and common to the people who sing the *romance*; however, apart from pleasing the wife, there is also a belief in Spanish popular tradition about the convenience of satisfying the food cravings of the pregnant woman.

In the Moroccan archaic versions, in contrast, there is no room for pregnancy craving, but merely a beginning predominated by a rigid formula "Levantóse Ueso / lunes de mañana" (Ueso woke up on a Monday morning) that defines the melancholy keynote of the poem. Monday, a

¹² In the other two versions, there is just a fatal hunt in which the husband met a wild boar (1CCl) or a lion (1SL2).

^{13 &}quot;Here came the day for Doña Ana to give birth / and she had a pregnancy craving food for a wild boar. / And Don Bueso went out hunting in the mountains / in a meadow of roses he began to have a snack."

fatal day in ancient tradition (Armistead & Silverman, 1971, p. 177), described at the beginning of a *romance* is usually interpreted as a premonitory sign of misfortune (Ceballos, 2013, p. 53).¹⁴ Moreover, the

Sephardim were both devout and superstitious. Superstition might be founded upon religious belief. As an example of this I cite the association of Monday with misfortune. This is a familiar topos in the Hispanic ballad. To the religious Sephardic Jew mention of Monday, and the ill luck associated with it, was a meaningful part of Sephardic culture.

(Pomeroy, 2005, p. 29)

This formula wraps the poem in an ill-fated ambience, softened by the presence of a *locus amoenus*, which is not so paradisiacal because of the imminent presence of the Death. The *locus amoenus* is naturally, given its long literary tradition, narrated in the Alta Extremadura versions (3 out of 6). It is also evident, with an even higher percentage (9 out of 14 versions), in the Moroccan archaic versions realized by the phrase "En un prado verde" (In a green meadow).¹⁵ The fact that this wonderful space serves as a premonition of dreadful happenings is what creates the tragic perception in the *romance*. This contrast is an element that not only enhances the dramatic impact but also contributes to the development of a more mythical ambience.

3.2 Dialogues developing the actions in the poem

Having analyzed the onset section above, we can now turn our attention to further exploration of the series of dialogues that follow in the narrative poem. These dialogues extend the understanding of the reader and make clear the development and advancement of the actions and scenes. As these dialogues are analyzed, we can discern a larger variety in the archaic Spanish versions than the Moroccan ones:

¹⁴ Instead of Monday, there is a climate remark on the cold of the morning in one of the version "Levantóse Güeso / mañanita fría" (Güeso woke up one cold morning) (verse 1, 1MR11).

¹⁵ This marvelous place is an element that we can consider natural in the Jewish culture. We cannot forget the references to the Promised Land during the Exodus of Israelis across the Desert.

Archaic Spanish versions	Archaic Moroccan versions
Monologue of husband against animal	Husband vs. Death
Son's words to his mother	Son's words to his mother
Husband & wife	nil
Daughter-in-law vs. mother-in-law	Daughter-in-law vs. mother-in-law

3.2.1 Monologue of husband against animal / Husband vs. Death dialogue

In the archaic Moroccan versions, the persistent presence of Huerco, the Death, continues to evoke an unreal ambience and puts a varnish over a distant legend. The uniqueness of Huerco's character in these Moroccan versions is brought about by the remarkable dialogue between the two opponents, the husband and Huerco. The dialogue revealed in 11 from 14 versions conveys the same discursive logic (e. g. vv. 6-9, 1MR1) that manifests the husband's resolution to stay alive and be able to share his life with his wife. Listed below is an example of such verses:

-Assí Dios te dexe	con Alda folgare,
6 si yo no te dezare	los mares cortare.
-Assí Dios te dexe	con Alda vivare,
8 si no me dezares	los ríos cortare ¹⁶
	(1MR12)

There are dialogues reminding us of the warning reproach that the husband gave to his rival, the wild boar, in the two archaic Spanish versions (1AV2, 1AV3), e. g.:

^{16 &}quot;'May God let you rest with Alda, / if I don't let you sail through the seas.' / 'May God let you live forever with Alda, / if you do not let me sail through the rivers.'"

-Puerco no me empuerques 6 no dejes a Doña Ana las aguas de arriba, viuda y recién parida.-¹⁷ (1AV2)

The husband warns the animal not to let his wife be widowed, but there is no personification of the animal as that of the Death, and we cannot find the animal's speech.

3.2.2 Dialogue between son and mother

After being seriously hurt, the husband is carried home. In the archaic Spanish versions, the husband asked her mother to clean his wound in order to see Ana, his wife, who just gave birth to a son. By contrast, in the archaic Moroccan versions, it is the intriguing *estribillos* (choruses) that reflect Ueso's sincere desire, "*¡Alda no lo sepa! / Que si Alda lo sabe al suelo cae muerta.*" (We wish Alda would know nothing about it! / Once Alda knows it, she will fall into the ground and die.) The chorus is followed by the husband's request to his mother in six archaic Moroccan (1MR1, 1MR5, 1MR10, 1MR11, 1MR12, and 1MR13), urging that if the newborn baby is a boy, he should be named after his father.

The Spanish versions manifest again the aspect of a strong filial sentiment; moreover, there is also room for a final contact between the married couple, and the husband tries to maintain a last good image for his wife. On the contrary, in the Moroccan ones, there is no more contact between them, merely the contact between the son and his mother (6/14). In addition, the testament is focused on his offspring. The husband indeed cares about his wife; nonetheless, the role of their newborn baby remains more important to him.

^{17 &}quot;'Pig, don't begrime the upper water, / don't let Doña Ana who had just given birth become a widow.""

3.2.3 Dialogue between husband and wife

In the archaic Spanish versions, the relationship between husband and wife is extremely remarkable and manifested through the long appealing dialogue (12 out of 50 verses in 1CC1) between them. There is a tender and loving tone, up to the point that the husband, conscious of his impending death, is concerned for the well-being of his wife.

-Dispénseme, doña Ana, 20 doy un beso al infante Comer y regalarse

22 ahí te queda una suegra -Yo no quiero cuidarme,

24 Porque yo lo que quiero

que no espere más; y voy a marchar. y llevarse buena vida, que te asistiría. ni darme buena vida, es la tu acompañía.-¹⁸

Additionally, the wife, who has just given birth, complains because the husband leaves her, and he apologizes arguing that he must go to the King's court. Undoubtedly, the role of the wife is stronger than those in the Moroccan versions.

Whereas in the archaic Moroccan versions, there is no presence of dialogues between husband and wife, and after the will and testament, the poetic lines move directly to a descriptive *cuarteta* (quatrain), of which the contrastive scenes efficiently parallel the birth of the baby to the death of the husband. Here the rattles are used for celebrating the happy birth, and this element reminds us of a Moorish dance with tambourines and rattles, practiced also by Sephardim (Ortega, 1929, p. 207).

3.2.4 Dialogue between daughter-in-law and mother-in-law

^{18 &}quot;Excuse me, Doña Ana, I cannot wait any longer; / after kissing the infant, I will leave. / Eat well and take good care of yourself, and live a good life, / you still have a mother-in-law who will assist you." / "I don't want to take care of myself, nor lead a good life, / because what I really want is to be with you."

19 See lines 20-23 of 1MR1 in Section 2 above.

In the archaic Spanish versions after the couple's farewell dialogue, the poem leaps into the dialogue between the daughter-in-law and mother-in-law without any reference to the death of the husband in spite of the obvious truth for the readers. What happens in Group III is that Pedro greets his wife and dies just after leaving her room:

Al salir del cuarto, don Pedro que expira; 6 se queda la madre, triste y afligida.²⁰ (3MR2)

Since the husband is dead, the main task for the mother-in-law is to conceal all the signs that will reveal the bad news. She even has to reply to the innocent widow's questions about the assistance to the future mass.

In the Spanish tradition, the conflict between a mother-in-law and daughter-in-law is classic (Ceballos Viro, 2010, pp. 10-14). Some traces of that traditional conflict can also be found in a few Spanish versions of *La muerte ocultada*. In the *romance*, the mother-in-law conceals the death of the husband from the wife. It is not a lie to harm or take advantage of, but an attempt to protect the health of the young mother, who is essential for the breeding of the baby. The daughter-in-law speaks with love and kindness to her mother-in-law "mi suegra querida" (my beloved mother-in-law) with a strong contrast to her curse "mi suegra maldita" (my damn mother-in-law) (v. 47, 1CC1), once she is informed of the news, as we find in 1AV3 and in another version recompiled by Alonso Cortés (1906, p. 81): "Maldita sean las suegras / y quien en ellas se fía." (RPC 81) (Armistead & Silverman, 1971, p. 260).

^{20 &}quot;When he went out of the room, Pedro expired; / the mother remained sad and heartbroken."

^{21 &}quot;May mothers-in-law, and the ones who trust them, be cursed."

²² In Armistead & Silverman's investigation, RPC is a reference to the recompilation of Castillian romances made by Narciso Alonso Cortés at the beginning of the 20th century. In his book *Romances Populares de Castilla* (Alonso Cortés, 1906), the *romance* named *La viuda*, because of its characteristics and content, could be classified in the group of Spanish archaic versions of *La muerte ocultada*.

3.3 Commentary voices of the others

When the widow finally goes out of the house for the mass, she hears in the street or in the church some voices that say "widow." In the archaic Spanish versions, these voices that lament her widowhood are from the priest, King, knights, Spanish cultural characters, and many others. However, in the archaic Moroccan ones, there are no specific characters but ordinary people.

There is difference between Spanish and Moroccan versions concerning the adjectives referring to the widow. Whenever she appears in public, all archaic Spanish versions refer to her as "linda" (beautiful); and all Moroccan ones as "garrida" (pretty), an archaic lexical item. In the "vulgata" Moroccan ones of Group III, we even find the word "joven" (young), which carries the implication that the townspeople feel sorry for her being widowed at such a young age. Curiously "la viudita alegre" (the happy widow) (v. 13, 3MR9), which reveals some kind of bitter irony, appears merely once.

3.4 Ending

In the archaic Spanish versions when the wife eventually discovers the truth, the widow Ana does not die. In a few cases her reaction is limited to her cursing her mother-in-law. This less tragic ending, resembling the sweeter and more loving tone of the *romance*, makes the versions not so sad or bitter as the Sephardic ones. Perhaps we could associate the sadness and bitterness with the miserable story of the Spanish Jews in exile.

In most cases of the archaic Moroccan versions, the moment the widow falls dead, the *romance* ends. The death of Alda, the wife, whose name is ill-fated in the tradition of Moroccan ballads (Armistead & Silverman, 1986, p. 262), makes the ending more tragic. The name of Alda in association with death may record a peninsular archetype and also evokes the tradition with Hannah (Armistead & Silverman, 1986, p.

263). We even find a strange exception in these versions: she commits suicide,²³ an even more dramatic climax.

Metióse en su cuarto y echó las cortinas; 44 agarró un puñal, se quitó la vida.²⁴ (1MR5)

In the archaic Moroccan versions, tenderness has less presence than tragedy, and there are more important mythical elements: the presence of Death, personified as Huerco; the water, as the transit space to the beyond world; or the wound in the fabric of soul that kills the hero. In some cases, the existence of the choirs that recite *estribillos* contributes to this mythical and dramatic setting, as if it were a classical tragedy.

32 Como esso oyó Alda, muerta caería. ¡Alda ya lo supo!²⁵
(1MR8)

4 Birth, death and other aspects in La muerte ocultada

The important role of *romance* in everyday life manifests itself in a range of topics that we find in the compositions: wedding, death, birth, festivities, among others. The *romance* is present in all aspects of the Sephardic life (Díaz-Mas, 1986, p. 158). In *La muerte ocultada*, two

²³ In the religious culture, for both Christian and Jewish, suicide is condemned. Judaism is a monotheistic religion and only He who gave life can take it away (Siegel, S., 1979, p. 23). The drama of suicide is greater than in another type of death, because apart from the loss of the loved one there is religious consideration to have committed an act contrary to divine laws. In addition, in the Jewish tradition proven suicide would imply no performance of certain religious rites with which the family comforted their grief in the company of the rest of the community (Siegel, S., 1979, p. 29), something similar as has happened sometimes in the Christian tradition (Gómez de Rueda, 1997, p. 181).

^{24 &}quot;She went into her room and drew the curtains; / she grabbed a dagger, and took her own life."

^{25 &}quot;As Alda heard that, she fell dead. / (Alda just knew it!)"

main opposing elements are present, death²⁶ and birth.

In our *romance*, Death is personified as Huerco. "«Huerco» es (con fonética romance) el «Orcus» latino que domina el mundo del más allá, limitado por las «aguas»".²⁷ (Mariscal, 1984-1985, p. 24) This character, Huerco, represents Death in various Sephardic *romances* and sayings, simply because of the relationship, as in many cultures, between death and water in the Hebrew tradition: "cuando ocurre una muerte debe verterse toda el agua de la casa pues el «marajabed» o ángel de la muerte limpia su espada ensangrentada en el agua más próxima". ²⁸ (Mariscal, 1984-1985, p. 55)

In the Sephardic *endecha*, there is a special emphasis on the reference to the "difunto *malogrado*, es decir, el que murió en la flor de la edad y sin descendencia" ²⁹ (Díaz-Mas, 1986, p. 161). In *La muerte ocultada*, the sadness for the death of the hero, who refuses to make a deal with death, is lightly dissipated by the glory of his courageous struggle and with the happiness brought by the birth of an heir. However, the misfortunes do not end here. When the young mother is aware of the death of her husband, her life fades away; and the baby, who represents the continuity of the family lineage and joy of new life, is left alone and becomes an orphan since early childhood. In some "vulgata" versions, the sadness exposed in the poem is accentuated because the baby is killed by the mother as her own life vanishes:

During the mourning period, Jews chanted traditional *endechas* (dirges), "una serie de romances de tema triste y lamentoso, sobre los que pesaba el tabú de no cantarlos en ocasiones que no fueran de luto" (Díaz-Mas, 1986, p. 157) ("a series of *romances* regarding sadness and lamentation, and it was a taboo not to sing them as if they were not in mourning"). A. Larrea Palacín (1955, p. 149), points out "nuestro concepto de la *endicha* hispano-judía no puede limitarse al de un simple canto fúnebre: es algo más: la expresión de la pena en boca de quien sufre la muerte. Podemos, pues, resumir que la *endicha* es: una canción de duelo, en estilo narrativo, dialogada, donde interviene el sujeto para llorar su propia desgracia, de rima y metro muy diversos" ("our concept of Spanish-Jewish dirge, *endecha*, cannot be limited to a simple dirge; it is something more; it is the expression on the lips of those who suffer from death. We can therefore summarize the *endecha* as a song of mourning, in a narrative style, dialogued, where the subject intervenes to mourn for their own misfortune, with very different rhymes and meters.")

^{27 &}quot;Huerco is, with *romance* phonetics, the Latin *Orcus*, which dominates the world beyond among the «waters»".

^{28 &}quot;when a death occurs, all the water in the house must be poured as the «marajabed» or the angel of the death will clean his bloody sword in the nearest water".

^{29 &}quot;ill-fated deceased, that is, the one who died in the prime of life and childless".

Cogiera un cuchillo, muy grande lo cogió, 20 matara a la niña y luego se mató.³⁰ (3MR9)

If the oral tradition signifies in a certain way the emotional legacy in the past, then in our case we should associate the expulsion of Sephardim with the death of the parents and the rise of Sephardic culture with the birth of the child. The pains of Sephardim, whose history is full of sufferings, are reflected in the bitter tone of the *romance*. However, it is not a hidden death, but a kind of death in an unnoticed way; as what is exactly occurring to the Sephardic culture which, after lasting more than 500 years, is dying out quickly.

Over the last 150 years, the persistence of a number of factors accelerates the decay of Sephardic language: the compulsory education in another language, a secondary emigration to the other countries such as the United States, France, Israel, and Spain in the last century (Díaz-Mas, 2004, p. 293), the little prestige of the language among its speakers, the destruction of communities during the Second World War, and the marrying of Sephardim to the other Jews or even non-Jewish people, are just some of these factors. The result is that the Sephardic language is spoken every day by fewer or older people. Quintana (2012, pp. 296-320) described an emotive decay of the Sephardic culture, which reveals the longing for the lost past and the sense of futility of one of the last few Sephardic speakers that fight against a destiny which cannot be changed. As Pomeroy explained, apart from the disappearing of the language, the oral traditions are also in great danger of extinction:

Whilst there is no doubt that, by the first half of the twentieth century, the Sephardic ballad was being replaced by Western songs and modern forms of entertainment, the most drastic blow to its survival came mid-century with the extinction in the Holocaust of whole communities of Sephardic Jews who had grown up with the ballad. It is a sad but indisputable fact that, despite

^{30 &}quot;She took a knife, a big one she took, / she killed the girl and later she killed herself."

the increased interest in the ballad by scholars and the concert-going public, the Sephardic ballad's habitat is no longer the family home and its guardians are no longer Sephardic women whiling away the hours with these beguiling narratives.

(Pomeroy, 2011, p. 117)

Moreover, nowadays, because of the information revolution and the globalized life style, people live with a strong dependence on technology in a sort of unified lifestyle. They sing and hear almost the same international music, watch the same TV series and films, and read the same best-sellers; the elders are relegated to the background and there is little room for the oral transmission in daily life.

4.1 The death of Alda in different versions of La muerte ocultada

If we study Mariscal's anthology of Group I versions of *La muerte ocultada*, in most of them the *romance* ends when Alda falls dead after perceiving her husband's death; however, Alda's death does not always happen in this way. Only one of the versions, as in 1MR5, details that Alda kills herself with a dagger. The suicide of Alda appears exceptionally in Group I versions, just one case from the fourteen, but it is very common in the recompiled Group III "vulgata" versions from Morocco (Mariscal, 1984-1985, pp. 269-275). The suicide is present in five out of the nine versions of Group III, 3MR2, 3MR3, 3MR4, 3MR5 and 3MR9. Violence goes even further in the version of 3MR9. In this version, the mother kills the baby, who is a girl, before she commits suicide.

4.2 Elements related to Christianity in La muerte ocultada

According to Armistead and Silverman (1982, p. 127), the conscious or unconscious elimination of Christianity elements is one of the most

CHANG

intriguing issues of Sephardic *romances*. In spite of the elimination, some elements of Christian tradition are still preserved. So some of the characters have a strong Christian affiliation as Armistead & Silverman (1982, pp. 146-7) detail:

-reyes, infantas, condes y duques- reflejan las peculiares preferencias aristocratizantes de los mismos sefardíes, pero, a pesar de todo, están concebidos como miembros de aquella nobleza Cristiana que había logrado la supremacía política y cultural a finales del medioevo. Es natural, por lo tanto, que los guerreros romancísticos todavía porten el estandarte de Cristo (...); que las campanas de la iglesia anuncien su muerte".³¹

In the presence of a King, a priest and a Knight, the exclamation, "qué viuda tan linda" (What a beautiful widow!), is found in the *romances* of Alta Extremadura Group I, but not in the Moroccan versions. These elements are certainly not found in Jewish community. In addition, the inevitable excuse of the husband to leave his wife soon because of the King's invitation portrays a remarkable motif in the archaic Spanish versions; hence, the absence together with the dialogue between the husband and wife in the archaic Moroccan versions can be understood, because these elements are not part of their society; furthermore, five (3MR1, 3MR3, 3MR4, 3MR5, 3MR9) out of the nine "vulgata" Moroccan versions include the presence of the King's invitation.

In *La muerte ocultada*, we can identify some Christian elements: the heroic fight of the husband against the Huerco Knight, which remind us of the relationship with the Christian medieval nobility; and the mass, during which the widow appears under the eyes of the other devotees. The sound of the bells is another Christian element presented in the archaic Spanish versions. Just like the element of the King mentioned above, both are completely absent in the archaic Moroccan versions. Nevertheless, in the Moroccan versions of Group III, the presence of

^{31 &}quot;-kings, infants, earls and dukes- reflect the peculiar preference for aristocracy of Sephardim, yet they are represented as members of that Christian nobility who had achieved political and cultural supremacy in the late Middle Ages. It is natural, therefore, that the warriors present in the *romance* still carry the Christianity flag (...); that the church bells announce their death".

the church bells is also expressed at a high percentage (5/9). However, the meaning is not always the same; sometimes the chime represents happiness and veils the truth of the death ("Tocan las campanas / con mucha alegría, / porque no se asuste / la recién parida."³² v. 8, 3MR1); other times the chime implies sadness ("suenan las campanas / muy afligidas."³³ v. 11, 3MR3).

