

CONTENTS

<i>Acknowledgments</i>	xi
<i>List of Tables</i>	xii

Introduction 1

CHAPTER ONE

Purpose and Rationale 5

1. Purpose	6
2. Rationale	7
2.1. The Importance of Legal Texts in Understanding Muslim Culture	8
2.2. The Importance of the Contribution to Arabic Discourse	10
2.2.1. Development of Arabic Discourse Analysis: From Textual Analysis to Genre Analysis	11
2.2.2. Contribution to the Study of Arabic Legal Discourse	14
3. The Sociolinguistic Situation of Arabic	18
Summary	21

CHAPTER TWO

Theoretical and Analytical Framework 23

1. Theoretical Framework: The Concept of Genre	23
1.1. Fundamental Aspects of Genre	24
1.2. The Swales Approach	25
2. Analytical Framework: Data and Procedure	31
2.1. The Institution of ' <i>iftaa'</i>	31
2.2. The Moroccan Judiciary	35
2.3. The Data	38
2.4. Analytical Procedure	40
Summary	43

CHAPTER THREE

Rhetorical Analysis 44

1. The Rhetorical Structure of the Court Judgments	44
1.1. Move 1: Giving the History of the Case	44
1.2. Move 2: Stating the Petitioner's Claims	45
1.3. Move 3: Presenting the Opinion of the Court	46
1.4. Move 4: Pronouncing the Decision	47

2. The Rhetorical Structure of the Fatwas	49
2.1. Move Analysis of the Fatwas	50
2.2. Variation in the Realization of Moves	53
2.3. Assessing the Analysis	56
3. Discussion	58
3.1. Degree of Structural Variation	58
3.2. Difference in Degree of Relevance	62
Summary	68

CHAPTER FOUR

Contents

Linguistic Properties of Court Judgments and Fatwas 69

1. Syntactic Complexity	70
1.1. Sentence Structure	70
1.2. Complex Noun Phrases	76
2. Formulaic Language	83
2.1. Preliminary Remarks	83
2.2. The Functions of Formulaic Language in Court Judgments and Fatwas	85
2.2.1. General Formulas	85
2.2.2. Formulaic Expression of Legal Concepts	87
2.2.3. Formulas with Discourse Functions	88
3. Citations	91
3.1. The Use of Citations in Discourse	91
3.2. Modes of Reference to Previous Texts in Court Judgments and Fatwas	93
3.3. Attribution to Authors	95
Summary	98

CHAPTER FIVE

Conclusions and Implications 100

1. The Significance of Adopting the French Model in the Court Judgments	101
2. Consequences of Borrowing on the Host Language	103
2.1. Morphosyntactic Adjustments	104
2.2. Impact of the Transfer of French Patterns on Arabic Rhetoric	106
3. Fatwas and Their Sociocultural Milieu: Mutual Influences	112
3.1. The Sociocultural Climate	113
3.2. Impact on the Rhetoric of Fatwas	116
4. Remarks on Genre and Culture	119
4.1. Intellectual Styles: Thought Clarity and Explicitness	119
4.2. Politeness and Face	121
4.3. Utilitarian Comportments	122
4.4. Gender and Access to Discourse	123
5. Suggestions for Further Research	124
Summary	126

<i>Appendix A: Complete References of Fatwas</i>	127
<i>Appendix B: Complete References of Court Judgments</i>	129
<i>Appendix C: French Judgment</i>	130
<i>Appendix D: Key Arabic Terms</i>	132
<i>Appendix E: Excerpts in Original Arabic Script</i>	134
<i>Appendix F: Versions of a Modified Fatwa Used in the Study of the Effect of Sources on the Perceived Quality of Fatwas</i>	137
<i>References</i>	139
<i>Indexes</i>	149