Another rarity in Group I versions is the presence of Sevilla, a Christian city, at the beginning of the *romance* in 1MR13 (Mariscal, 1984-1985, p. 77):

Passeóse Güeso por toda Sevilla,

2 tomó espada en mano fue a rondar la villa.

-Yo me levantara un lunes, lunes de mañana,

4 Alçara mis armas y a la caça iría.-³⁴

(1MR13)

An odd element is the presence in 1MR9 of the term "lunes Pascua Florida", a very important Christian celebration:

Lunes era, lunes, de Pascua florida,

2 passease Güeso por calles de oliva.

¡Alda no lo sepa!

Si Alda lo sabe, luego queda muerta.

¡Luego queda muerta!³⁵

(1MR9)

The presence of the church is remarkable in almost every group of versions because of the celebrating mass. On the contrary, the word "iglesia" (church) is eliminated in all the archaic Moroccan versions. It only exists in the archaic Spanish versions and two of the Moroccan ones

^{32 &}quot;The bells toll / with great joy / because they don't want to scare / the mother who has just given birth."

^{33 &}quot;The bells toll / very sorrowfully."

^{34 &}quot;Güeso took a walk around all Seville, / he grabbed a sword in his hand and went to patrol the town. / 'I woke up on a Monday, a Monday morning, / I took my weapons and went out for hunting."

^{35 &}quot;It was Monday, Easter Monday, / Güeso walked through olive streets. / (May Alda know nothing of it! / If Alda knows it, she will be killed. / She falls dead thereupon!)"

CHANG

in Group III (3MR6, 3MR7). In one of the archaic Spanish versions, the husband's tomb is even found at a church where the wife always assists to the mass:

- 42 Ya que ha llegado a la iglesia y vio el sepulcro de don Güeso: Allí tiraba collares todito lo destrozaba.
- 44 Amén.36

(1AV2)

The Christian elements as the King, priest, Knight, Pascua Florida, bells, and church are strongly present in the archaic Spanish versions, and eliminated or altered in the archaic Moroccan versions; moreover, the Moroccan "vulgata" versions contain a tendency of keeping some Christian features, like bells, church and the King's invitation. According to Armistead and Silverman (1982, p. 142), the lost of Christian elements is associated with the temporal-spatial aspects. Consequently, the short distance between some Moroccan and Spanish territories can explain the persistence of Christian references in the more modern Moroccan versions.

5 Conclusion

The incredible vicissitudes of the Sephardic diaspora and the preservation, among the exiled Jews communities, of the Hispanic culture and language, in spite of having lived many centuries outside Spanish speaking places, remain one of the most outstanding events in the history of Spanish culture. Within the Sephardic cultural heritage, the presence of the *romance* is remarkable. *Romance* was an important part of everyday life and was one of the main entertainments of Sephardic communities. *La muerte ocultada*, the *romance* studied in this paper, has been preserved in numerous versions in the Peninsula and among the Sephardim in Morocco.

^{36 &}quot;As she arrived at the church, she saw Don Güeso's sepulcher: / There necklaces she threw, and everything shattered. / (Amen)."

Some peculiar characteristics of the Sephardic Moroccan versions of La muerte ocultada can be appreciated best when compared to the archaic peninsular ones. One of them is the absence or alteration of Christian elements, which can be reasonably explained because those elements are alien to Jewish culture. Another peculiar characteristic is the greater preference for dramatic elements: the greater presence and revelation of death, absence of dialogues on love and tender between husband and wife, and utterly a tragic ending. These dramatic elements are in line with the tragedy which is so evident in the history of Sephardim, whose legacy is decaying in modern times.

In the last 150 years, the persistence of various factors explains the progressive loss of the Sephardic language and its oral tradition. It is hoped that this study may well serve to explore and promote the further research on the living treasure, as the Sephardic legacy is. This legacy, after lasting for many centuries, is not vanishing in a hidden way, as the death indicated in the titled *romance La muerte ocultada*, but undeniably in a silent and unnoticed way.

CHANG

References

- Alonso Cortés, N. (Ed.) (1906). *Romances Populares de Castilla*. Valladolid: Establacimiento Tipográfico de Eduardo Sáenz.
- Armistead, S. G., & Silverman, J. H. (Eds.) (1977). Romances Judeo-españoles de Tánger Recogidos por Zarita Nahón, with Oro Anahory Librowicz and Israel J. Katz, FERS, 4. Madrid: Cátedra-Seminario Menéndez Pidal.
- ----, & ----. (1971). The Judeo-Spanish Ballad Chapbooks of Yacob Abraham Yoná. Berkeley: University of California Press.
- ----, & ----. (1982). En Torno al Romancero Sefardí (Hispanismo y Balcanismo de la Tradición Judeo-española), with musical transcriptions and studies by Israel Katz. Madrid: Seminario Menéndez Pidal.
- ----, & ----. (Eds.) (1986). *Judeo-Spanish Ballads from Oral Tradition, II: Carolingian Ballads, I: Roncesvalles*. Berkeley: University of California Press.
- Benbassa, E., & Rodrigue, A. (2004). *Historia de los Judíos Sefardíes: De Toledo a Salónica*. Trans. José Luis Sánchez Silva. Madrid: Abada Editores.
- Ceballos Viro, I. (2010). *El Romancero Tradicional y las Relaciones de Parentesco: la Suegra Malvada*. Tesis doctoral. Madrid: UCM. Retrieved November 20, 2017, from: http://eprints.ucm.es/10606/1/T31862.pdf
- ----. (2013). "A la Caza del Romancero en el Libro de Miseria de Omne". Boletín de Literatura Oral, 3, 49-61.
- Díaz-Mas, P. (1986). Los Sefardíes. Historia, Lengua y Cultura. Barcelona: Riopiedras.
- ---- (2004). "Los Sefardíes: una Cultura del Exilio". Índice. Revista de Ciencias Sociales, 22, 275-296.
- ----. (Ed.). (2005). Romancero. Barcelona: Crítica.
- ----. "El Romancero, entre la Tradición Oral y la Imprenta Popular". *Destiempos.com*, 15 (agosto), 115-129. Retrieved September 6, 2016, from: http://www.destiempos.com/n15/diazmas_15.htm
- -Díaz-Plaja, F. (1972). Otra Historia de España. Barcelona: Plaza & Janés.

- Espinosa, A. M. (1915). "Romancero Nuevomejicano". *Revue Hispanique*, XXXIII, 446-560.
- Gómez de Rueda, I. (1997). "Ritos exequiales no creyentes, no bautizados y suicidas". *Revista Murciana de Antropología*, 2, 179-187. Retrieved November 15, 2017, from:
 - https://antropologicamentehablando.files.wordpress.com/2012/12/ritos-exequiales-no-creyentes-no-bautiza-dos-y-suicidas.pdf.
- Larrea Palacín, A. de. (1955). "El Cantar de la Muerte y las Endichas Judeo-hispánicas". *Sefarad*, 15 (1), 137-149.
- Mariscal de Rhett, B. (Ed.) (1984-1985). Romancero Tradicional de las Lenguas Hispánicas (español-portugués-catalán-sefardí). XII. La Muerte Ocultada. Madrid: Gredos.
- Menéndez Pidal, R. (1953). Romancero Hispánico (Hispano-portugués, Americano y Sefardí). Tomo I. Madrid: Espasa Calpe.
- Ortega, M. (1929). *Los Hebreos en Marruecos*, 3rd ed. Madrid: Compañía Ibero-Americana de Publicaciones.
- Pomeroy, H. S. (2011). "The Sephardi Ballad: Past and Present". *European Judaism*, 44 (1), 107–120.
- ----. (Ed.) (2005). *An Edition and Study of the Secular Ballads in the Sephardic Ballad Notebook of Halia Isaac Cohen*. Newark, Delaware: Juan de la Cuesta.
- Quintana, A. (2012). "«La Muerte Avla por Mi Boca». Marcel Cohen y la Agonía del Judeoespañol". eHumanista: Journal of Iberian Studies, 20, 296-320. Retrieved September 6, 2016, from: http://www.ehumanista.ucsb.edu/volumes/20
- Siegel, S. (1979). "El suicidio en la tradición judía". Trans. José Kaplan. *MAJ'SHAVOT*, 18 (9), 23-30. Retrieved November 15, 2017, from: http://majshavot.org/includes/uploads/articu-los/51df9-4-suicidio.pdf

[received November 30, 2017 accepted January 4, 2018]

ISSN: 2519-1268

Issue 5 (Spring 2018), pp. 39-61 DOI: 10.6667/interface.5.2018.50

Migration, Xenophobia: Challenges for the Language

Curriculum

CHRISTOPH MERKELBACH Technische Universität Darmstadt

Abstract

Many Europeans ignore the fact that Europe always has been -and always will be- a multilingual and multicultural society that includes more cultures than the number of member state national cultures which emerged in the 18 th century. In the course of the foundation of national states in Europe, minority cultures, along with their respective languages -even those which originated in Europe- were systemically suppressed in favor of the often forced identification with one national culture and one national language. This act of identification usually led directly to xenophobia by all concerned. In the decades after WWII, it seemed that Europe had rediscovered its humanistic values in the approach to the 21st century. However, when crisis struck, old stereotypes reemerged, which served to allow deeply-seated xenophobic structures to reemerge. It was forgotten that European values, including language and cultural values, had to be carefully nurtured and tended in order to survive. But this is not what happened: research in the field of foreign language acquisition and cross-cultural communication was often sidelined. In the face of the current immigration crisis, it is largely the volunteers and language teachers who are longing for support from the academic world as a means to maintain and foster the concept of a humanitarian Europe. The author argues that a closer understanding of cross-cultural communication issues is directly connected to the necessity to include all languages spoken in Europe in foreign language classes, and that only a multilingual curriculum which comprises a multifaceted concept of culture will lead to mutual respect and understanding among the stakeholders invested in the linguistic and cultural well-being of today's Europe.

Keywords: culture; multilingualism; European refugee crisis

© 2018 Christof Merkelbach

This work is licensed under a Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International License.

http://interface.ntu.edu.tw/

Migration, Xenophobia: Challenges for the Language

Curriculum

Why do the senators sit there without legislating?

Because the barbarians are coming today.

What laws can the senators make now?

Once the barbarians are here, they'll do the legislating.

(Constantine Cavafy)

One part of the current displacement crisis in Europe shaking the foundations of the European community is a homemade one: Many Europeans ignore the fact that Europe always has been —and always will be—a multilingual and multicultural society that includes more cultures than the number of member state national cultures that emerged in the 18th century. In the course of the foundation of national states in Europe, minority cultures, along with their respective languages —even those which originated in Europe—were systemically suppressed in favor of the often forced identification with one national culture and one national language. This act of identification often led directly to xenophobia by all parties concerned: both those who were forced to be integrated and those who were forced integrate.

In the decades after WWII and its inhumane barbarity and even more so after the fall of the Iron Curtain, it seemed that Europe had rediscovered its humanistic values as the 21st century approached. However, when crisis struck (or what was perceived as crisis in Europe), old stereotypes reemerged, which served to allow deeply seated xenophobic structures to reemerge and to strengthen geographic and national identity.

In the course of the enthusiastic celebration of European humanitarian ideals, it was forgotten that these values, including language and cultural values, had to be carefully nurtured and tended in order to survive. But that is not what happened: despite the widely recognized and cel-

ebrated Common European Reference Frame for Languages (CEFR) as set out in the 1999 Bologna Process reform, research in the field of foreign language acquisition and cross-cultural communication was either completely neglected (by politicians), was sidelined (by the representatives of STEM¹) or came to a complete halt before it had gained a solid research foothold (by a lack of resources).

In the face of the current immigration crisis, it is the volunteers and language teachers who are longing for support from the academic world as a means to maintain and to foster the concept of a humanitarian Europe. I argue that a closer understanding of cross-cultural communication issues and the humanitarian development of a European society is directly connected to the necessity of including all languages spoken in Europe in the teaching of foreign languages. My intention is to make clear the idea that only a multilingual curriculum that encompasses a multifaceted concept of culture—in direct contrast to ideas based on one national culture—will lead to mutual respect and understanding among the stakeholders invested in the linguistic and cultural well-being of Europe today.

1 Background

Although many politicians try to make us believe so, the current refugee and migration situation in Europe is neither new nor the first one. Even the extent and scope is nothing that justifies racist phrases like "refugees are flooding Europe" or "refugee crisis". The crisis is rather a crisis of European values which in fact are not really defined. A couple of decades ago, Europeans intellectuals with a conservative world view were talking about the Jewish Bolshevik conspiracy against the Occident. The same kinds of people in alliance with religious leaders are now preaching about the Islamic threat against the Judeo-Christian heritage of Europe. Earlier in the twentieth century, it was the dichotomy of Christians versus Jews, now it is the dichotomy of the open-minded, tolerant Judeo-Christian European society against the narrow-minded, homophobic, anti-women's rights fighting Muslims. Now, they pretend

¹ STEM (science, technology, engineering and mathematics, previously METS

to fight for the progress of human rights that European societies made in the last decades. However, in countries all over the world, human rights only are enjoyed by persons belonging to the majority; and many administrators, politicians, intellectuals claim to follow racist argumentation to protect their own populations, but their actual goal is to maintain power and resources for their own community or even worse for their own personal good.

However, many researchers, linguists and language teachers, and luckily many other people, often belittled as *Gutmenschen* ("do-gooders") see it as their job to take up the fight against this racism and ethnocentrism. The real crisis is not the refugee crisis; it is the crisis of European or human values —an empty phrase being used to create a superficial cohesion of what turns out to be a European Community mostly, but not only, based on economic needs just like a big supermarket.

Based on the undeniable assumption that Europe is multilingual and multicultural, any kind of European xenophobia always turns against Europe itself. This xenophobia is already deeply inherent in the European education system, among other fields, mainly in the foreign language policy of educational institutions and their linguistic research, as well as in the applied linguistic policy of the Council of the European Union and its members' national(istic) interests.

Refugees, having a lawful right to come to Germany (cf. GG, Art. 16), bring this long-time unattended European dilemma to the surface and are now made responsible for the Europeans' own failure to attend to their too-long neglected linguistic and cultural problems.

This paper contrasts the situation mentioned above with the ideas of many linguistic researchers in Europe, who have developed comprehensive multilingual curricula to promote equal status to all linguistic groups —minorities and majorities alike. They have also developed a respectful appreciation of their particular cultural characteristics in order to identify with the idea of European countries as equal partners of the European system. In the conclusion, I argue that respectful dealings

among partners with different linguistic and cultural backgrounds is possible, if languages and cultures are treated equally in value in the education system.

2 (Un)intended Linguistic Xenophobia in Educational Settings

- traditional paradigms

Europe is a well-established multilingual and multi-communal region. The European Union has twenty-four official and working languages. They are in alphabetic order: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak Slovenian, Spanish and Swedish (Home 1). The Framework Convention for the Protection of National Minorities of the Council of Europe, which protects the languages of autochthone minorities, was ratified by all 28 member states. In addition, the European Charter for Regional or Minority Languages was adopted in 1992 by the Council of Europe to protect and promote historical (e.g. Latin),regional and other minority languages (e.g. Tatar in Poland, Meänkieli in Sweden, and even all European sign languages) in the European Union.

These languages differ significantly from the official and working languages mentioned above, but the Convention and Charter only apply to languages traditionally spoken within the borders of any of the member state, thus they are called autochthone minority languages. The legal framework around the EU's language policy shows clearly that the European Union understands itself *de facto* as a multilingual and, no doubt, multicultural society; however, this understanding does not include refugee or migrant languages, especially from non-occidental regions of the world, the so-called allochthone languages. According to Corson (2001, p. 123), language minorities can be found in three different settings:

1. Innate, autochthone language minorities in a specific country (e.g. Danish in Germany)

- 2. Language minorities who immigrated a long time ago to a specific country (e.g. Dutch in South Africa)
- 3. Language minorities who immigrated only recently to a specific country (e.g. Vietnamese in Germany)

The list of languages mentioned above does not include any language of language of recent immigrants to Europe —that means in the last hundred years or so. This not really surprising fact inherently contradicts the EU's own language policy, since the EU defines in article 1 of the 1992 Charter regional or minority languages mean languages that are:

- i. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
- ii. different from the official language(s) of that State;
- iii. it does not include either dialects of the official language(s) of the State or the languages of migrants (Home 2).

This definition contradicts the United Nations' International Covenant on Civil and Political Rights signed by most EU member states, which states in article 27: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (Home 3).

This contradiction leads to the question: how culture is defined within the EU framework, and do these definitions already imply othering, leading to racism or even xenophobia? When we talk about culture, we usually talk about literature, music and fine arts: everything that can be seen as a creative product of a society. We think less often about issues like how to teach, how to handle problems and even the role of food in a specific society. Starting in the 18th century, culture was regarded as part of the formation of the intellect or mind. "Superior" cultures spent less time on the satisfaction of human basic needs, which left more time for forming the mind, taste and intellect (cf. Müller & Wendlborn, 1998). As Müller and Wendelborn state, culture was the measurement

of intellectual achievement (cf. Wundt, 1913, p. 22). At the center of attention was not the ability to create culture, but the real achievement of culture: the cultural products themselves (cf. Boas, 1914, p. 3; Boas 1914, p. 173). Only since the middle of the 20th century do scientists plead for the basic equality of all cultures: culture is learned, shared across generation, symbolic, structured and able to adjust itself to new circumstances. That means that culture is neither inherited nor biologically transmitted. It is acquired by means of experience and learning; it is shared by members of a specific group or society and reaches across generations. Culture cumulates and is transferred from generation to generation. Furthermore, it is based on symbols. It is structured in a typical way and interrelated into different fields and even other cultures. Changes in one area cause changes in another area. This process of acculturation is based on the basic human skill of adapting to one's environment (cf. Hodgetts and Luthans 1997, pp. 95f.). Importantly, culture is implicit knowledge which allows one to distinguish different members of different groups, societies or communities form each other. However, difference does not say anything about the value of culture. Cultures possess per se the same value. So do languages.

One might argue that European educational institutions concerned with language teaching (especially after the implementation of the CEFR in 2000, and being a product of the 21st century's educational academic discourse based on a modern action theoretical definition of culture) might have overcome 19th century attitudes toward members of other cultures. Regrettably, these problems are still found among politicians and educators due to limited knowledge of the role of the mother tongue and the role of other prior learned languages when it comes to teaching or learning a new language.

3 Why mother tongue education?

The opinion of some applied linguists and teachers that the L1 has a negative impact on the acquisition of a second language has been successfully refuted at least since the 1980s. Since then, it has been ac-

cepted that the L1 is the most powerful tool of human socialization and, importantly, the tool that develops meta-linguistics knowledge: the knowledge of how language itself functions. There is no reason to exclude the mother tongue (or any of the other languages spoken by many immigrants) from second-language classes. In the 1980s, it was the state of the art to first stabilize the mother tongue in order to proceed with a second language (c.f. Steinmüller, 1981), whereas today applied linguists assume that early double language acquisition and alphabetization in both languages is imperative (viz. Stölting, 2001; Rösch 2005, p. 22).

The reason not to accept certain languages in schools is rather a socio-political than a psycho-linguistic one: If a language has a presuming high cultural or economic value, e.g. English, Spanish or French in Germany, a multilingual classroom is not subject to discussion among the economic and cultural elites of a country. In contrast, educational politicians and native European parents try to implement these languages in schools as early as possible, whereas non-prestigious languages like Turkish or even Polish as a less prestigious EU language are devalued by mere ignorance (c.f. Gärting, Plewnia & Rothe, 2010).

The rapidly developing discussion on the important role of prior learned languages on the acquisition of further foreign languages (L3 or tertiary languages; L3 = any language learned after a first foreign language) (viz. Cenoz, 2003; Cenoz, Hufeisen & Jessner, 2001; Hufeisen, 2003; Hufeisen, 2005; de Angelis, 2007; Hammarberg, 2009) shows without any doubt that new languages profit from former language knowledge. The fact that acquiring an L3 is significantly different from learning an L2, both in quality and in quantity, is a well-established fact (Hufeisen, 2003; Hufeisen, 2005; Merkelbach, 2006). Bilingual learners possess better metalinguistic knowledge, better foreign language learning experiences, and better learning strategies than those who know only one language (cf. Mißler, 1999; Hufeisen, 2003, Merkelbach, 2011). These facts do not only apply to foreign languages, but also to heritage, home or family languages as recently shown by Brehmer & Mehlhorn (2015).

In a 2010 article, Cummins also challenged the traditional monolingual instruction assumption for learners from families with migration backgrounds. He goes as far as to state that data from around the world

"refute any strong interpretation of the time-on-task hypothesis that proposes a direct relationship between exposure to a language and achievement in that language. [...] there is either no relationship or an inverse relationship between achievement in the majority language and instructional time spent through that language" (Cummins, 2010, p. 17).

He furthermore claims that five types of transfer are possible:

- 1. of conceptual elements
- 2. of metacognitive and metalinguistic strategies
- 3. of pragmatic aspects of language use
- 4. of specific linguistic elements
- 5. of phonological awareness

These facts are not really new in the discussion of tertiary language acquisition. Butzkamm raised that monolingual instructional dilemma in the early 1970s, when he criticized the monolingual approach in favor of the inclusion of mother tongues into foreign language acquisition (cf. Butzkamm. 1973).

Last decade, Brizić (2007) developed the so-called *Language Capital Model*. The author assumes that language competence and identity can be compared to education or money. They only can produce a surplus and prosper if they are collected and tended to, with other words if the macro-level is suitable for a growth. Only if the societal conditions are suitable, language acquisition as a whole can develop. Her central argument is that the language competence of the first generation is vital for the next generation (cf. Brizić, 2007, p. 173f). She proves in her model that well-developed multilingual competence leading to a flexible identity can only lead to high proficiency in any newly acquired language. In other words: If families, for one reason or another, are not able to speak their proper mother tongues, they lose language, knowledge and

educational capital. This loss of language capital leads to a negative influence on the acquisition of new languages, since a transfer as described above by Cummins in his interdependence hypotheses will not be possible.

What are the consequences for the current situation in Europe? An exclusion of the allochthone minority languages in primary, secondary and even tertiary education sends the message of devaluation of the speakers' language capital as well as of their respective communities and consequently their cultures. Furthermore, it ignores the fact that missing language capital will influence not only the current immigrant generation, but also their offspring for several generations. Why should a person appreciate a language and the speakers of a language when they (the Europeans) in turn send the contrary message, that the heritage languages of refugees are less valuable than others? And why does Europe itself again create troublesome situations for future generations resulting in racism and xenophobia? One reason is that most politicians are not able to create policies or do not have a vision for the far future, longer than a four-year mandate. Academic research does offer several visions and ideas based on empirically researched data on how to shape a multilingual and, as a result, less xenophobic Europe; however these ideas have to be raised with the people of Europe as the ones who vote politicians into office. Scholars cannot expect politicians to do that job because their immediate interest is not the future of Europe but the present. The responsibility to come up with visions thus lies within the hands of scholars, language researchers and most importantly, in the hand of language teachers. And here we have a vicious circle: the responsibility goes back into the hand of politicians who decide on the employment of educators and researchers.

4 A new set of paradigms in language policy is necessary

Metacognitive, metalinguistic, and learning strategic advantages of teaching and learning heritage languages or L1 to a high proficiency – even if it is an allochthone minority language – is necessary in the sense of a *flexible identity* (cf. Brizić, 2007, p. 190). The inclusion of learn-

ers' multilingual backgrounds not only fosters positive feelings towards one's own culture and language, but also towards cultural and linguistic diversity in Europe. Inclusion supports the identification process of all language learners, bringing in the sense of *language capital* (cf. Brizić, 2007, pp. 173-202, see also Brizić, 2009), which allows general access to language acquisition itself and becomes an equal partner within the framework of the multilingual and multicultural values of Europe. Language must be seen as capital to which everyone the Europe has equal access and not as an artificial rare resource with limited access.

Migrants do in fact know that learning a European language is important in order to live in Europe. The contrary would not make sense, and really no one would deprive oneself access to a key resource that is necessary to survive and succeed in a country. And it does not make sense to keep people away from access to the key resource, namely language proficiency, if we need skilled, highly qualified and knowledgeable workers in Europe for an economically successful Europe. If we want to make language acquisition an integral part of the integration process, we must create conditions for the motivation to learn a European L2. That means Europe has to provide positive stimuli in the fields of language acquisition, foreigner's laws and working environment. If not, Europe creates again a class of economic and intellectual disadvantaged people.

As the research into third language acquisition mentioned above correctly states, foreign language acquisition can only be successful, if it builds on prior language capital; so, in our particular case, teachers of German as a foreign language must understand their teaching of German as an addition to the individual's multilingualism. If foreign language acquisition, as understood by many European politicians, is understood as a narrowing or deleting force of identity, it will not work in the long run. This approach does not only deprive the first generation of its language capital but also many more generation to come (cf. Brizic, 2007).

Successful foreign language teaching needs to relate to the different life situations, socio-cultural and educational background and the economic

setting of migrants. One language course does not serve all migrants, since there is no homogeneous group of migrants. Volunteer language teachers do their best in the refugee camps, however they are not trained language teachers. My colleagues and I have developed two of the first training courses to support volunteer language teachers that explain how to help learners to learn a foreign language (Merkelbach & Sulzer, 2016). Unsurprisingly, however, during the evaluation process it became obvious that volunteer teachers -even if they have a pedagogical background—cannot substitute for proper foreign language teachers. Learners bring different language learner strategies, different foreign language acquisition experiences as well as different foreign languages to their education, (cf. Bushati, Niederhoff & Rotter, 2016) which do not allow clear CEFR categorization. BICS (basic interpersonal communication skills) are not enough for a life in a foreign country: CALP (cognitive academic language proficiency) is the necessary goal for achieving integration (cf. Drumm & Henning, 2016). The submersion principle (hardly any language specific training for pupils in schools) failed, as the principle of immersion rather appears to be more successful. Immersion supports learners linguistically in regular content classes and leads to higher educational success plus a more profound knowledge of the new L3 (viz. Gogolin et al., 2011; Schulte-Bunert, 2016). That requires a long term plan for its execution and maintenance, as shown in the state of Schleswig-Holstein (cf. Schulte-Bunnert, 2016). The same author states that children from families with a migration background only have a chance to succeed in school education, when they are supported linguistically. It is only academic success that gives them the chance to escape from the margins of the majority society and to move into the center of society (cf. Schulte-Bunert, 2004).

Research in second/foreign language acquisition came to a standstill as its political and social importance was considered less important than the economic motives (see Kelly, 2016, p. 44). We currently find hiring qualified foreign language teachers difficult since a career in the field does not pay off. Few can survive on the money earned alone. Some universities now try in haste to develop new study programs for teaching foreign languages. However, they do not take into account the wish of

students for a secure future. But language classes for migrants do face specific challenges which require more research.

5 Challenges for the Language Curriculum for migrants and refugees

The most important paradigm to change is the idea that language teaching, pedagogy and language education is a genuine and worthy topic of scholarly experts, practitioners and researchers alike, and not a topic of politicians. However, their teaching and research requires political (or state) support. But only experts, practitioners and researchers can create a valid language policy for Europe; and, in addition, educators must continually convince the people of Europe of the importance of their findings. Multilingualism does not mean an accumulation of single languages; prior language knowledge has to be included into the process of learning foreign languages. That would, on one hand, mean cooperation across the languages spoken in Europe and, on the other hand, a detachment from the idea that some languages are more prestigious than others.

Another challenge for language teaching pedagogy is detachment from the idea of the goal of native speaker competency in a foreign language. We need to define what speech act competence means and should look more into receptive and domain specific multilingualism, e.g. a person who repairs washing machines in Germany does not have to know the specific language of literature interpretation in German. (However, we should of course not deprive that person of the opportunity to read literature in any language.) At this point, language learning motivation and the aptitude to learn foreign languages comes into the center of attention: Language pedagogy scholars should have a closer look at the learning strategies and techniques of learners, since learning itself is a rather individual competence and strongly related to a person's socialization and cultural tradition.

A next step would be the replacement of the monolingual habitus (cf.

Gogolin, 1994) in educational institutions. Teachers of all subjects should understand that their subject is related to language and that pupils—and not only non-native speakers—need linguistic support in order to understand content. Drumm (2016) has clearly shown that science teachers are not aware of the specific language requirements for their subject. They lack metalinguistic knowledge. We must support teachers to reflect upon their own language in order to teach pupils content in a linguistically supportive manner. Additionally, CLIL (Content and Language Integrated Learning) must move into the center of attention, including all heritage or family languages. A possible way to proceed would be a Multilingual Whole School Policy (MWSP) as developed by Hufeisen (c.f. Hufeisen, 2011; Hufeisen, 2015; Hufeisen, accepted).

The following summary of the MWSP is based on Hufeisen (accepted), a fothcoming paper to appear in the International Journal for Applied Linguistics. The MWSP as proposed by Hufeisen has no readily identifiable subjects that are taught during classroom hours, but all subjects contribute to dealing with relevant content. The MWSP may be seen as a principle that repeals the traditional classification between language and content subjects in a sort of curricular plurilingualism with the objective to integrate various aspects of institutional language and content learning in order to harness synergies of languages, such as grammar terminology, planning and teaching content, and foreign language learning strategies. In short, a MWSP fosters the systematic inclusion of many languages into the curriculum, in the educational institution of the school and the language education of all learners, including those with a migration background. Within the context of a MWSP, foreign languages merge on an early stage into combined language and content learning. As numerous studies have shown, this combination of language and content subject learning does not compromise communicative competency in the foreign languages (cf. for example recently Lamsfuß-Schenk, 2011). In this case, it is especially important to ensure that a bilingual content subject instruction is not only conducted in the particular foreign language, but both the target foreign language (which may be the majority language) as well as in the respective heritage or family languages. The theoretical groundwork of Hufeisen's thoughts is

based on multiple language learning and plurilingualism as discussed in Aronin and Hufeisen (2009) and Hufeisen and Jessner (2009). The first foreign language (L2) always serves as a steppingstone for multiple language learning because its teaching (and consequently learning) prepares learners to learn additional foreign languages. Together with L1, the L2-intruction must develop language awareness, language learning awareness, interlingual sensitivity, the ability to compare between languages, and other crosslinguistic strategies for learners to be able to learn a second foreign language (L3) and further foreign languages.

Another important aspect for all models of multiple language learning is the assumption that the competency of learning a foreign language promotes and fosters the development of the foreign language learning strategies. Jessner (2004, p. 21) calls this in her Dynamic Model of Multilingualism the "M(ultilingualism)-factor" and Hufeisen refers in her model (Faktorenmodel) to it as the "foreign language-specific factors" (Hufeisen, 2011, p. 278).

Hufeisen (2010) describes some of the core principles of the MWSP as follows: Any MWSP must include the existing individual plurilingualism of the learners into the institutional context, in order to make learners aware of their often existing individual plurilingualism. In addition it is necessary to raise the awareness of all teachers in regard to all aspects of plurilingualism, multiple language learning, teaching plurilingualism and language learning in general, as well as to systematically promote the awareness of languages and language learning awareness across different languages. This can be manifested by frequently employing foreign language learning strategies across languages involving intercultural aspects of languages and content subjects. In order to achieve these goals synergies of multiple language learning must be created to facilitate the learning and teaching of (foreign or second) languages.

All together, the basic idea of this model is that the majority language is learned and taught throughout the entire period the learner attends school, whether as the first language, second language or first, second

or nth foreign language. A remedial instruction offered by intensive classes in majority as a second language should be available up to the point at which students who have needs in this language can communicate in this language at the levels of everyday language (or BICS), and at the levels of the language of education (or CALP) (cf. Gogolin, 2003; Gogolin, 2004; Gogolin, 2005; Cummins, 2000).

Parallel efforts can be made to include the heritage languages in the CLIL subjects to support the instruction of other subjects in the language of origin such that the learners also learn to interact in the particular language of origin about the concepts that have been studied. The great success of dovetailing the instruction in the languages of origin has been discussed for example by Fredriksson (in press) for refugee children in Swedish Schools.

Hufeisen's model includes all foreign languages spoken in educational institutions. However, it would shake the fundamentals of traditional school education, since it moves away from teaching and learning facts to a strictly constructivist and procedural approach of education, holding learners responsible for their learning.

6 Conclusion

We have a long way to go. A lot of research is done but now it is the duty of politicians to implement research results. But, let's face it: An implementation of research results would mean a financial burden on, and investment into, the future. It is usually the critics who come up with discrediting half-true statements and rather trigger xenophobia than xenophilia due to the fear of losing ground in the fight for apportion of resources and power. In short, they try to avoid investments that do not surely produce revenues within their tenure. They would rather invest in banks because their revenues are assumingly sure.

Now, Europe has the chance to overcome old resentments against multilingual societies as an obstacle to a one- language-one-nation-state

model. Europe is neither one nation nor one state; Europe is colorful and manifold and must develop new ideas in order to become a place that offers home, refuge and liberty to people. We must overcome old and comfortable ideas, which never worked well, get out of the comfort zone and try to think or develop new ideas in order to endeavor in new. unknown territory, and not restore old nationalistic, colonial and racist thinking. A new language and cultural policy is the first step. To my great surprise and pleasure, it is the volunteers and practitioners who drive the new development, not the politicians or academics. I am not surprised about the first group, since they are not really famous for developing new ideas. But, I am more than disappointed about the second group, which should initiate and develop new ideas. However, being one myself, I understand them: Experts refuse to be a part of this huge project, since the framework and conditions given in political, public discussion are flatly stupid, not to say racist, in order to catch voters for the next election. Scholars refuse to take part in this discussion unless they are not heard by politicians first. Any researcher, applied linguist or teacher would appear unqualified when (s)he settles for the unqualified conditions set by politics. Scholarly experts should not be sought in order to justify politics, but they should be heard in order to establish an empirically profound and academically sound language policy. Researchers have found significant amounts of knowledge and resources which can be drawn upon, but they are meaningless without action. .

References

- Aronin, Larissa; Hufeisen, Britta (Eds.), 2009. The Exploration of Multilingualism. Development of Research on L3, Multilingualism and Multiple Language Acquisition (AILA Applied Linguistics Series 6). Amsterdam: Benjamins.
- Brehmer, Bernhard & Mehlhorn, Grit (2015). "Russisch als Herkunftssprache in Deutschland. Ein holistischer Ansatz zur Erforschung des Potenzials von Fremdsprachen", Zeitschrift für Fremdsprachenforschung 26 (1), 85- 123.
- Boas, Franz (1914). Kultur und Rasse. Leipzig: Veit & Comp.
- Brizić, Katharina (2007). Das geheime Leben der Sprachen. Gesprochenen und verschwiegenen Sprachen und ihr Einfluss auf den Spracherwerb in der Migration. Münster, New York, München, Berlin: Waxmann.
- ---- (2009). "Familiensprache als Kapital" in V. Plutzar & N. Keschhofer-Puhalo (Eds.), Nachhaltige Sprachförderung. Zur veränderten Aufgabe des Bildungswesen in einer Zuwanderergesellschaft. Bestandsaufnahmen und Perspektiven, (pp. 136-151). Innsbruck: Studienverlag.
- Bushati, Bora; Niederhoff, Lisa & Rotter, Daniela (2016). "Ehrenamtlicher Deutschunterricht mit Geflüchteten. Spracherwerbstheoretische und didaktische Überlegungen für die Praxis". Fremdsprache Deutsch. Zeitschrift für die Praxis des Deutschunterrichts. Sonderheft 2016. Retrieved July 13, 2016 from http://fremdsprachedeutschdigital.de/download/fd/FD-Sonderheft 2016-01 Bushati.pdf
- Butzkamm, Wolfgang (1973) Aufgeklärte Einsprachigkeit: Zur Entdogmatisierung der Methode im Fremdsprachenunterricht. Heidelberg: Quelle & Meyer.
- Cavafy, Constantine (1992). "Waiting for the Barbarians", in *Collected Poems*. Translated by Edmund Keeley and Philip Sherrard. Edited by George Savidis. Revised Edition. Princeton: Princeton University Press.
- Cenoz, Jasone (2003). "The additive effect of bilingualism on third language acquisition: A review". *International Journal of Bilin*-

- gualism, 7(1), 71-87.
- Cenoz, Jasone and Hufeisen, Britta and Jessner Ulrike (Eds.), (2001). Cross linguistic influence in third language acquisition: Psycholinguistic perspectives. Clevedon: Multilingual Matters.
- Corson, David (2001). Language Diversity and Education. London: Lawrence Erlbaum
- Cummins, Jim (2000). "Putting language proficiency in its place. Responding to critique of the conversational/academic language distinction", in Jasone Cenoz & Ulrike Jessner (Eds.), English in Europe. The acquisition of a third language, (pp. 54–83). Cleveland, England: Multilingual Matters.
- ---- (2010). "Language Support for Pupils from Families with Migration Backgrounds: Challenging Momolingual Instructional Assumptions" in Claudia Benholz; Gabriele Kniffka & Elmar Winter-Ohle, (Hg.) Fachliche und sprachliche Förderung von Schülern mit Migrationsgeschichte. Beiträge des Mercator-Symposiums im Rahmen des 5. AILA-Weltkongresses "Mehrsprachigekit: Herausforderungen und Chancen (pp 13-23). Münster, New York, München, Berlin: Waxmann.
- de Angelis, Gabriela (2007). *Third or additional language acquisition*. Clevedon: Multilingual Matters.
- Drumm, Sandra (2016). Sprachbildung im Biologieunterricht. Eine Studie zu Vorstellungen von Lehrenden an Schulen zum Fach und dessen Sprache. Berlin: de Gruyter.
- Drumm, Sandra & Henning, Ute (2016). "Bildungs- und Fachsprache als Herausforderung und Ziel der sprachlichen Bildung von Fluchtmigrantinnen und- migranten". Fremdsprache Deutsch: Zeitschrift für die Praxis des Deutschunterrichts. Sonderheft 2016, 10-14.
- Fredriksson, Christine (in press). "Flüchtlingskinder in Schweden Mehrsprachigkeit im sprachintegrierenden Fachunterricht". Fremdsprache Deutsch: Zeitschrift für die Praxis des Deutschunterrichts 58/2018.
- Gärtig, Anna-Kathrin; Plewnia, Albrecht & Rothe, Astrid (2010). Wie Menschen in Deutschland über Sprache denken. Ergebnisse einer bundesweiten Repräsentativerhebung zu aktuellen Spracheinstellun-

- gen. (amades. Arbeitspapiere und Materialien zur deutschen Sprache) Mannheim.
- Gogolin, Ingrid (1994). *Der monolinguale Habitus der multilingualen Schule*. Münster, New York: Waxmann.
- ---- (2003). "Chancen und Risiken nach PISA über die Bildungsbenachteiligung von Migrantenkindern und Reformvorschläge", in Georg Auernheimer (ed.), Schieflagen im Bildungssystem. Die Benachteiligung der Migrantenkinder, (pp. 33–50). Opladen: Leske+Budrich.
- ---- (2004). "Zum Problem der Entwicklung von "Literalität" durch die Schule". Zeitschrift für Erziehungswissenschaft 7(3), 101–111.
- ---- (2005). "Bilinguale Literalisierung", in Britta Hufeisen & Madeline Lutjeharms (Eds.), Gesamtsprachencurriculum. Integrierte Sprachendidaktik, (pp. 89-99). Common Curriculum. Tübingen: Narr.
- Gogolin, Ingrid et al (2011). Förderung von Kindern und Jugendlichen mit Migrationshintergrund FörMig. Münster, New York, München, Berlin: Waxmann.
- GG = Grundgesetz der Bundesrepublik Deutschland, Artikel 16. Retrieved 2016/7/30 from https://www.gesetze-im-internet.de/gg/art_16a.html.
- Hammarberg, Björn (2009). *Process in Third Language Acquisition*. Edinburgh: Edinburgh University Press.
- Hodgetts, Richare M. & Luthans, Fred (1997). *International Management*. New York: McGraw-Hill.
- Home 1: Retrieved 2016/7/13 from http://ec.europa.eu/languages/policy/linguistic-diversity/official-languages-eu en.htm
- Home 2: Retrieved 2016/7/13 from http://www.coe.int/de/web/conventions/rms/090000168007bf4b
- Home 3: Retrieved 2016/7/13 from http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
- Hufeisen, Britta (2003). "L1, L2, L3 L4, Lx alle gleich? Linguistische, lernerinterne und lernerexterne Faktoren in Modellen zum multiplen Sprachgebrauch". Zeitschrift für interkulturellen Fremdsprachenunterricht 8 (2/3), 98-109. Retrieved

- 2018/1/1 from http://tujournals.ulb.tu-darmstadt.de/index.php/zif/article/view/537/513.
- ---- (2005). "Multilingualism: Linguistic models and related issues" in Britta Hufeisen & R.J. Fouser (Eds.) *Introductory readings in L3* (pp. 31-45). Tübingen: Stauffenburg.
- ---- (2011). "Gesamtsprachencurriculum: Überlegungen zu einem prototypischen Modell", in Rupprecht S. Baur & Britta Hufeisen (eds.), "Vieles ist sehr ähnlich." Individuelle und gesellschaftliche Mehrsprachigkeit als bildungspolitische Aufgabe (pp. 265–282). Baltmannsweiler: Schneider Hohengehren.
- ---- (2015). "Gesamtsprachencurricula –Zwischenbericht zur Projektidee "PlurCur" am Europäischen Fremdsprachenzentrum in Graz" in Jessica Böcker & Anette Stauch Anette (Eds.). Konzepte aus der Sprachlehrforschung Impulse für die Praxis (pp. 103-124). Frankfurt/Main, Peter Lang.
- ---- (accepted). "Institutional Education and Multilingualism: PlurCur® as a Prototype of a Multilingual Whole School Policy". *International Journal for Applied Linguistics*.
- Hufeisen, Britta & Jessner, Ülrike (2009). "Learning and teaching multiple languages", in Karlfried Knapp & Barbara Seidlhofer (Eds.), *Handbook of Foreign Language Communication and Learning* (Handbooks of Applied Linguistics 6, pp. 109–137). Berlin: Mouton de Gruyter.
- Jessner, Ulrike (2004). "Die Rolle des metalinguistischen Bewusstseins in der Mehrsprachigkeitsforschung" in Britta Hufeisen & Nicole Marx (Eds.), "Beim Schwedischlernen waren Englisch und Deutsch ganz hilfsvoll". Untersuchungen zum multiplen Sprachenlernen (Forum Angewandte Linguistik 44, pp. 17–32). Frankfurt a.M.: Peter Lang.
- Kelly, Michael (2016). "European approaches to plurilingualism and multilingualism", in Michael Langner & Vic Jovanovic (Eds.), Facetten der Mehrsprachigkeit. Reflets du plurilinguisme. Die Wahl der Sprachen: Luxemburg in Europa. Le choix des langues: le Luxembourg à l'heure européenne (Mehrsprachigkeit in Europa/Multilingualism in Europe Band 10, pp. 31-52). Bern, Berlin, Bruxelles, New York, Oxford, Wien: Peter Lang.

- Lamsfuß-Schenk, Stefanie (2011). "Geschichte als bilinguales Sachfach: eine geeignete Erweiterung des bilingualen Sachfachunterrichts?", in Rupprecht S. Baur & Britta Hufeisen (Eds.), "Vieles ist sehr ähnlich." Individuelle und gesellschaftliche Mehrsprachigkeit als bildungspolitische Aufgabe. (pp.89-112). Baltmannsweiler: Schneider Hohengehren.
- Merkelbach, Chris (2006). "The negative Influence of EAL-Methodology on the Acquisition of an L3 in Taiwan". Zeitschrift für Interkulturellen Fremdsprachenunterricht 11(1) Retrieved July 7, 2016 from http://tujournals.ulb.tu-darmstadt.de/index.php/zif/article/view/355/345
- ---- (2011). "Wie unterscheiden sich die Lernstrategien beim Erlernen von L2 und L3? Ergebnisse einer empirischen Studie bei taiwanischen Deutsch-als-L3-Lernenden". Zeitschrift für Interkulturellen Fremdsprachenunterricht 16 (2),126-143. Retrieved July 7, 2016 from http://tujournals.ulb.tu-darmstadt.de/index.php/zif/article/view/123/118.
- Merkelbach, Chris and Sulzer, Sandra (2016). "Zwei Modelle zur Unterstützung ehrenamtlicher Spracharbeit mit Geflüchteten". Fremdsprache Deutsch. Zeitschrift für die Praxis des Deutschunterrichts. Sonderheft 2016, 61-65.
- Mißler, Bernd (1999). Fremdsprachenlernerfahrungen und Lernstrategien. Tübingen: Stauffenburg.
- Müller, Martin & Wendlborn, Sören (1998) "Wege der Rekonstruktion des Fremden: Historische Aspekte kulturvergleichender Forschung", in Ralf Dieter Hegel & Martin Müller (Eds.), *Der Name des Fremden* (pp. 35-68). Berlin, Milow: Schibri.
- Rösch, Heidi (2001). Zweisprachige Erziehung in Berlin um Elementar- und Primarbereich. EliSe: Essener Lingusitische Skripte elektronisch: 1(1) 23-44. Retrieved July 17, 2016 from https://www.uni-due.de/imperia/md/content/elise/ausgabe_1_2001_roesch.pdf
- ---- (2005). "Zweitsprachenerwerb theoretisch gesehen" in Heidi Rösch et al (Eds.), Deutsch als Zweitsprache. Sprachförderung in der Sekundarstufe 1. Grundlagen, Übungsideen, Kopiervorlagen. Mitsprache (pp. 15-24). Braunschweig: Schroedel.

- Schulte-Bunert, Ellen (2004). *Sprachförderung von Migrantenkindern im Vorschulbereich Evaluationsbericht zur wissenschaftlichen Begleitung des Pilotprojektes an der GS Eicheholz/Lübeck.* Universität Flensburg.
- ---- (2016). Umsetzung des Mehrstufenmodells. Die Notwendigkeit langfristiger sprachlicher Eingliederung. Fremdsprache Deutsch. Zeitschrift für die Praxis des Deutschunterrichts. Sonderheft 2016. Retrieved July 13, 2016 from https://www.fremdsprachedeutschdigital.de/ce/fremdsprache-deutsch-ausgabe-56-2017/_sid/TBJX-859295-NBTS/ausgabe.html
- Steinmüller, Ulrich (1981). "Begriffsbildung und Zweitsprachenerwerb. Ein Argument für den muttersprachlichen Unterricht", in Helmut Essinger; Achim Hellmich & Gerd Hoff (Eds.) *Ausländerkinder im Konflikt* (pp. 83-97). Königstein/Ts: Scriptor.
- Stölting, Wilfried (2001). Zweisprachigkeit, gesellschaftliche Mehrsprachigkeit und die Stellung der Migrantensprachen. EliSe: Essener Linguistische Skripte elektronisch 1(1)15-22. Retrieved July 17, 2016 from https://www.uni-due.de/imperia/md/content/elise/ausgabe_1_2001_stoelting.pdf
- Wundt, Wilhelm (1913). Elemente der Völkerpsychologie. Grundlinien einer psychologischen Entwicklungsgeschichte der Menschheit. Leipzig: Kröner

[received November 9, 2017 accepted January, 22, 2018

ISSN: 2519-1268

Issue 5 (Spring 2018), pp. 63-96 DOI: 10.6667/interface.5.2018.58

Exile and the Nature of Law in Medieval Castile

(The Un-Lawing of the Cid)

MICHAEL MCGLYNN National Taiwan University

Abstract

Modernity tends to view exile as unduly harsh punishment, and many modern states have abandoned its practice. However, in the European Middle Ages, exile was common and often temporary, a concomitant of infighting among the ruling elite, and a natural alternative given their social infrastructure's lack of alternative solutions for maladaptive behavior or for dealing with powerful men who have lost in the struggle for ruling power. Since exile involves the limits of the law, a truer view of exile provides a truer view of foundational legal concepts. The celebrated exile of the eleventh-century Castilian nobleman and conqueror of Valencia, Rodrigo Díaz, aka, El Cid, provides a good case for reconsidering notions of exile in their historical alterity, especially considering that all parties benefitted from his exile. A comparison of roughly contemporaneous legal documents with Rodrigo Díaz' exile in a literary text and a Latin biography provide new insight about his exile, exile in general, and law in medieval Castile. Exile in medieval Castile makes it evident that exile points to that liminal space between competing interpretations, or systems of law.

Keywords: El Poema de mio Cid, exile, Historia Roderici, Rodrigo Díaz, medieval law

© Michael McGlynn

This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.

http://interface.ntu.edu.tw/

Exile and the Nature of Law in Medieval Castile

(The Un-Lawing of the Cid)

1 Background

Modernity tends to view exile as unduly harsh punishment (Armstrong, 1963, 758), and many modern states have abandoned its practice (Anonymous, 1971, p. 54). However, in the European Middle Ages, exile was common and often temporary, a concomitant of infighting among the ruling elite, and a natural alternative given their social infrastructure's lack of alternative solutions for maladaptive behavior or for dealing with powerful men who have lost in the struggle for ruling power. Since exile involves the limits of the law, a truer view of exile provides a truer view of foundational legal concepts. The celebrated exile of the eleventh-century Castilian nobleman and conqueror of Valencia, Rodrigo Díaz, provides a good case for reconsidering notions of exile in their historical alterity, especially considering that all parties benefitted from his exile.

Spanish historiography, including historical jurisprudence, was influenced by late-nineteenth-century German scholarship, which viewed der Bann¹ as an ur-institution of the Germanic peoples passed down into Western European monarchies, as "obrigkeitliche Befehl" (Brunner, 1892, p. 34: "sovereign command") for violation of the sovereign's honor or the security of the people (Cavalca, 1978, p. 18). When we view actual records, it is clear that many powerful elites were banned not for violating rule of law (much less for challenging it) but for political reasons, or even for what we would call the personal whim of the ruling class. In this paper, an examination of one case of outlawry will give us a better idea of the ad hominem, ad hoc nature not only of medieval

^{1 &}quot;Bann" is the autochthonous Germanic word for exile, including prohibition, proscription, and anathematization, but its connotations include something beyond the political, as evident in the modern German colloquialism *unter einem Bann stehen* ("to be under a spell").

McGLYNN

Castilian law but of exile itself.

The case of exile I consider below is that of the titular hero of the most canonical literary text of the Spanish Middle Ages, the *Poema de mio Cid* (hereafter *PMC*), a text exalted in the nineteenth century as a cultural equivalent of Homer, used to postulate not only Spanishness but also pan-Germanism and other -isms. There are two principal accounts of the Cid's exile: in the 13th-century *cantar* (Romance language epic), and in the 12th-century Latin biography, *Historia Roderici* (hereafter *HR*). Rodrigo Díaz, known also by his Arab-derived honorifc el Cid, lived ca. 1043 to 1099. His life is attested not only in literary texts and historical chronicles but also in curial diplomas where he is mentioned as participating in what we would call court business.

This essay is divided into three sections: background, textual analysis, implications. In the analysis section, I focus on the two primary sources for the Cid's exile, one literary and one historical, and two relevant legal texts. My method is philological and comparative, informed by the law and literature approach. In a subsequent essay, I will problematize the implicit law and literature approach in Cidian scholarship.

1.1 Literature Review

Spanish literary criticism and historiography continue to follow the 19th-century German jurisprudential tradition. The seminal work on the kind of exile we see in the *PMC* is Argentine scholar Hilda Grassotti's 1965 study of the *ira regia* (literally "king's anger"), a medieval juridical practice by which someone suffered the confiscation of their land and goods, the loss of their office, and exile. While Grassotti sees the origin of the Cid's exile as the "institution" that protected the pan-Germanic *pax regis* (1965, p. 11: "king's peace"), a wider jurisprudential perspective suggests that the *ira regia* amounts to falling out of favor with the ruling elite and getting removed from a jurisdiction as a result. The *ira regia* is an inevitable legal process given the material and ideological conditions of Castile.

Since 2000, a handful of articles on the destierro (exile) and the ira regia have appeared. In 2003 and 2007 Óscar Martín wrote about the way various literary and historical sources of the Cid relate to each other on the topics of exile and ira regia, but these are not legal studies per se and are mostly concerned with properly establishing lines of influence among Cidian monuments (Historia Roderici, Carmen Campidoctoris, Linaje del Cid, Poema de mio Cid). Komé Koloto Dikanda Madeleine's 2004 article on the ira regia comes to the very sound but perhaps obvious conclusion that, "la ira regia, tal como se presenta en el Poema, no coincide exactamente con el Fuero Juzgo, ni con las Partidas, ni con las leyes visigóticas, sino que deriva de ellas." The conclusion is also vexed insofar as the PMC predates the Partidas.

Writing in masterful detail, Pérez-Prendes y Muño Arraco analyzes the Cid's second exile as a legal action, making reference to the Partidas, Espéculo, and the Ordenamiento de Alcalá. The author concludes, among other things, that there was a customary (oral) law in Castilla-León "no muy diferente del que se nos conserva fijado en ciertas redacciones dos cientos años más tarde"3 (Pérez-Prendes y Muño Arraco, 2004, p. 335), a claim whose terms are vague enough to be sustainable but not altogether interesting, as it is bound up in the thesis that Pérez-Prendes has asserted in several works, namely, that the Cid's men resemble a "Germanic" Gefolgschaft. In a series of articles available as a monograph, Javier Planas has shown this dated idea to be false inasfar as the "Germanic" aspects of Spanish law are more likely Frankish and not Gothic (1997), so the assertion that Castilian legal culture reflects a latent, surviving Gothic legal culture is hard to sustain without evidence. More to the point, the idea that oral texts (Visigothic customary law) pass easily into written form (Fuero Viejo and other extant Castilian legal texts) without wholesale transformation is mistaken.⁵

^{2 &}quot;the king's wrath as it is presented in the PMC is not exactly the same as it is in the Fuero Juzgo or in the Partidas, nor is it the same as Visigothic law. Rather, it is derived from these legal sources."

^{3 &}quot;not very different from that [customary law] preserved in certain redactions two hundred years later."

⁴ In heroic literature, *Gefolgschaft (comitatus* in Latin) refers to the male camaraderie group, the group of armed men who followed a leader in exchange for prizes and honor.

⁵ See McGlynn (2010) for an analysis of the complexities of this phenomenon in the case of the first, written, Icelandic law code.

1.2 Historical Perspectives on Exile

Exile is a legal power, but perhaps not in the modern sense. Exile was inevitable in a legal system with no resources for containing violence, detaining the powerful, or settling disputes between certain players. As Shaw (2000, pp. 4-5) writes of fifteenth-century Italy, all major political players, including kings, experienced exile. In fact, the king who exiled Rodrigo Díaz was himself exiled prior to his ascension. Part of the reason exile was so common is because political succession was not stable, and there was no better option for political rivals than exile (Shaw, 2000, p. 6). Execution was too extreme and would contribute to volatility; long-term imprisonment was not supported by infrastructure and would probably also contribute to instability. Insofar as incarceration was practiced, it sometimes resembled exile in its purpose. For example, the Fuero de Escalona stipulates jail for certain delinquents, and their sentence can be commuted to exile (from Escalona) so long as they promise to do no harm in Escalona (cited in Ramos Vázquez 2007, p. 711, fn. 8). There are different kinds of incarceration (see Ramos Vazquez' article), and the medieval *fueros* make it evident that jailing in order to exclude someone from society is one of them.

Exile, then, was a way to remove rivals from circulation temporarily. As the many exiles and returns in Spanish medieval history make evident, in a pre-print, pre-media age, exile, at least in some cases, meant silencing any political influence a rival could have while the leading political forces tried to establish themselves. In his study of exile in Basque Country in the late Middle Ages, Bazán Díaz (1999, p. 25) writes that "el destierro fue considerado una pena corporal más, ocupando el nivel inferior de la jerarquía de penas *corporis afflictive*." Bazán Díaz (1999, pp. 52-53) sees all of European exile as a ritualized marginalization that takes place within a larger framework of community ties that begin with baptism and which do not end with exile.

Exile was also practiced by municipalities to remove a harmful person

^{6 &}quot;exile was considered one more corporal punishment, and stood at the low end of the hierarchy of punishments of the *corporis afflictiva* type."

their territory. The long history of municipal law codes (*fueros*) tells a varied story about exile. Some *fueros* stipulate banishment from the city in case of serious crimes, such as the *Fuero de Soria*, which mandates exile in perpetuity for falsification of documents when the falsification is costly (cited in Sainz Guerra, 2006, 160). Although the *Fuero de Soria* shows the influence of the *Fuero Real*, the character of municipal law in medieval Spain was more ad hoc and pragmatic, much less doctrinaire or moralizing than later royal law.

Problems of succession and other kinds of political rivalry led to many cases of exile, from the Visigoths in the early Middle Ages to Machiavelli in the Early Modern period, and hardly needs to be documented here. The instability of political succession is related to the foundational concept of law as privilege, a concept that differs radically from modern or 21st century foundational legal concepts. If Medieval and Early Modern princes regarded kingdoms as family property to be divided according to family taste, then this is only a symptom of the belief that the ruling class's personal disposition has legal status. In the case of the Cid, Alfonso VI's "anger" or "love" are the words used to define the Cid's legal status. Spanish medieval history is full of wars of succession, and the generation of Alfonso VI is typical. Even when there is a clear successor, there is infighting for the right to influence him, as is the case of Alfonso XI, who was an infant when he succeeded his father. Civil war among his tutors resulted.

2 Textual Analysis

The story of the Cid's exile varies by source. The two major sources, the *HR* and the *PMC*, are unambiguous and clear: while he is away doing great and heroic things, Rodrigo is victim of gossip and slander spread by less successful rivals at the court of Castile who are jealous of his monumental accomplishments. The *Carmen Campidoctoris* makes the

⁷ See Olmos for a recent article on the topic. Olmos' bibliography includes some of the more seminal articles on problems of succession among the Visigoths. The *romancero* (Spanish ballad tradition) telling of the fall of the final Visigothic king and his betrayal by Conde Julián could be considered a kind of exile from below.

same kind of claim, namely that rumor-mongers (line 57: susurrones) provoke fear in Alfonso, resulting in a full political reversal: "omnem amorem in iram convertit" (line 61: "all [the king's] love becomes anger"). In his book on Alfonso VI, Bernard F. Reilly, as professional historian, rejects the personalized portrayal of exile in the *PMC*, an epic poem, and uses an incident from the HR to suggest that Alfonso's exile of the Cid might have been motivated by impersonal, political expedience. Somewhat inconsistently, Reilly (1989, p. 129-30) takes an incident from the not unliterary HR's recounting of the Cid's counter-raid on Gormaz—as an infraction of Alfonso's "protection" of Toledo. According to Reilly, faced with the need to appear just and self-consistent, Alfonso had no choice but to at least appear to punish Rodrigo Díaz. "We do not know whether Alfonso VI exiled Rodrigo Díaz in anger or sorrow...or [whether] it was indeed a real penalty in the eyes of either of the protagonists [Alfonso and Rodrigo]". Moreover, the Cid going east, toward Valencia, with an army, was a buffer for Alfonso against the recently broken-away Valencia, and any hostilities between Valencia and Rodrigo would not be the fault of Alfonso, since Rodrigo was no longer his vassal.

The texts that bear on the *destierro* (exile) are the *PMC*, the *Fuero Viejo*, legal diplomata of Alfonso VI, the *HR*, and the *Carmen Campidoctoris*. We do not know with certainty the precise nature of *destierro* in the time of Rodrigo Díaz, and it is likely incorrect to assume a single, normative legal practice. We do not know the rights and privileges of the *desterrado* (the person exiled), including how much time he was allowed to get his affairs in order, whether he was allowed to bring vassals, whether the vassals were obliged to accompany him, if there were any kind of legal process or right of appeal, if the king could seize benefice properties (*honores*), if the king could seize traditional family holdings (*solar*). Most importantly, we do not know if there was any one source of legal authority governing these matters. Cidian scholars generally assume legal verisimilitude of the *PMC* and consonance between literary and legal documents in answer to these questions, despite regional, class, and chronological disparities.

The *Poema de mio Cid* is divided into three sections, the first of which recounts the hero's exile and economic success as an exile. The narrative of exile is simple. Alfonso VI exiles the Cid, seizing his possessions. The Cid leaves Castile with his band of warriors (*mesnada*), and goes raiding in Muslim lands, where he earns fabulous prizes. From these prizes he sends enormous wealth to Alfonso via his own vassals, and, before long, he is repatriated and given even greater honors and esteem by the king, including counts as sons-in-law.

The extant poem begins with the Cid weeping over the loss of his home and possessions. Though much has been made of the pathos of the opening *tirada*⁸ of the *PMC* as typical of the art of the *juglar*, sociologists report that exiles, expellees, refugees, and displaced persons in general suffer "memories of persecution (see the Cid's fourth plea in the *HR*), wrenching decisions about leaving family and friends (see the eighteenth *tirada*, especially the *carne de la uña* scene [375b])¹⁰, constant thought of what was left behind (see the first *tirada*)...uncertainties of future prospects (hence the need to swindle Raquel and Vidas) (Rose, 1993, p. 9). Therefore, the pathos of the opening scene is a sociologically accurate representation of exile.

The first explicit mention of the Cid's exile in the *PMC* is the well-commented description of the royal legal instrument that has been read in the streets of Burgos:

antes de la noch en Burgos del entro su carta con grand recabdo e fuete mientre sellada, que a mio Çid Ruy Diaz que nadi nol diesse(n) posada, e aquel que gela diesse sopiesse—vera palabra— que perdiere los averes e mas los ojos de la cara

⁸ *Tirada* is the word for the stanza form of the Spanish epic; *tiradas* are bound by theme and assonant rhyme.

⁹ Minstrel.

¹⁰ In this often-cited scene, the Cid takes leave of his wife and children, and the poet uses the simile of separating nail from finger to express pain.

e aun demás los cuerpos e las almas. 11 (PMC, 23-28) 12

As Peter Dunn (1975, pp. 258, 260) pointed out long ago, the language of these lines clearly borrows from legal instruments, though we need not assume any kind of a direct representation of legal language insofar as such existed. Montaner, in his edition of the *PMC*, notes the anachronism of this *mandato real*, suggesting that *mandatos reales* were used from the time of Alfonso VII to the 14th century; more importantly, that the *mandato real* contradicts the *Fuero Viejo* (I.iv.2) and the *Partidas* (IV.25.10) in prohibiting the selling of provisions to the Cid (Montanter, 2011, p. 661, n. 23). However, this is a poetic text whose heuristic is literary representation; also, the application of medieval law was not a calculus of substituting in for "x" as we might imagine it from our positivist legal perspective. Legal instruments were status objects whose use varied, and of course the application and interpretation of law is always interested and "political".

Fletcher's authoritative and thorough study of the seals and genre of the royal order as it developed in the reign of Alfonso VII and after, with its implied argument about the date of the *PMC*, argues for verisimilitude regarding the way Burgos was informed of the Cid's exile. Naturally if Fletcher is right that both "carta" and "fuerte mientre sellada" of the noun phrase "carta...fuerte mientre sellada" (1976, p. 23-24) suggest legal procedures of the reign of Alfonso VII or after (Fletcher 1976, p. 322), then it is not really surprising that we find ananchronism in the poetic text. With their nostalgic retrospection, epic always suggests at least two time frames: that of the writing and that depicted. The more significant point of verisimilitude for this essay is that Alfonso VII uses the same kind of language associated with the *ira regia*, namely, "quia si fecerit perdet meum amorem; hebetitis sine dubio meam iram" 14

¹¹ Before night the [king's] letter arrived in Burgos

With great care and heavily sealed,

Prohibiting anyone from giving lodging to my Cid,

And anyone who would do so

Would lose their possessions and their eyes,

And worse--body and soul).

¹² All references to the *Poema de mio Cid* are from Ian Michaels' edition.

^{13 &}quot;a heavily sealed document".

^{14 &}quot;because if he does so he will lose my love and doubtless incur my wrath."

(quoted in Fletcher, 1976, p. 329). The point is that the king's wrath expresses illegality.

The first reconciliation scene takes place in the forty-seventh *tirada*. The king speaks first, and though it follows a kind of procedural logic and thus could be a verisimilar protocol for an interview, we cannot confirm its practice as such. Minaya presents gifts and then makes his case. His case consists of a narrative (lines 875-876: *Mio Çid Ruy Diaz...vençio dos reyes de moros*¹⁵), a payment (line 878: *A vos, rey ondrado,/enbia esta presentaja*¹⁶), and a public expression of vassalship and subordination (line 879: *besa vos los pies/e las manos amas*¹⁷). The phrase *besa vos los pies* is not unlike the legal formula in the *Fuero Vie-jo* "Señor fulan Rico ome, beso vos yo la mano por él, e de aquí adelante non es vostro vasallo" (I.iii.3). This speech act and ritual establish the independence of the speaker, an important aspect of exile in this case.

The king responds by proclaiming that three weeks after exile is too soon to pardon the Cid (line 883: acogello), but that Alvar Fáñez is now restored as vassal (line 888: d'aqui vos do mi graçia), that Alvar Fáñez has rights of exit and entry to Castile (line 888: hid e venit), and that his benefice and hereditary lands are now restored (line 886-887: a vos quito, Minaya,/honores e tierras/avellas condonadas). Alvar Fáñez then thanks the king and kisses his hands a second time. It is clear that this legal process is an exchange of information, a confirmation of the king's status, and renegotiation of vassalic status by means of material and symbolic gifts. It is more akin to today's mediation insofar as the parties involved negotiate a new relationship and distribution of goods.

Alvar Fáñez' second embassy to Alfonso follows the same protocol: Alvar Fáñez presents the gift (one hundred horses), kneels to kiss the king's hands, tells the story of Valencia, declares that he is acting as proxy for the Cid (lines 1338-1339: besa vos las manos...razonas por vuestro vasallo/e a vos tiene por señor¹⁸), and makes a specific request (lines 1351-

^{15 &}quot;My Cid Ruy Diaz...defeated two Moorish kings."

^{16 &}quot;To you, honored king, I sent this gift."

^{17 &}quot;I kiss your feet and hands."

^{18 &}quot;[The Cid] kisses your hands...he considers himself your vassal/and takes you as his lord."

1352: *su muggier doña Xiemena/e sus fijas...irien pora Valençia*¹⁹). The legal language is not technical but moral and personal: Alvar Fáñez asks if the king is pleased (1351: *si vos cayesse en sabor*), and the king responds "*Plazme de coraçon*" (lines 1343, 1355: "It pleases me at heart"). I shall say more about the personalized nature of law below.

The exile of the Cid has Visigothic precedents, which do not necessarily imply a Visigothic inheritance for Castilian law in every case. In the Crónica Mozárabe de 754, Witiza is reported to have recalled men his father sent into exile (damnaverat) (p.62, chapter 44). According to the chronicler, Witiza not only invited them back, he did so with joy, returned their confiscated lands, and compensated them for damages with gifts.²⁰ Grassotti (1965, p. 9) and Orlandis (1944, p. 653) see the ira regia as originating in the Visigothic law. In a 1088 diploma, Alfonso VI cites Visigothic law —II.i.iv— in an exile case involving a count named Rodrigo Ovéquiz. This law from the 12-book compilation of Visigothic law, the Liber Judiciorum, stipulates that traitors shall suffer the death penalty except the ruler pardon them, and even then, they must be blinded and lose their property.²¹ We might surmise that blinding and loss of property for treason in the PMC echo this Visigothic law (II.i.6) in the mind of monk-copyist or perhaps even that both texts reflect actual practice. In this diploma of Alfonso VI, the count's land is alienated: "Addicimus etiam hereditatem de Veremudo Osoriz. quae est in ipso cauto, id est IIIa de ecclesia de Sancto Iohanne de Titimauri; villa de Baguexios; in Mazeoni" (Gambra, 1988, p. 245).²² This alienation of a count's family lands contradicts the Fuero Viejo, which maintains that the solar (hereditary landholdings) is not to be touched, even when a rico ome (upper Castilian nobility) makes war on the king. But law codes are not necessarily indicative of practice.

The family of *fueros* derived from the *Fuero de León* give some insight into legal procedures regarding the seizure of property by the local authorities, in this case, the legal municipality. For example, the

^{19 &}quot;His wife Doña Jimena/and his daughters will go to Valencia"

²⁰ Most interestingly, Witiza burned their *digne*. What was this written document? Was there some kind of public notice of exile, as appears in the *PMC*?

²¹ For Visigothic law, see *Leges Visigothorum* in the references.

^{22 &}quot;Furthermore, we hereby confiscate the hereditary property of Bermudo Osoriz, which territory is a third of the parish of San Xoán de Tirimol, in the villa of Baguexios, in Mazoi"

Fuero de Villavicencio stipulates that the authorities should seize neither the house nor the livestock of those caught for homicide; those not caught will have half of their possessions seized, the remaining half being awarded to the wife and children of the murderer (Vázquez de Parga, 1944, 490). However, methodologically speaking, we must note that royal law and municipal law are not the same, and legal statutes and legal application are also not the same, so whether or not a given *fuero* calls for seizure of property may or may not have anything to do with the royal exile of a court insider (Rodrigo Díaz). Municipalities did not struggle with political rivalries in the way that royal courts did, and we are arguing here for the Cid's exile as a political expediency in the context of a hotbed of court rivals. Whether the opening of the extant PMC, with its meditation on loss in four aspects (open doors, unlocked entrances, empty clothing hangers, and an absence of hunting birds) suggests that all or some of the Cid's possessions have been seized still requires interpretation, and the greatest hispanists have proffered contradictory interpretations.²³

In its performative aspect, medieval law operates through legal formulae. The formulaic phrase here is *Addicimus hereditatem...que est in ipso cauto*. In the write-up of the Rodrigo Ovéquiz' alleged misdeeds, we see several formulae found in the Castilian legal, historiographic and epic traditions.

Nam Dei rebelles et mei regni mei fraudatores et uite et corporis mei traditores, Rudericus uidelicet Ouequiz et Geloria mater eius et illorum progenies mortifera et mentita, perdiderunt et amiserunt recto Dei iuditio propter traditionem et inuasionem quam exarcerunt in me et in regno meo. (Gambra, 1988, p. 245)²⁴

Naturally the words for the alleged misdeed: *frauadator* (commiter of fraud; cheater) and *traditor* (traitor) are both common in Castilian le-

²³ See Montaner's note to line three (2016, p. 647) for references.

^{24 &}quot;And so, as rebels against God and my kingdom, as liars and traitors against my life and my body, Rodrigo —namely Ovéquiz and Geloria his mother and that deadly, lying clan— have lost and forfeit the right to a Judicium Dei because of their treason and raid which they carried out against me and against my kingdom."

gal discourse on treason. For example, the listing of synonymous for "traitor" recalls "falso, malo y traidor", (liar, bad person, traitor) from the Siete Infantes de Lara. Et vite e corporis mei traditores (Gambra, 1988, p. 245) recalls the reptar el cuerpo of the PMC. According to the diploma, Rodrigo Ovéquiz and his mother Evlira lost the right to ordinary due process on account of their part in the uprising and attack on Alfonso's holdings, and are therefore exiled (Gambra, 1988, p. 246: "a me in exilio missi sunt"). The diploma shows a continuity of judicial concepts with regard to exile from the earliest part of the Middle Ages.

The Fuero Viejo is a thirteenth-century compilation of legal rights granted to the nobility over the course of centuries in the form of local charters. This text helps fill out our picture of the Cid's exile. Lacarra and others have used Fuero Viejo as a source of information on the PMC, though we must do so carefully since the exile laws in the Fuero Viejo make reference to a class of nobles (ricos hombres) different from that of Rodrigo Díaz (hijos de algo) and since the use and status of written law in medieval Spain requires a study of its own. The exact correspondence between literary and legal texts requires its own study. For present purposes, we observe that Fuero Viejo offers at least one invaluable insight into the nature of medieval Casitlian law, namely the word desaforado, a participial adjective derived from the verb desaforar, "to remove from the protections of law." Moreover, the Fuero Viejo stipulates that the desterrado (exile) is to go in search of a new señor because he has no legal privileges until he finds one because "law" is a set of privileges granted by a lord, or social superior. To an extent, medieval Castilian law more closely resembles an employer contract than the modern notion that transcendent rights inhere in the individual by dint of his or her personhood or humanity, a conceptual model which culminates in the 1948 Universal Declaration of Human Rights.

The *Fuero Viejo* is an exemplary case of legal and literary interpretation. The *fuero* itself establishes authority with the formulaic phrase, "*Esto es fuero de Castilla*," which is to say, "these are the customary privileges of the political elite of Castile." The legal historical commonplace is that customary law derives its authority from long-held usage,

but nostalgia is a trope used in both literature and law to justify present conditions. The textualization of the *Fuero Juzgo*, the act of compiling and writing customary law in the mid-thirteenth century, represents a transformation and an interpretation of oral materials. The phrase "esto es fuero" is an interpretation and a speech act. According to the customary usage prologue of the *Fuero Viejo*, privileges granted ad hoc through legal charters made to monasteries, vassals and communities were reviewed and combined into a treatise. In other words, an oral tradition became a literate one. The aesthetic phenomena described by literary scholars can be observed in this legal text, which is to say that meaning depends on form to some extent. In sum, exile in the *Fuero Viejo* is a complex issue.

From the point of view of the *Fuero Viejo*, *ricos omes* had the right to break their vassalic bond to the king provided they "published" their intention by proxy, through a vassal, with the legal formula: "Señor fulan Rico ome, beso vos yo la mano por él, e de aquí adelante non es vostro vasallo" (Liii.3). In Liv.2, the Fuero Viejo adds that the *rico ome* should also provide the reason why he is leaving his lord (in addition to giving notice and kissing the king's hand).

The laws of the Fuero Viejo pertaining to exile, either self-imposed or imposed by the king, are repetitious and suggestive of an unsynthesized compilation of various legal manuscripts. Though these seams must be read for the information they offer, for present purposes I offer the following synthetic summary of the main legal clauses of the Fuero Viejo regarding exile and self-exile. For comparison, I include PMC and diploma of Alfonso VI mentioned above.

The table makes it clear both that there is variance among literary, historical, and legal texts, and that there is also continuity among what we moderns perceive to be unconnected disciplines. The table also makes it clear that the *Fuero Viejo* offers some protection to exiles.

^{25 &}quot;[Oh, King], I kiss your hand in the name of Lord [name of the *rico hombre* who breaking vassalic ties to the king], and from here on he is no longer your vassal".

	Fuero Viejo	PMC	HR	Diploma
	The vassals of exiled <i>ricos omes</i> or <i>fijosdalgo</i> should accompany their lord in exile.	Rodrigo asks his vassals if they want to accompany him and recruits others.	Brings his army	Unknown. It seems that the satellites might have also been exiled.
role of vassals of the exiled	Should send all of first winnings to king and half of second winnings to the king in exchange for indemnity for royal reprisals to raiding on king's territory.			
	Should be given a chance not to fight if the king musters troops to fight against belligerent exiled <i>ricos omes</i> .			
property and family of the exiled party	The exiled should not make war on king; if he does, the king may take anything he finds on his lands; raze houses; destroy vineyards, trees and anything he finds; the king should give him time to leave his lands.	Alfonso VI takes back honores.	His family, his family lands, and his honores (lordship over villas, etc. awarded for service) are seized during the second exile.	Alfonso takes back honores and hereditary lands of Rodrigo Ovéquiz and his mother.

	the king should not touch solares or heredades or dueñas in any case.			
notice	Time to exile: thirty- day notice, nine-day notice, three-day notice.	9 days (lines 306-307).	(not mentioned)	No explanation given.
safe passage	Other ricos omes are to provide horses. King is to provide guidance, fairpriced provisions.	Cid must provide his own safe passage.	(not mentioned)	No rights of the exiled are mentioned.
reasons	King is not to dereredar any vassal or vassal's property unless said vassal first desereda the king or king's property.	Ximena says it is <i>malos</i> <i>mestureros</i> (line 267).	Envious courtiers; accused of being traditor et malus.	Traditio and invasio.
raiding	If the exile makes war or raids the king or king's property, the vassals of the exile should send back their part of the booty to the king, their "natural lord."	Cid takes Alcocer but refrains from raiding the protectorates of Alfonso VI.	The Cid continues to raid; according to Reilly, the counter-raid on Gormaz is one of the causes of his exile.	Raiding (invasio) is one of the two causa iuris of the exile.

Table 1: Summary of the main legal clauses of the Fuero Viejo regarding exile and self-exile

The Middle Ages were not without its debates about royal authority, the *Magna Carta* being exemplary in the English tradition. According to Komé Koloto de Dikanda Madeleine, in his royal court (*curia regia*) of

1188, Alfonso IX tried to make royal justice more just (section 6, n/p). At the level of the text, this characterization seems sound. The *decreta* mandate against unjust seizure of person and property, and call for due process for those accused. In particular, there are several clauses relevant to the procedures we see in the case of Rodrigo Díaz. First, accusations must be made in Alfonso's IX's royal court, and the accuser is punished if the accusation is not borne out by the facts. Presumably, this constrains even the king to level accusations carefully. Perhaps most importantly:

Juraui etiam quod numquam propter mezclam michi dictam de aliquo in vel in alium qui dicatur de illi facere malum uel damnum uel in persona uel in rebus suis donec uoce meum per literas meas ut ueniat ad curiam meam facere d...tum secundum quod curia mea mandauerit et si probatum nom fuerit ille qui mezclam fecerit patiator poenam supradictum et soluat in super expensas quas facit mezclatus in eum [...] et re[...]cundo. (Transcripción Latina de los 'Decreta' de León de 1188 a partir del 'Tumbo Colorado' de la Catedral de Santiago de Compostela, cartulario compilado en la transcripción de los siglos XII al XIII')²⁶

Alfonso XI is reported as having made a similar stipulation in the verse biography *Poema de Alfonso onceno* in a judicial session convoked in Vallodolid (Yáñez, 1991, stanzas 329-336). If applied to the Cid and AlfonsoVI, such a provision might evaporate the drama of the *PMC*.

Though the royal court might not protect subjects from the royal will, it would theoretically protect royal subjects from each other. The fact that the court must issue a written summons conforms to the *PMC*'s written document about the Cid's exile. Perhaps the most relevant part of the Ordenamiento de 1188 is the king's promise that those who rally ("facciat assunodas"), apparently taking justice in their own hands, will pay

^{26 &}quot;If someone brings me an accusation against someone else, or makes a claim of harm, I also swear that the accused will incur no damage either in their person or in their goods before they are called by letter to my court to be processed by law, whatever my court decides. If the accusation or the damages are proven false, the above-mentioned punishment will fall to the accuser, and the accuser will also pay the travel costs of the accused to and from court".

double fines and lose the king's "love" ("pendat amore meum"). Thus, even in the context of rendering royal justice fair, the king's favor is still legally binding and final.

Despite being a nobiliary document, the *Fuero Viejo* offers some protection to the king in exile cases. As to the seizure of the exile's booty, the *Fuero Viejo* offers a formula for returning booty:

Señor, fulanos cavalleros vasallos de al Rico ome, que vos echastes de tierra,vos imbian estas suertes, que ganaron cada uno dellos de tal corredura, que ficieron en fulan logar, que ganaron de vosotros vasallos, e de vostra tierra, e imbianvos pedir merced, que enderecedes el mal, que ficistes a su Señor en esta guisa: E devegelo todo decir delante. (I.iv.2, p.16) ²⁷

As can be seen in this stipulation, conflicting allegiance arises because of the complex web of interrelationships that characterize feudal or semi-feudal societies. Vassals whose new lord is at war with their old lord are in a predicament that this legal stipulation means to sort out. The vassals are exonerating themselves from warring on the king while also retaining loyalty to their lord (the *rico ome* who had been vassal of the king). *E devegelo decir todo delante*²⁸ is legal publishing, the performative aspect of this speech act. This legal process is to be repeated: vassals of exiled *ricos omes* should send fifty percent of second winnings to the king and no portion of subsequent winnings. In exchange, these vassals are indemnified against any form of royal reprisal. Thus we see that at least one version of law in medieval Castile allowed for a kind of exile that turns profitable. And we see that the exiles had rights.

The relationship between documents pertaining to the Cid, Rodrigo Díaz, is the subject of extensive scholarly writing.²⁹ It is generally sup-

^{27 &}quot;Lord, the knights here named, whom you exiled, send you these gifts, which they earned raiding in such-and-such a place by defeating your vassals on your lands, now ask your mercy, that you fix this wrong, which you committed against your Lord in this way. All this should be said before the lord.")

^{28 &}quot;and everything should be said aloud in the king's presence".

²⁹ Montaner's recent article ("El proyecto historiográfico"), including its argument and its references, is a good *punto de arranque* for this long scholarly conversation.

posed that the HR might have influenced the PMC. In the HR, the Cid is exiled twice, both times due to the envy of rivals of the Cid. The exile as depicted in the PMC seems to be a combination of these two. In the severity of its consequences, the PMC exile seems to be a conflation of the two exiles mentioned in the HR. This literary condensation demonstrates a quintessential and typical power of fiction and poetry; by condensing the asymmetries of the Cid's comings and goings into a single narrative arc, a single exile, the text makes a focused, coherent case for the Cid as exemplary vassal, in answer to the charge of treason, which apparently had circulated orally, i.e., was known. The PMC seems to answer this charge. The first exile in the HR occurs after two of Rodrigo's victories, both of which result in envy and slander. Fighting on the side of the king of Seville, the Cid defeats the king of Granada and the Castilians fighting on the side of Granada. Because of these conflicting secondary allegiances, many Castilians turn against the Cid in reaction to his victory:

tam propinqui quam extranei causa invidie de falsis et non ueris rebus apud regem accusauerunt (1990, chapter 9).³⁰

The Cid is honored for his victories against Granada, and goes on to capture enormous booty and many prisoners in Toledo, at which point the envious slander turns specific. The text specifies that "curiales inuidientes" (1990, chapter 11: "envious courtiers") accused the Cid of trying to set up the Christian armies for ambush in Toledo (1990, chapter 11). This would be an act of treason, and treason is always among the most serious crimes since it invalidates the legal system itself (Robinson 122). Thus, Alfonso reacts by exiling the Cid. Note the language of the exile ("commotus et iratus eiecit eum de regno suo", 1990, chapter 11)³¹ suggests only that the Cid is expelled from Alfonso's kingdom, which, pace the Deutsche Rechtsschule and its more recent reflexes, is not the severest punishment, and not irreversible. In fact, it is a very precise punishment. Moreover, it is limited, since Rodrigo, according to the HR narrative, is seldom in Alfonso's kingdom anyway. The Cid

^{30 &}quot;because of their envy, both relatives and strangers accused the Cid before the king of things that were false and not true".

^{31 &}quot;agitated and angry, [the king] threw [the Cid] out of his kingdom"

takes on a new lord in Mu'tamin, where he is better received and spectacularly recompensed. In fact, in chapter 19, the Cid declines Alfono's invitation to return to Castile (choosing Mu'tamin instead) because he senses an exile in the making. The second exile is worse insofar as the king seizes Rodrigo's "honorem" (villas and castles awarded as honors), family properties, moveable goods, and wife and daughters (1990, chapter 34). The extant first scene of the poem (PMC) dramatizes this precise loss, and the rest of the poem dramatizes —at length—the Cid's rehabilitation. The rest of the poem dramatizes the undoing of his exile. As Alfonso reaches out to the Cid, it's almost as if the poet-narrator makes the figure of an unjust Alfonso eat his words, while the Cid's chief rival looks on in frustration (line 1345). For example, the poet not only restores the Cid's reclaimed benefice properties with an entire kingdom (Valencia), Alfonso himself recompenses the Cid by allowing him use of whatever property he needs (lines 1364-1365).

In the HR, the cause of the second exile is the same as the first: envious Castilians accuse Rodrigo of treason, in this case, not coming to the aid of the king at Aledo. The Cid's response is legally appropriate: he offers to undergo due process (trial by combat), he denies the charges, he swears vassalic fidelity then and now, and he ratifies the testament by means of an imprecation formula (1990, chapter 35). Exile here is a negotiated standoff between rival powers. In the HR text, "Rodrigo and his army" is repeated enough to become something like an epithet, a clear reminder that Rodrigo is a major player in Iberian politics whose de facto power threatens to exceed that of the de jure ruler or at least that of the Castilian counts whom Alfonso must please. Exile can be an act of mercy (Armstrong, 1963, 768), as it might have been the case of the historical Cid. The strength of Rodrigo's position is highlighted by the fact that he submits to Alfonso four letters with four different paths to resolution. The fourth plea is quite different from the others in that it does not even address Rodrigo's absence at Aledo but focuses rather on the Alfonso's actions against him sine merito, sine ratione (35, p. 67). Was Rodrigo getting fed up? Trying a new legal strategy? The first three pleas follow the same format. The differences in content are merely amplifications or reductions of the same structure: explanation

of what happened at Aledo, a denial of treason (of the cause for exile), and an imprecation formula.

	First Plea	Second Plea	Third Plea	Fourth Plea
Prologue: illocution	Was held in love.			
	Will fight by challenge duel.			
Aledo	Swears that he did not know the King's route to Aledo.	Did not know that the King was ahead of him until the king was on his way back to Toledo. Had he known, he would have joined the king.	Sent letters to king without evil intent.	
Bitter reproach				Rodrigo has neither spoken, thought or committed evil against king since he swore loyalty until that day that king "cruelly and without reason" took Rodrigo's benefice lands and wife.
				King has committed unearned and irrational suffering and dishonor upon Rodrigo.

Denial of lying	Did not lie.		Rodrigo did not send letters so that the king would be defeated. Obeyed king	
Denial of disobedience	disobey.		by waiting at Villena, per king's orders.	
Denial of treachery/ motives for exile	No deceit, plotting, treachery, evil (fraudum, ingenium, traditionem, rem malam).		Did not commit treason or evil (traditionem, rem malam).	
	No one is more faithful.			
	If this is a lie, may God deliver me into the king's hands.	If this is a lie, may God deliver me into the king's hands.	If this is a lie, may God deliver me into the king's hands.	If this is a lie, may God deliver me into the king's hands.
Imprecation formula	If not a lie, may God deliver me.	If not a lie, may God deliver me.	If not a lie, may God deliver me.	If not a lie, may God deliver me.
	This oath will be repeated by Cid's champion.	This oath will be repeated by Cid's champion.	This oath will be repeated by Cid's champion.	This oath will be repeated by Cid's champion.
Epilogue				King should choose one of the oaths for Rodrigo to take or send a written solution.

Table 2: The Four Pleas of Cid Analyzed as Legal Formula

3 Implications

3.1 Eleventh-Century Banishment

Despite the historiographical clichés that banishment was the severest punishment of early societies, that is certainly not the case with eleventh-century Castile. Banishment is not exclusively penal but also a means of effecting some other end (Armstrong 760). It is an ancient debate whether exile is punishment or escape from punishment (Cicero, n/d, section 34).32 We might go so far as to argue that the pathos of opening tirada of the PMC is to ameliorate any sense that the Cid's exile was not punishment. Alfonso VI banished Rodrigo to remove him from circulation, thereby keeping peace among various constituents of his power base. What if, as a secondary motive, Alfonso sent Rodrigo not so much from Castile as to the Moors, knowing that he would wreak destruction on them? Banishment in eleventh- and twelfth-century Castile is not being driven into the wilderness so much as being removed from play, removed from circulation. Alfonso's job was to maintain balance among his vassals, tributaries, and enemies, in short, among the positive and negative poles of his political world. Rodrigo Díaz, having taken García Ordóñez and other Castilian magnates prisoner, having crossed Ramón Berenguer and other allies of Alfonso, threatened that halance

3.2 Desaforado: The Nature of Early Castilian Law

The crux of the banishment of Rodrigo Díaz in the nomo-historiographic tradition of Castile is expressed in the notion of Rodrigo Díaz as *desaforado*, "unlawed," or removed from a system of law. The term *desaforado* appears in the *Fuero Viejo*. The *PMC* uses the term *desterrado*. They are the same insofar as the royal law is always seen as consonsant and coterminus with royal territory. This is one of the most fundamen-

^{32 &}quot;Exsilium enim non supplicium est, sed perfugium portusque supplici" ("Pro Aulus Caecina", n/d, section 34: "For banishment is not a punishment, but is a refuge and harbour of safety from punishment").

tal suppositions of monarchy: the king's law rules the king's land. The modern English term "law" fails utterly to represent medieval Castilian cultural assumptions and relationships that we are trying to represent with that term. *Desaforado* is derived from *fuero*, and *fuero* of course is derived from Latin *forum*, and, in a time such as early medieval Castile, when law was done not only in court but in the field, on the road, in a fight or wherever, the need arose for settlement and mediation, *forum* comes to mean not the place where law is done but the doing of the law itself. *Fuero* comes to refer to the system of law, or, more accurately, the system of privileges and interchanges defining relationships, rights, and concrete situations. As mentioned above, the early medieval sense of "fuero" is more like a renter's contract insofar as Castilian kings issued *fueros* as sets of privileges to newly conquered frontier towns, as incentive for relocation there. Contingent upon inhabitation, rights and duties were granted to settlers.

Rodrigo, being desaforado, removed from a legal system, as the Fuero Viejo puts it, is outside the privileges of Alfonso, but he is also outside of Alfonso's restrictions. Part of the nature of law is a negotiated interchange of services and goods which is not necessarily territorial. Desterrado, removed from a territory, is a concretization of desaforado, being excluded from privileges, protections, and punishments of a given interpretive community; all of this is closer to a true sense of exile and banishment. There are Indo-European correlatives to desterrado, this concept of law as that area which is protected. The depiction of Polyphemus in the *Odyssey* as wild and lawless, even single eyed (no concession to other points of view) suggests this same concept of law as a privileged, protected domain (as opposed to law as a set of restrictions). Medieval Scandinavian law recognized degrees of exclusion from the protections and privileges of law. Due to Iceland's wealth of legal and literary documents related to exile and banishment, Icelandic outlawry is among the most studied cases of exile. Like the Spanish sources, the first Icelandic lawbook, the *Grágás*, adjudicates how soon the exile must leave, what happens to his property, and who can help or harm

him, and how soon.³³ Recio Juárez interprets the *inimicita*³⁴ of Visigothic law in this way, which would mean that part of the significance of the number of days allotted to exiles like the Cid to leave Castile was to let everyone know how long the exile's indemnity under royal law lasted, i.e., at which point his rivals could attack him or take vengeance for any debt of violence owed.³⁵ However, the expired indemnity implied by *inimicitia* is more relevant in homicide cases, crimes begging for blood vengeance. The Cid's exile is not a feud in the anthropological sense (impassioned, tit-for-tat revenge killings between two collectives).

The Icelandic legal text uses various words for outlaw, including *vargr*, or wolf, which suggests that those who are not complicit with the law are wild. Of course Roman law and English law make use of this same ecology-based metaphor: the outlaw "shall wear a wolf's head" (*gerat caput lupinum*), or go unprotected, because wolves as apex predators posed serious rivalry for men. Taking a cognitive studies perspective on metaphor, i.e., that metaphors are based ultimately on sensorial experience including, in this case, ecological experience, then we gain an insight into exile. The insight is that exile is about winning a rivalry. Some serious challenge to status quo is posed by a social actor, and the

³³ The legal source for information on outlawry during the Icelandic commonwealth period is the $Gr\acute{a}g\acute{a}s$. Finsen's edition of the $K\acute{o}nungsb\acute{o}k$ MS is still the most used reference. The information about outlawry is spread throughout the $Gr\acute{a}g\acute{a}s$, but there are sections dedicated to the outlaw's safe passage and the confiscation of his good (section 53, p. 89 ff.).

^{34 &}quot;State of enmity"; in some contexts enmity against the ruling power, therefore a treasonous act; in others a state of enmity between rivals, therefore "feud."

³⁵ Recio Juárez (2016, p. 60, note 99) writes,

[&]quot;La lex visigothorum, más adelante recopilada como el Fuero Juzgo, recoge la inimicitia, institución germánica por la cual el culpable o enemigo era condenado a pagar una cantidad y desterrado de su localidad, quedando así expuesto a la venganza del ofendido u ofendidos quienes después de esa declaración judicial podían matarle impunemente tras un período de 3 a 9 días durante los que podían huir del lugar"

^{(&}quot;Visigothic Law, later promulgated as the *Fuero Juzgo* [by the kings of Castile], preserves the *inimicitia*, a Germanic legal institution by which the guilty party or enemy was condemned to pay a certain amount and then banished from that locale, and was thereby exposed to the vendetta of the offended party[ies], who, after said legal declaraction, could kill him with impunity after a period of three to nine days—the time allotted for him to flee").

The easy equation of seventh-century Visigothic law and thirteenth-century Castilian law is problematic to anyone with a sense of legal context or a sense of translation. Also problematic is the notion of a "Germanic" institution surviving unchanged into the thirteenth century. The strong association of Germanic peoples and blood vengeance is tantamount to the permeable boundary between Chinese martial arts fiction and Chinese kung fu: literature seems to have infiltrated objectivity.

current group authority decides to remove that rival. Execution is not the same as outlawry just as captivity is not the same as hunting. Jailing and execution assume a relationship between established authority and social inferiors, where hierarchy is not in dispute. Calling the exile a dangerous prey is what stands behind the hunting metaphor. The metaphor also implies that the domain of law is a bounded geographical domain where safety rules, where predators are barred from entering. But not all cases of exile conform to this hunting mythos. The Cid's exile is a political move. The Cid is no werewolf.

Borrowing Agamben's principle of the sovereign ban, we might read in Rodrigo's exile not just an incident of Castilian politics, but the essential structure of Castilian sovereignty: "The ban has constituted the essential structure of sovereign power from the beginning" (Agamben, 1998, p. 111). Alfonso has to assert his authority against the Cid because he would have no authority if he did not. For Agamben, the ban is "the sovereign *nomos* that conditions every rule, the originary spatialization that governs and makes possible every localization and territorialization" (Agamben, 1998, p. 111). The Spanish terms make Agamben's point even clearer: that desterrado could be a synonym of desaforado shows this spatialization. The conflation of law and authority over a territory is the spatialization of law. In a globalized, information era, law must necessarily be de-territorialized. The mesmerism of the metaphor must be broken now since geographical boundaries will prove untenable in cyberspace or in physical space once travel reaches a speed at which all places become contiguous.

Said another way, perhaps a way more familiar to scholars of literature, we may read in the exile of Rodrigo Díaz an etiological allegory for the political authority of Western law. The exile of Rodrigo Díaz explains early Western law in figural terms as Cain and Abel explain the origin of crime and outlawry. Alfonso VI, embodying the crown, makes a personal decision to exact retribution for his subject's supposed crime. Since the Cid is not a peon but a major political player, Alfonso must remove the Cid from circulation. The remaining elements of the allegory are: slander (representing the power of consensus), *ira regia* (rep-

resenting violence or exclusion, law's two forces), the king's individual decision (representing interpretation, or application of law).

FIGURAL	authority	subject	consensus	exclusion	interpretation (application) of law	outside of law (tacit recognition of law's limits)
LITERAL	Alfonso VI	Cid	slander	ira regia	king's will	exile

Table 3: Allegory For Law

The legal allegory of the *PMC* makes it clear that law is not external or imposed from the outside but contractual and relational; not natural but contingent upon agreements. Law is an agreement to impose or dissolve boundaries. Any kind of text —legal or literary— can contribute to the understandings of those boundaries. Since the boundaries or affinities are always only imagined, they must be enacted publicly, so all can see to believe.

3.3 Medieval Personalization, Modern Dehumanization

Moderns have had difficulty reading the *ira regia* as anything but injustice. Even Grassotti, who views the *ira regia* as an institution with roots in Spanish and European law, views it as personal whim. She associates the *ira regia* with "despotism" and calls it "an arbitrary act" of individual will (7). It is all those things, but to assume that modern law is not those things is to fail to see our legal fictions. In the case of the exile of Rodrigo Díaz as we know it in the *PMC*, we can easily see how the declarative statements "the king is angry" and "the king is pleased" signify pragmatically, that is to say, affect lives. In the *PMC*, the Cid's privileges as vassal of Alfonso VI, including his right to live on his hereditary land, are expressed simply as "*Alfonso tiene gran saña*" ("Alfonso is greatly enraged") and "*plázme*" ("it pleases me"). These phrases and the *ira regia* constitute a legal status or sentence. It is a legal category personalized and personified as an individual's (the

king's) emotional state. The personification says more about the nature of law as embodied than it does about medieval law being subjective or primitive. From the perspective of those holding the modern legal fiction of objective standards, the *ira regia* is a subjective state; however, the consequences are "objective" in the sense of being uniform and real. More than subjective or objective, "embodied" better captures the way law is expressed. Things embodied are both subjective and objective. As a political reading of the *ira regia* in the *PMC*, we might extrapolate from Bataille's association of sovereignty with the right to consume and waste without "sin" (1991, pp. 198ff.) We might extrapolate to suggest that kingship, as portrayed in the *PMC*, is the right to determine political consequences based on individual desire and emotion. This is not unlike Agamben's notion that the sovereign has a monopoly on the power to decide (1998, p. 16), and unites justice and violence (p. 31). Agamben writes that the sovereign power exceeds the level of the judicial rule (1998, p. 43), that the sovereign ban applies to the exception in no longer applying (p. 46). The Cid's exile is precisely what Agamben describes as the state of exception: law becomes indistinguishable from life (1998, p. 55). However, this is reading too far, for this is how the *PMC* tries to make it seem —that the law is the law. If Rodrigo Díaz did indeed establish a new vassalic relationship with Almotamid, then we see that the sovereign ban has limits, at least literally. The fiction of the outlaw metaphor is that human social life ends at the edge of law. The case of the Cid makes it clear that this is not true

In fact, the overestimation of the individual is what the law always tries to hide. The ascendance of one individual as lawmaker over another is not the law itself. The fiction that one man can become prey to others (vargr/lupus) is the inhumanity that makes law possible and "natural." This is what Agamben was trying to express by noticing the conceptual slippage between sacred as holy and sacred as detestable in the Latin legal concept of homo sacer. We have always simultaneously overestimated and underestimated the importance of the individual in the context of the law. The law must be expressed as individual narrative (a legal case); authority must take expression as an individual (ruler or judge). Monarchy of course has an elaborate mythology to naturalize its choice

of individual. Democracy likewise.

Law was wholly personalized in the Western European Middle Ages: the king embodied the law, personified the law; laws applied to people by class (much as they do today by nationality). The extreme personalization of law in the Western European Middle Ages, though, is not unique. It is simply a different flavor of the reality of law: the law must always be personalized as plaintiff or defendant or violator, etc. The idea of the law as objective material "out there" is but a figuration perhaps ultimately related to the concept of a monotheistic deity —transcendent and bodiless. What always matters in law is not the norm or ideal but how its application affects a given individual or group of actual people. The law is always personal or it would be a kind of art for art's sake, ignored by everyone but a few enthusiasts.

To misperceive Rodrigo Díaz' exile as Germanic outlawry (though there might be connections) or as the caprice of an absolute monarch is to misunderstand early medieval Castilian law, and to misunderstand the law itself. It is well known that early medieval kingship was not absolute, and that there is a modern tendency to misread medieval kinship anachronistically through the lens of Baroque absolute monarchy and through the doctrine of the divine right of kings.³⁶ That this is the case is evident in the scholarly tradition of reading for the "rebellious vassal" in early Castilian heroic texts.³⁷ Law was pluralistic in early Castile. Lord and vassal might typically be working with different legal assumptions and competing systems of law. What constitutes "legal" is itself a competition, as various interpretations or even legal systems compete for dominance. Exile marks that possibility of re-setting givens. Exile is that liminal space between competing interpretations, or systems of law. Exile, ironically, flags the ultimate freedom—the freedom to remake the law.

³⁶ Dian Fox (1983, p. 325) cites the well-known dictum: "the power of the monarch was not appreciably consolidated until the later Middle Ages."

³⁷ To the point, see Burshatin and Thompson (1976-1977).

References

- Agamben, Giorgio. (1998). *Homo Sacer: Sovereign Power and the Bare Life*. Trans. Daniel Heller-Roazen. Stanford: Stanford U P.
- Alfonso X. (1789). Las Siete Partidas del Sabio Rey Don Alfonso el Nono. Gregorio López. (Ed.). Madrid.
- Anonymous. (1971). "Prisoner Correspondence: An Appraisal of the Judicial Refusal to Abolish Banishment as a Form of Punishment". *Journal of Criminal Law, Criminology, and Police Science*, 62 (1), 40-55.
- Armstrong, Michael F. (1963). "Banishment: Cruel and Unusual Punishment". *University of Pennsylvania Law Review* 111 (6), 758-786.
- ----, & ----. (Eds.) (1986). *Judeo-Spanish Ballads from Oral Tradition, II: Carolingian Ballads, I: Roncesvalles.* Berkeley: University of California Press.
- Bataille, George. (1991). *The Accursed Share, vol. III: Sovereignty.* Robert Hurley (Trans.). New York: Zone Books.
- Bazán Díaz, Iñanki. (1999). "El destierro en el País Vasco (siglos XIV-XVI)", in La exclusión social a través del sistema penal. Marginación y exclusión social en el País Vasco. UPV/EHU: Bilbao, 25-54.
- Brunner, Heinrich. (1892). Deutsche Rechtsgeschichte II. Leipzig: Dunker und Humblot.
- Burshatin, Israel G. and R. Russell Thompson. (1976-1977). "Poema de Mio Cid Line 508: The Cid as a Rebellious Vassal?". La Corónica 5, 90-92.
- Cavalca, Desiderio. (1978). Il Bando Nella Prassi E Nella Dottrina Giuridica Medievale. Milano: Dott. Giuffre.
- Cicero. (n.d.) *Pro Aulus Caecina*. Retrieved October 10, 2017 from http://www.thelatinlibrary.com/cicero/caecina.shtml#1
- De Francisco Olmos, José María. (2008-2009). "El problema de la sucesión al trono en la monarquía visigoda: fuentes numismáticas". AHDE, 78-79,107-138.
- Dunn, Peter N. (1975). "Poema de de mio Cid, vv. 23-48: Epic Rhetoric, Legal Formula, and the Question of Dating". Romania 96,

- 255-264.
- Falque, Emma; Gil, Juan and Maya, Antonio (Eds). (1990). *Historia Roderici vel Gesta Roderici Campidocti. Chronica Hispana Saecvli XII*. Turnhout: Brepols.
- Finsen, Vilhjálmur. (1870). *Grágás: Islændernes lovbog i fristatens tid.* Copenhagen: Brødrene Berlingsbogtrykkeri.
- Fletcher, Richard. (1976). "Diplomatic and the Cid revisited: the seals and the mandates of Alfonso VII". *Journal of Medieval History* 2, 305-33.
- Fox, Dian. (1983). "Pero Vermúez and the Politics of the Cid's Exile". *The Modern Language Review* 78 (2), 319-327.
- Ignacio Jordan de Asso y del Río and Miguel de Manuel y Rodríguez (Eds). (1964). El Fuero Viejo de Castilla. Sacado, y comprobado con el exemplar de la misma Obra, que existe en la Real Biblioteca de esta Corte, y con otros MSS. Valladolid, Lex Nova. (Reprinted in facsimilie from Madrid: Joachin Ibarra, 1771).
- Gambra, Andrés. (1988). *Alfonso VI: Canceillería, curia e imperio. II. Colección diplomática.* León: Centro de Estudios e Investigación "San Isidoro".
- Grassoti, Hilda. (1965). "La ira regia en León y Castilla". *Cuandernos de Historia de España* 51-52. Buenos Aires: Instituto de Historia de España, 6-135.
- Koloto de Dikanda Madeleine, Komé. (2004). "La ira regia en el *Poema de mio Cid"*. Analecta Malacitana Electrónica 16. Retrieved October 10, 2017 from anmal.uma.es.
- López Pereira, José Eduardo (Ed.). (1980). *Crónica Mozárabe de 754*. Zaragoza: Anubar.
- Martín, Óscar. (2003). "El episodio del destierro en el *Cantar de mio Cid* y su relación con la primera tirada cidiana". *La corónica* 32 (1), 265-285.
- ---- (2007). "La ira en la primera tradición cidiana". *Olivar* 8 (10), 119-140.
- McGlynn, Michael. (2010). "Bergthor's Voice: Orality in the Homicide Law of the Old Icelandic *Grágás*". *Amsterdamer Beiträge zur älteren Germanistik* 66, 75-102.
- Michaels, Ian (Ed.). (2003). Poema de mio Cid. Madrid: Castalia.

- Montaner Frutos, Alberto. (2009). "El proyecto historiográfico del *Archetypum Naiarense*". *E-Spania*. June, 2009. DOI: 10.4000/e-spania.18075.
- ---- (Ed.). (2011). *Cantar de Mio Cid*. Madrid: Real Academia Española.
- Montaner Frutos, Alberto and Escobar, Angel (Eds., Trans.) (2001). *Carmen Campidoctoris o poema latino del campeador*. Madrid: España Nuevo Milenio.
- Orlandis, José. (1944). "Huellas visigóticas en el derecho medieval de la alta edad media". *Anuario de la Historia del Derecho Español*, 644-658.
- Pérez-Prendes y Muñoz de Arraco, José Manuel. (2004). "El riepto contra Rodrigo (1089)". *Interpretatio* 10, 323-335.
- Planas, Javier. (1997). El problema del germanismo en el derecho español. Siglos v-xi. Madrid: Marcial Pons.
- Ramos Vázquez, Isabel. (2007). "Detenciones cautelares, coactivas o punitivas. La privación de libertad en el derecho castellano como instrumento jurídico". *ADHE*, 707-770.
- Recio Juárez, Matías. (2016). *La expulsión de extranjeros en el proceso penal*. Madrid: Editorial Dykinson.
- Robinson, Olivia F. (2001). "Unpardonable Crimes: Fourth Century Attitudes", in Cairns, John W. and Robinson, Olivia F. (Eds.). *Critical Studies in Ancient Law, Comparative Law and Legal History*. Portland, Oregon: Hart.
- Reilly, Bernard F. (1988). *The Kingdom of León-Castilla Under Alfonso VI*. New Jersey: Princeton University Press.
- Rose, Peter I. (1993). "Exile, Ethnicity, and the Politics of the Rescue". *Sociological Forum* 8, 5-24.
- Sainz Guerra, Juan. (2006). "Infracción y pena en el Fuero de Soria". *ADHE*, 137-170.
- Shaw, Christine. (2000). *The Politics of Exile in Renaissance Italy*. Cambridge: Cambridge University Press.
- "Transcripción Latina de los 'Decreta' de León de 1188 a partir del 'Tumbo Colorado' de la Catedral de Santiago de Compostela, cartulario compilado en la transcripción de los siglos XII al XIII". (n.d.). Retrieved October 10, 2017 from: mecd.gob.es/cul-

- tura-mecd/areas-cultura/archivos/mc/registro-memoria-unes-co/2013/decreta-curia-regia.html.
- Vázquez de Parga, Luís. (1944). "El fuero de León (Notas y avance de edición crítica)". *ADHE*, 464-498.
- West, Geoffrey. (1983). "Medieval Historiography Misconstrued: The Exile of the Cid, Rodrigo Díaz, and the Supposed *Invidia* of Alfonso VI". *Medium Aevum* 52 (2), 289-299.
- Yáñez, Rodrigo. (1991). *Poema de Alfonso onceno*. Juan Victorio (Ed.). Madrid: Cátredra.
- Zeumer, Karl (Ed.). (1902). *Leges Visigothorum* (Monumenta Germaniae Historica). Leipzig.

[received December 2, 2017 accepted January 22, 2018]

ISSN: 2519-1268

Issue 5 (Spring 2018), pp. 99-117 DOI: 10.6667/interface.5.2018.51

Linguistic and Extra-Linguistic History Behind Roman

Jakobson's Distinctive Feature: The Perspective of Euro-

pean Crises and Intellectual Odyssey

CHANG-LIANG QU

Dalian University of Foreign Languages

Abstract

A full picture of the evolution of Jakobson's term "distinctive feature" is not easily achieved, partly because the texts supporting such a study were written in a multilingual way: in Czech, French, German or English. Behind the multilingual texts were the European crises that led to the involuntary odyssey that was not untypical among the scholars of his generation. As a Russian intelligentsia of Jewish origin, he experienced Russian compatriots' resettlement in interwar Central Europe, their fleeing from the persecution under the Nazi regime, as well as their final hard emigration to the United States. This essay intends to trace the development of this phonological term in Jakobsonian texts, to reflect on the reasons for his choice of the languages, and to explore a specific case of linguistic historiography on how this émigré scholar changed the landscape of that research field.

Keywords: distinctive feature, Roman Jakobson, émigré

© Chang-Liang Qu

This work is licensed under a <u>Creative Commons Attribution-NonCommercial-ShareAlike 4.0</u> International License.

http://interface.ntu.edu.tw/

Linguistic and Extra-Linguistic History Behind Roman Jakobson's Distinctive Feature: The Perspective of European Crises and Intellectual Odyssey

Distinctive feature, one of the core terms in the 20th century phonology, is always associated with the insights of the prominent Russian-American linguist Roman Jakobson (1896-1982). In the Chinese speaking world, the theory usually automatically reminds of his Preliminaries to Speech Analysis (1952, in collaboration with Gunnar Fant and Morris Halle), which not merely presents the fullest picture of the distinctive features, but remains Jakobson's only book-length work available in Chinese. Translated by the influential Chinese linguist Wang Li (1900-1986), the text was published in installment in Chinese academic journal Linguistic Abroad as early as in 1981, when China freshly opened the door again to the outside world. Therefore for the Chinese readers, it became one of the best known among Jakobson's 650 works throughout his academic career. However, in the history of the 20th century linguistics, this mature work stands as a "final product" on the theory of distinctive feature, in which the full picture of its development is not visible. Furthermore, depicting this history is considerably difficult, partly due to the fact that Jakobson's early idea on distinctive features were not written or published consistently in one specific language, but scattered in texts in any of the European languages he frequently employed: Czech, French, German or English. With linguistic historiographers' recent revived interest in Roman Jakobson and the Prague Linguistic Circle (e.g. Sériot [2012], Leoni [2015], Qu [2015], Qian [2016]), the development of Jakobson's idea on distinctive feature deserves serious rethinking. To fulfill such a task, one needs to reconstruct this history with the support of relevant texts that Jakobson wrote in all

¹ Part of the research project is sponsored by the National Social Science Foundation of China (16BYY007). A first draft of this paper was read at the Seventh Symposium on European Languages in East Asia, September 30 - October 1, 2016, Taipei. The author is grateful to the valuable suggestions from the fellow participants of the conference and the anonymous reviewers of this journal.

these four languages.

On the other hand, these multilingual texts in retrospect turn out to be an index to the European crises that led to an involuntary odyssey, which was not untypical among the émigré scholars of his generation. As a Russian intelligentsia of Jewish origin, he experienced Russian compatriots' resettlement in the interwar Central Europe, their fleeing from the persecution under the Nazi regime, as well as their final hard incorporation into the academic world in the United States. Generally speaking, it was the different audiences and readers Jakobson met in different parts of his odyssey that decided on his choice of the language in which he wrote these works. The linguistic history of this phonological term therefore reveals its extra-linguistic value.

1 Jakobson's Less-Known Czech Articles on Distinctive Features

1.1 "Z fonologie spisovne slovenstiny" and the encyclopedic entries in Ottův

In 1938, Jakobson submitted an article entitled "Observations sur le classement phonologique des consonnes" [Observations on the phonological classification of the consonants]² to the Third International Congress of Phonetic Sciences in Ghent. With his announcement that "nous identifions les phonèmes d'une langue donnée en les décomposant en leurs caractères phonologiques constitutifs, c'est-à-dire que nous établissons pour chaque phonème quelles qualités l'opposent aux autres phonèmes du système en question" (Jakobson 1939, p. 272), he successfully persuaded the linguistic historiographers that this French article was the starting point of the "second stage" of his phonological thoughts, during which he argued for the complex instead of a single, unbreakable structure of the functional linguistic unit phoneme (e.g. Ivić, 1965; Waugh, 1987), and that his phonological belief began to diverge from what he

² Non-English titles and quotations in this article are translated into English by the present author.

^{3 &}quot;We identify the phonemes of a given language by decomposing them into their constituent phonological characters, i.e. we establish for each phoneme what features it opposes to the other phonemes of the system in question".

believed in the classical period of the Prague Linguistic Circle (e.g. Anderson, 1985, p. 116).

However, "Observations sur le classement phonologique des consonnes" was by no means the first publication in which his idea of "distinctive feature" was expressed. His efforts to attempt at the sub-phonemic entity had first been published seven years before, in a less-known Czech article entitled "Z fonologie spisovne slovenstiny" [On Phonology of Literary Slovak]. The article was his contribution to *Slovenská Miscellanea: sborník věnovaný Albertu Pražákovi k třicátému výročí jeho literární činnosti*, a volume presented to the 30th anniversary of the literary activities of the renowned Czech literary historian Albert Pražák (1880-1965). It reminds of Jakobson's two-decade participation as a Russian émigré in the academic world of interwar Czechoslovakia, while he actively acted as a founding member and leading figure of the Prague Linguistic Circle.

In this often neglected article, the term "diferenciační vlastností" [distinctive features] was employed as a superordinate term for several sub-phonemic components. According to his description, Czech phonemes /e/ and /i/ are "samohlásky světlo-měkké" [bright and soft vowels] while /o/ and /u/ are "samohlásky temno-tvrdé" [dark and hard vowels]; on the other hand, he labeled the opposition between Slovak /æ/, /e/, /i/ and /a/, /o/, /u/ only as "samohlásky měkké" [soft vowels] vs. "samohlásky tvrdé" [hard vowels], because Slovak /æ/ and /a/ were both interpreted by him as "světlý" [bright] (Jakobson, 1931, p. 158). These four terms, "měkký" [soft], "tvrdý" [hard], "světlý" [bright], "temný" [dark], became Jakobson's earliest labels to describe the sub-phonemic entities and are the precursors of the more standard Jakobsonian terms "acute", "grave", "non-flat", "flat" in his more established works of the 1950s.

During the same period, distinctive feature is also implied in his contribution to the Czech encyclopedia Ottův slovník naučný nové doby [Otto's Encyclopedia of the New Era]. In the entry "Fonéma" [phoneme], he defined this term as "soubor zvukových vlastností, kterými se liší jedna

hláska daného jazyka od ostat" [set of sound features, that distinguishes in a language one sound from the others] (Jakobson 1932, p. 608). While most of the details in this definition are consistent with the more widely-known one in Prague Linguistic Circle's "Projet de terminologie phonologique standardisée" [Project of standardized phonological terminology] (1931) —"unité phonologique non susceptible d'être dissociée en unités phonologiques plus petites et plus simples" [phonogical units not liable to be separated into smaller and simpler phonological units]— phoneme was obviously no longer an unbreakable whole since it became "a set of sound features".

1.2 Background to the Czech articles on phonology

While the information recorded in these Czech sources may astonish the readers who rely exclusively on the English texts, it will not be unnatural to ask why Jakobson chose to publish these important advances in Czech.

Actually the above mentioned two sources are among Jakobson's considerable number of Czech texts written and published during his two-decade stay in Prague and Brno. They cover a large variety of themes and genres, from popular newspaper article to serious academic writings. Compared with his works in German and French of the same period, these Czech texts are largely neglected if not completely forgotten. It was not until recently that many of them were anthologized by Jindřich Toman in the newly published Volume IX (2013-2014) of *Roman Jakobson: Selected Writings*.

The fact that Jakobson wrote and published in Czech echoed the post-WWI turmoil that forced large numbers of Russian intelligentsia to leave their country, many of whom resettled in the newly independent Republic of Czechoslovakia. Under the administration of the country's founding father Dr. Tomáš Masaryk (1850-1937), government-sponsored institutions were set up and government-sponsored grants were made available for individual academic and literary figures (Toman,

1995, p. 104). The young republic soon turned into what Toman calls "a republic of scholars".

Unlike many of the émigrés, Jakobson left Russia in a "decent" way. In July 1920, Jakobson arrived in Prague as a member of the Soviet Red Cross delegation whose mission was to solve the problem of the Russian prisoners of war in Czechoslovakia, and to establish diplomatic relations with this new country. However, he also brought with him a letter of recommendation from the renowned Russian linguist Aleksej Aleksandrovic Šaxmatov (1864-1920). He left the mission two months later (Jangfeldt 2014: 208) with the consent of Solomon I. Giljerson (1869-1939), the head of the delegation, who had not disagreed with his academic plan before the mission departed from Moscow. Šaxmatov's letter and Giljerson's support soon made Jakobson's enrollment possible. He became a doctoral student at Charles University in Prague.

Although he was generally remembered for his leading role in the Prague Linguistic Circle, Jakobson began to publish in Czech much earlier than the founding of the circle in 1926. A glance at the newly published Vol. IX reveals that fact that his first published voice in this central European country was an interview conducted in Czech with the title "Stav kultury v Rusku: Rozhovor s členem sovětského poselstva Červeného kříže" [State of Culture in Russia: A Conversation with the member of the Soviet mission of the Red Cross]. The interview was published in Czech daily newspaper *Lidové noviny* [People's News] on July 21, 1920. In addition, the first academic work he published during this period was also in Czech. From 1920 to 1921, his long article "Vliv revoluce na ruský jazyk" [Influence of Revolution on the Russian Language] was published in installment in four issues of Czech journal *Nové Atheneum* [New Athens].

Altogether, among the 151 items collected in Volume IX, 85 were written in Czech. Therefore, it is not surprising to see him present his important ideas on distinctive feature in this language in the early 1930s, when his position was firmly established in the academic world in Czechoslovakia.

Paradoxically, the two above mentioned works were not among the re-published Czech texts in Volume IX, presumably because their English translations had been included in Volume I of the *Selected Writings* first published in 1962. However, several details were modified when Jakobson edited and translated the texts in person, so that one needs to be cautious of the risks of anachronism when using these translated texts. Two of these traps are the most evident:

First, the four distinctive features in the 1931 article, "měkký", "tvrdý", "světlý", "temný", were not translated faithfully as "soft", "hard", "bright", "dark", but upgraded as "acute", "grave", "non-flat", "flat", the acoustic terms popularized since the publication of *Preliminaries to Speech Analysis* (1952). One must remember that back in the early 1930s, the distinctive features were neither based on acoustic experiments nor attempted as a universal system to interpret all human languages.

Second, in the English translation of the 1932 encyclopedia entry, a very prominent keyword "concurrent" was inserted into the definition of the phoneme, which was not a part of the original Czech wording "soubor zvukových vlastností" [set of sound features]. Therefore, it is reasonable to conclude that back in the early 1930s, although Jakobson was certain about the functions of the sub-phonemic entities, he was not yet clear about their concurrent nature.

Had these two texts been translated into English by someone else, the above-mentioned details could have remained as they had actually been. But since Jakobson translated them on his own, he must have felt it an obligation to revise the "out-dated" parts. From the point of view of linguistic historiography, his efforts have unfortunately reduced the historical value of these texts.

2 Jakobson's German Manuscript on Distinctive Feature

2.1 Jakobson's short sojourn in Denmark

Jakobson's real step toward the concurrent nature of the distinctive feature did not appear until he discussed it in a manuscript he wrote in German in 1939. Entitled "Zur Struktur des Phonems" [On the structure of the phonemes], this manuscript remained unpublished until he included it in 1962 in Vol. I of his Selected Writings.

In 1938, with the control of the Sudetenland tragically ceded to Nazi Germany under the Munich appearement treaty, the remainder of Czechoslovakia was soon after invaded and occupied in March 1939. This political catastrophe terminated the "republic of scholars", and the classical stage of the Prague Linguistic Circle ended with the death and flight of several of its important members. As a Jewish scholar, Jakobson was immediately deposed from his professorship at Masaryk University, his personal safety being at stake. According to the study of Eli Fischer-Jørgensen (1911-2010) on the Brøndal archives in the Royal Library in Copenhagen, in the spring 1939, Jakobson's friends in different European countries began to make serious efforts to rescue him. These friends include Viggo Brøndal (1887-1942) and Louis Hjelmslev (1899-1965) in Denmark, Alf Sommerfelt (1892-1965) in Norway and Nicolaas van Wijk (1880-1941) in the Netherlands. After several weeks of hiding in Prague, Jakobson successfully obtained a visa and arrived in Copenhagen on April 21.

During his short four-month stay in Denmark, "Zur Struktur des Phonems" was his most important work on phonology. The manuscript was prepared for the two guest lectures he delivered at the University of Copenhagen. It was therefore written in German, the main-stream academic language in the Nordic countries at that time. "Zur Struktur des Phonems" witnessed a breakthrough of Jakobson's ideas on distinctive feature, where its concurrent nature was clearly presented and thoroughly examined.

2.2 Saussure, Bally and Jakobson on the paradigmatic possibility of linguistic unit

According to Saussure's classic interpretation of the dichotomy of the syntagmatic-associative relations of linguistic sign, the only legitimate way to decompose a complex linguistic unit is to segment it along the axis of successivity. Therefore, the unusual value of "Zur Struktur des Phonems" dwells in Jakobson's quest of the sub-phonemic entities in a paradigmatic way, as he redefined phoneme as "eine komplexe Einheit, die sich auf der Achse des Beisammens in distinktive Qualitäten restlos zerlegt" (Jakobson, 1962, p. 310).

Unlike Saussure, Charles Bally (1865-1947) employed a paradigmatic segmentation to linguistic unit in his morpho-semantic analysis. In *Linguistique générale et linguistique française* (1932) [General linguistics and French linguistics], Bally suggested an idea of "cumul des signifiés". For example, while the Latin verb *amo* is decomposed semantically into "first person", "singular", "present" etc., there is obviously no reason to believe in any sequential order among them. Thus, these morpho-semantic elements co-exist in the larger linguistic unit *amo* in a paradigmatic way. However, Bally did not intend to extend "cumul des signifiés" into any phonological analysis, for a speaker naturally cannot pronounce two sounds at the same time.

But Jakobson emphasized the fact that "Ja, freilich kann man nicht zwei Sprachlaute gleichzeitig erzeugen, aber zwei und mehrere lautliche Eigenschaften doch!" (Jakobson 1962: 305). He therefore concluded that the absolute insistence on the linear nature of the signifier was a fundamental error ("der grundsätzliche Fehler") of the Geneva school and a weakness of Saussure's view of linguistic sign. Consequently, the paradigmatic nature of distinctive features is no longer obscure and ambiguous. They co-exist as sub-phonemic entities that show no sequential order. This fact contradicts again with the classical Saussurean view,

^{4 &}quot;a complex unit, which completely decomposes on the paradigmatic axis into distinctive qualities".

^{5 &}quot;cumulation of the signifiers".

^{6 &}quot;Yes, certainly one cannot pronounce two speech sounds simultaneously, but he can pronounce two and more phonetic features simultaneously".

in which only *one* of the paradigmatic units is *in praesentia*, while all others are *in absentia*. It is interesting to see that Jakobson cited Danish words as examples, since he was addressing a Danish audience:

|yt luth lidt /lyt/ /lut/ /lit/ listen lute little

On the syntagmatic axis, each of the three words is a linear sequence. The semantic contrasts of these three sequences rely on the distinction between vowel phonemes /y/, /u/ and /i/. But Jakobson did not regard this phonemic distinction as minimal. What distinguishes /y/ from /u/ is, according to this 1939 manuscript, the "brightness" (*die Helligkeit*) of the former and the absence of such brightness of the latter. On the other hand, it is the "muffled sound" (*der gedämpfte Klang*) of /y/ that makes it different from /i/. The oppositional system of the three phonemes was thus reduced to two "distinktiven Eigenschaften": the presence-absence of the *Helligkeit*, and the presence-absence of the *gedämpfte Klang*.

There are both "brightness" and "muffledness" inside the phoneme /y/, making it differ from /i/ (which does not possess the feature of "muffledness") and /u/ (which does not possess the feature of "brightness"). These two sub-phonemic entities exist simultaneously inside the phoneme /y/, without any sequential order. Their concurrence has refuted the classical Saussurean belief in the linear and temporal characteristics of the signifier. Phoneme is thus redefined as a set of *concurrent* distinctive features rather than *successive* ones. This unusual side of distinctive feature, though unclear in the 1932 encyclopedia entry, became clear and unambiguous when Jakobson composed this German manuscript. The paradigmatic nature makes distinctive feature different from the phonological units of higher levels (e.g. phoneme, syllable etc.)

^{7 &}quot;distinctive features".

3 Distinctive feature after Jakobson's emigration to the United States

3.1 Six leçons at l'École Libre des Hautes Études

Jakobson's ideas on distinctive feature were restated in another series of his manuscripts, *Six leçons sur le son et le sens* (1942) [Six lectures on sound and sense]. This French work was originally his lecture notes at l'École Libre des Hautes Études, New York, where he was appointed to the chairs of both the Faculté des Lettres and the Institut de Philologie et d'Histoire Orientale et Slave. These French manuscripts were published in 1976 and soon translated into English. The French text was also included in Vol. VIII of *Selected Writings* released in 1987.

Back in 1939, Jakobson's safety in Denmark was unfortunately only temporary. As the danger of the war loomed, he proceeded to retreat to Norway and arrived in Oslo on September 1. Although he obtained professorship in this country and organized with Alf Sommerfelt a sophisticated project on comparative phonology, the Nazi forces' invasion of Norway in April 1940 forced him to flee once more. The most dangerous part of this journey, as recorded by linguistic historians Toman (1995) and Rudy (1997), included a cart ride across the snowy mountain area in the far northern Norwegian-Sweden border. He served in Sweden as visiting professor at the University of Uppsala, until in May 1941 he eventually obtained the visa to the United States. During the trans-Atlantic voyage, having experienced the inspection of the Nazi marine police, the severe storm and the terrifying sight of the ocean battlefield wreckages, he arrived in New York on June 4. The era of his influence on American linguistics was about to begin.

Jakobson spent his first few years in the United States as a typical European intellectual-in-exile. Jewish scholars from Czechoslovakia were not the only émigrés resettling in America in that era. In 1933, Alvin Johnson (1874-1971), the director of The New School in New York, specially created a graduate division inside his institution to help the European scholars escape persecutions. This "University in Exile" effective-

ly harbored the German and Italian intellectual émigrés who escaped from the political intolerance in their home countries and took refuge on the other side of the Atlantic.

To the dismay of the émigré scholars of Jakobson's generation, the atmosphere was not always cordial to them in the United States. The isolationist tendency as an American tradition, the cutting of the educational budget due to the Great Depression, together with the fear for the influx of the European refugees combined and led to repulsive xenophobia in the American academic world. Morris Halle noted that there was "an active effort to block Jakobson from ever obtaining a regular university position in the United States" (Halle, 1988, p. 737). The same xenophobia was also denounced by Thomas Sebeok as "a sinister stain on the otherwise magnificent tapestry of achievements of American linguistics in the 1940s" (Sebeok, 1977, p. 416). But fortunately in summer 1942, with the financial aid from the Rockefeller Foundation, l'École Libre des Hautes Études was organized in New York by the charter of French and Belgian governments-in-exile. It soon became another important harbor for the intellectual émigrés who escaped the persecutions in Europe. Jakobson was appointed as Professor of General Linguistics and Professor of Slavic Philology. He remained teaching there until in 1946, when he was appointed to the chair at Columbia University.

Six leçons sur le son et le sens, the lecture notes Jakobson prepared for his teaching at l'École Libre (therefore composed in French), can be read as an enlarged and elaborated version of "Zur Struktur des Phonems". Jakobson again emphasized that "le phonème est un faisceau d'éléments différentiels" (Jakobson, 1987, p. 371). And Saussure's syntagmatic / paradigmatic dichotomy was again introduced to show the concurrent nature of the distinctive feature, as he reiterated that "une qualité est irreducible, ponctuelle, sur l'axe des simultanéités" (ibid., p. 385). "Zur Struktur des Phonems" was concise because it was the notes prepared for the two short lectures, while Six leçons sur le son et le sens was elaborated because it was prepared for a half-semester course.

^{8 &}quot;the phoneme is a bundle of differential elements".

^{9 &}quot;a feature is irreducible, point-like, on the axis of the simultaneity".

However, it must be noted that Six lecons sur le son et le sens exerted a much larger influence than the nearly forgotten "Zur Struktur des Phonems". This impact is partly owing to the special atmosphere at l'École Libre des Hautes Études, where the audience was not limited to students in the regular sense. Émigrés scholars and professors of different fields often listened to each other's classes, facilitating ideas to flow from one discipline to another. As for the case of distinctive feature, Jakobson's influence is highly visible in Claude Lévi-Strauss' (1908-2009) ideas on structural anthropology. For example, his suggestion that the system of kin terms be dissociated into connotations with positive-negative values was exactly based on the fact that "pour atteindre une loi de structure, le linguiste analyse les phonèmes en 'éléments différentiels', qu'il est possible alors d'organiser en un ou plusieurs 'couples d'oppositions' "10 (Lévi-Strauss, 1958, p. 42). Therefore, Jakobson's idea of distinctive feature also provided new insights to other disciplines of the social science and efficiently demonstrated its trans-disciplinary value.

3.2 Postwar new stages for Jakobson's distinctive features

When l'École Libre des Hautes Études was established in 1942, Alvin Johnson optimistically anticipated it to be not merely a temporary harbor for the intellectual refugees, but "une fondation permanente s'ajoutant à notre système américain d'éducation" (Johnson, 1942, p. 425). However, as the World War II ended in May 1945, the intellectual émigré community in New York were quickly prepared for a joyful moving back to their home countries in Europe. École Libre ultimately failed to become the expected permanent institution. As noted by François Chaubet and Emmanuelle Loyer (2000, p. 970), "avec le départ rapide et massif de presque tous les enseignants français, elle ne fut ni l'institution dynamique qu'elle avait été dans les années exceptionnelles de la guerre, ni une nouvelle structure de dialogue entre les deux rives de l'Atlantique qu'on avait rêvé qu'elle devint". But after all, its academic

^{10 &}quot;to achieve a law of structure, the linguist analyzes phonemes as 'distinctive features'; then it becomes possible to organize them as one or more 'pairs of oppositions' ".

^{11 &}quot;a permanent institution added to our American educational system".

^{12 &}quot;with the rapid and massive departure of almost all the French teachers, it was neither the dynamic institution as it had been during the exceptional years of the war, nor a new agency of dialogue

splendor during the war years became perpetuated, demonstrating an intellectual version of the France Libre.

In Czechoslovakia, the collapse of the Nazi regime ended the German Protectorate of Bohemia and Moravia. Masarvk University, which was closed in November 1939 and experienced savage losses, damages and massacres during the Nazi occupation, was re-opened in 1945. With his professorship to be recovered, Jakobson may well have been one of the intellectual émigrés who were ready to return to Europe. However, as mentioned by Toman (1995, p. 251), "although his chair in Brno was explicitly reconfirmed by the university, Jakobson's security in Czechoslovakia could not be guaranteed". Toman also noted that hundreds of Russian and Ukrainian émigrés were arrested when the Red Army entered Czechoslovakia (ibid.). A.L. Bem (1886-?1945) and P.N. Savitskij (1895-1968), both active members of the Prague Linguistic Circle, were among the arrested. One disappeared ever since and the other was deported back to the Soviet Union and imprisoned for ten years. It would not be difficult to guess what Jakobson's fate would have been had he really returned to Czechoslovakia where the Soviet Union was soon to establish a firm control. Henry Kučera (1983, p. 878) indicated that in the Eastern bloc countries in the early 1950s, "Jakobson was viciously attacked, for his linguistic theories as well as his literary opinions". This climate of intolerance provides indications regarding the consequences Jakobson would have faced, should he have returned.

To our great relief, he chose to continue to stay in the United States. In 1946, he was appointed to the newly formed Thomas G. Masaryk Chair of Czechoslovak Studies at Columbia University. During his three years' teaching at Columbia, two of his articles announced another new stage of Jakobsonian phonology. One is "On the Identification of Phonemic Entities" (1949); the other is "Notes on the French Phonemic Patterns" (1949, in collaboration with John Lotz).

The two articles published in 1949 announced a new stage of Jakobson's ideas on distinctive feature in the sense that they no longer dealt with

between the two shores of the Atlantic as we had dreamed that it would become".

sporadic examples like in "Z fonologie spisovne slovenstiny" or "Zur Struktur des Phonems". Instead, they were serious attempts at establishing a system of distinctive features that exhaustively describes the whole phonological aspect of a specific language.

In this stage, Jakobson also began to analyze the distinctive features with the aid of matrices in tabulation. In both articles, phonemes are decomposed into six inherent distinctive features and specified with a positive (+), a negative (-), or a mixed (\pm) value. The six distinctive features are Vowel-Consonant, Nasal-Oral, Saturated-Diluted, Grave-Acute, Tense-Lax, and Continuous-Intercepted. Jakobson limited their number to six as part of his quest for a minimal system. However, he had to allow a third value (\pm) in this system, making it an imperfect binary system.

It was not until he introduced more features in the 1950s that the third value (±) was abandoned and the system became purely binary. The result was the standard version of the Jakobson-Halle system of 12 distinctive features as English readers see in the more familiar *Preliminaries to Speech Analysis* (1952) and *Fundamentals of Language* (1956). The new system reveals its universal value as Jakobson applied it effectively to the analyses of more languages, best exemplified by his studies on the phonological systems of Arabic and Gilyak in late 1950s.

In January 1949, he was appointed as the Samuel Hazzard Cross Professor of Slavic Languages and Literatures and of General Linguistics at Harvard University. The émigré was gradually accepted by the mainstream academic world in the United States, culminating by his election in 1956 as President of the Linguistic Society of America.

After he immigrated to the United States, especially after he left l'École Libre, Jakobson began to face an English speaking audience and readers. It was thus predictable that English would become the dominant language in which his works of this new stage were mainly written. The augmentation of English as a lingua franca in the post-WWII academic world explains the reason why linguists today are more familiar with

Preliminaries to Speech Analysis and Fundamentals of Language, his final products on the theory of distinctive features.

4 Conclusion

To sum up, Jakobson's phonological term "distinctive feature" was first proposed in a less-known, if not forgotten, Czech article and the idea turned mature only gradually. During the WWII years he spent in Northern European countries and the United States, it came to deepen in his German and French lecture manuscripts. And in the last stage, his postwar English writings became the best-known among his works of this topic.

The crises brought danger and instability, but they also offered the opportunity for academic ideas to spread, intermingle and reconstruct. Contrasted with the fates of some other linguists of his generation who had been active in pre-WWI Russia, Jakobson was evidently among the luckiest. E.D. Polivanov (1891-1938), who stayed in Russia, defended the scientific truth and died tragically in the Great Purge. N.F. Jakovlev (1892-1974), who chose to stoop and follow the notorious doctrines of Nicholas Marr, was dismissed from the public position when these doctrines were severely criticized in the 1950s, and finally died in poverty and mental disease. N.S. Trubetzkoy (1890-1938), who escaped the chaos in Russia, fell victim to the persecutions of the Nazi regime. To this sense, Jakobson's odyssey proved exceptionally valuable, not only for the sake of his own safety, but more importantly, for the sake of the linguistic science in the 20th century.

References

- Anderson, S. (1985). *Phonology in the twentieth century.* Chicago: The University of Chicago Press.
- Cercle linguistique de Prague. (1931). "Projet de terminologie phonologique standardisée", *Travaux du Cercle Linguistique de Prague*, IV, 309-323.
- Chaubet, F. & Loyer, E. (2000). "L'école libre des hautes études de New York: exil et résistance intellectuelle (1942-1946)", Revue Historique, 4 (616), 939-972.
- Fischer-Jørgensen, E. (1997). "Roman Jakobson and Denmark", *Acta Linguistica Hafniensia*, 29 (1), 13-28.
- Halle, M. (1988). "The Bloomfield-Jakobson correspondence, 1944-1946", Language, 64 (4), 737-754.
- Ivić, P. (1965). "Roman Jakobson and the growth of phonology". 69-107, in C. Kreidler (Ed.), 2001, *Phonology: Critical concepts*. Vol. 1. London: Routledge.
- Jakobson, R. (1920). "Stav kultury v Rusku: Rozhovor s členem sovětského poselstva Červeného kříže", in J. Toman (Ed.), 2013, *Roman Jakobson: Selected writings* IX (1) (pp. 22 24). Berlin: Mouton De Gruyter.
- ----. (1921). "Vliv revoluce na ruský jazyk", in J. Toman (Ed.), 2013, *Roman Jakobson: Selected writings* IX (1) (pp. 28 60). Berlin: Mouton De Gruyter.
- ----. (1931). "Z fonologie spisovné slovenštiny", in J. Jirásek & F. Tichý (Eds). *Slovenská miscellanea* (pp. 155-163). Bratislava: Universum.
- ----. (1932). "Fonéma". In K. Mádl (Ed.), *Ottův slovník naučný nové doby*. Díl II. sv. 1 (p. 608). Praha: J. Otto.
- ----. (1939). "Observations sur le classement phonologique des consonnes", in 1962, *Roman Jakobson: Selected writings* I (pp. 272-279). The Hague: Mouton.
- ----. (1949). "On the identification of phonemic entities", in 1962, *Roman Jakobson: Selected writings* I (pp. 418-425). The Hague: Mouton.
- ----. (1957a). "Mufaxxama the 'emphatic' phonemes in Arabic", in 1962, *Roman Jakobson: Selected writings* I (pp. 510-522). The Hague: Mouton.

- ----. (1957b). "Notes on Gilyak", in 1971, *Roman Jakobson: Selected writings* II (pp.72-97). The Hague: Mouton.
- ----. (1962). "Zur Struktur des Phonems", in 1962, *Roman Jakobson: Selected writings* I (pp. 280-310). The Hague: Mouton.
- ----. (1987). "Six leçons sur le son et le sens", in S. Rudy (Ed.), 1987, *Roman Jakobson: Selected writings* VIII (pp. 321-392). The Hague: Mouton.
- Jakobson, R., Fant, G. & Halle, M. (1952). "Preliminaries to speech analysis", *Roman Jakobson: Selected writings* VIII (pp. 583-654). The Hague: Mouton.
- Jakobson, R & Lotz, J. (1949). "Notes on the French phonemic pattern", *Roman Jakobson: Selected writings* I (pp. 426-434). The Hague: Mouton.
- Jakobson, R. & Halle, M. (1956). *Fundamentals of language*. The Hague: Mouton. The Hague: Mouton.
- Jangfeldt, B. (2014). *Mayakovsky: A Biography*. H. Watson (Trans.), Chicago: University of Chicago Press.
- Johnson, A. (1942). "L'Ecole libre des hautes études", *The French Review*, 15 (5), 425-426.
- Kučera, H. (1983). "Roman Jakobson", Language, 59 (4), 871-883.
- Leoni, F. (2015). "Les parties et le tout: Jakobson, Husserl et la phonologie", *Histoire Épistémologie Langage*, 37 (1), 27-42.
- Lévi-Strauss, C. (1958). Anthropologie structurale. Paris: Plon.
- Qian, J. (2016). "An introduction to *The linguistic school of Prague*". (《布拉格语言学派》导读), in the reprint of J. Vachek, 1966. *The linguistic school of Prague*. (pp. 1-154). Beijing: World Publishing Corporation.
- Qu, C. (2015). A study of Jakobsonian phonology: Opposition, distinctive features and sound shape. (《雅柯布森音系学理论研究: 对立、区别特征与音形》) Beijing: World Publishing Corporation.
- Rudy, S. (1997). Introduction to *My futurist years* (pp. ix-xxvi). New York: Marsilio Publishers.
- Sebeok, T. (1977). "Roman Jakobson's teaching in America", in D. Armstrong & C. Van Schooneveld (Eds.), *Roman Jakobson: Echoes of his scholarship* (pp. 411-420). Lisse: The Peter de Riddle Press.

- Sériot, P. (2012). Structure et totalité: Les origines intellectuelles du structuralisme en Europe centrale et orientale. Limoges: Lambert-Lucas.
- Toman, J. (1995). *The magic of a common language*. Cambridge: The Massachusetts Institute of Technology Press.
- Waugh, L. (1987). Preface to the second edition of *Sound shape of language*, in S. Rudy (Ed.), *Roman Jakobson: Selected writings* VIII (pp. 1-5) The Hague: Mouton.

[received November 25, 2017 accepted January 22, 2018]