



*A cross-disciplinary conference hosted by the Department  
of Comparative Literary and Cultural Studies*

FRANKLIN COLLEGE SWITZERLAND  
September 23 - 25, 2011

# Intersections of Law and Culture

## Human Rights

FRIDAY, SEPTEMBER 23

**08:30 - 14:00**      **Registration, North Campus Villa**

**08:30 - 10:00**      **Welcome Coffee (registration area)**

**10:00 - 12:00**      **Concurrent Sessions**

### **Session I: North Campus Conference Room**

Chair: Roberto Cordon, Franklin College Switzerland  
*Vernacularization of Human Rights in the Context of Agricultural Modernization in Papua*  
*Irene Hadiprayitno, Wageningen University, The Netherlands*

I

*The Discursive Shift from "Aid" to "Reparations" by the African Union: Analysis of the Legal Logic and Media Coverage of the Case for Climate Change Reparations*  
*Tyler Harrison and Abigail Selzer King, Purdue University, U.S.A.*

*When Culture and Human Rights Clash: A South African Perspective*  
*John Cantius Mubangizi, University of KwaZulu-Natal, South Africa*

### **Session II: North Campus 6**

Chair: Sara Steinert Borella, Franklin College Switzerland  
*The Burqa Is Just Like a Maxi-Dress: Young Muslims' Perspectives on Human Rights, Popular Culture and Media Influences*  
*Lieve Gies, Keele University, U.K.*

III

*Ban the Burqa and Other Practices? Issues of Personality in Human Rights Law*  
*Jill Marshall, Queen Mary University of London, U.K.*

Language, Cultures and Identity: Education Rights of Immigrant and Other Linguistic Minority Children  
*Rosemary C. Salomone, St. John's University, U.S.A.*

**12:00 - 14:00**

**Lunch, North Campus Dining Room**

**14:00 - 15:30**

**Concurrent Sessions**

**Session III: North Campus Conference Room**

Chair: Caroline Wiedmer, Franklin College Switzerland  
Western Feminism, African Feminist Critiques and Human Rights Rhetoric about Harmful Traditional Practices: The Example of Female Genital Cutting  
*Daniela Hrzan, University of Konstanz/Humboldt University of Berlin, Germany*

III

Under the Siege of Terrorism: Media and the Law  
*Banu Baybars Hawks, Kadir Has University, Turkey*

Prosecuting and Defending Cultural Practices: Influence of the Cultural Defense on Criminal Liability in South Africa  
*Jacques Matthee, Institutional Language Directorate of the North-West University, South Africa*

**Session IV: North Campus Classroom 6**

Chair: Johanna Fassel, Franklin College Switzerland  
Domestic Violence, Culture and Human Rights  
*Ronagh McQuigg, Queen's University Belfast, U.K.*

IV

Women's Rights in Multicultural Context: A Comparison between Germany and France  
*Anja Titze, University of Wuerzburg, Germany*

Violation of Human Rights in Holocaust/ Post Holocaust Era  
*Daniela Carpi, University of Verona, Italy*

**15:30 - 16:00**

**Coffee Break, North Campus Villa**

**16:00 - 17:30**

**Concurrent Sessions**

**Session V: North Campus Conference Room**

Chair: Brigitte Schnegg, University of Bern  
Calypso Music as a Fulcrum for Law, Culture and Human Rights  
*Everard Mark Phillips, Independent Scholar, Trinidad and Tobago*

V

Not Just Violence: Signs and Symbols in Justice's Video "Stress"  
*Johanna Fassel, Franklin College Switzerland*

**Session VI: North Campus 6**

Chair: Patrick Saveau, Franklin College Switzerland  
Human Rights and Female Imprisonment  
*Esmaeel Haditabar, University of Mazandaran, Iran*  
*Khadijeh Nouralizadeh Khorrami, Iran*

VI

The United Nations and Women's Rights: Current Trends and Issues  
*Frances Pilch, United States Air Force Academy, U.S.A.*

The Promise and Paradox of Sexworkers' Rights  
*Jane Scoular, University of Strathclyde, U.K.*

# VIII

## Session VII: North Campus 7

Chair: Caroline Wiedmer, Franklin College Switzerland  
Where the Modern State Rests: Rights and Democracy in L.T. Hobhouse's Political Thought  
*Carla Larouco Gomes, University of Lisbon, Portugal*

Cesare Beccaria's "On Crimes and Punishments" and the Construction of Respectability through Law  
*Marcus Pyka, Franklin College Switzerland*

18:30

**Welcome: Erik Nielsen, President, Franklin College Switzerland**  
**Auditorium, Kaletsch Campus**

### Keynote Address:

Witnessing, False Witnessing and the Metrics of Authenticity, presented as a part of the Franklin College Lecture Series.

The motivation for this paper is the eruption of hoaxes, alleged and proven, that attends the contemporary traffic in witness narratives. One possible response is to take the role of cultural police, seeking to prove the veracity of some narratives and the fraudulence of others; another is to re-theorize issues central to testimonial narration. My focus here is not on whether the truth or falsity of witness narratives can be definitively determined. Rather, I am interested in complicating the notion of the first-person narrator in testimony and the authenticity that has come to be the guarantor of that subject position. To do so, I explore how the authenticity of a life story unfolds through certain "metrics" and how different constructions of the narrating "I" in witness narratives relate to the effects of authenticity a text projects as well as the relation of readers to the personal stories of witness. After readings of a few exemplary testimonies texts, I conclude with thoughts on an alternative reading practice to the kind of "rescue" reading often associated with testimonial narratives.

*Sidonie Smith, Martha Guernsey Colby Collegiate Professor of English and Women's Studies, University of Michigan*

**Auditorium Kaletsch Campus**

19:30

**Reception Holman Hall, Conference Room, Kaletsch Campus**

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## SATURDAY, SEPTEMBER 24

08:30 - 10:00

**Registration, Auditorium (Foyer), Kaletsch Campus**

08:30 - 10:00

**Concurrent Sessions**

### Session VIII: Kaletsch Campus, Classroom 3

Chair: Paolo Ruspini, Università della Svizzera italiana (USI), Switzerland  
Importing Foreign Labor Force: The Case of the Recruitment System of the Catalonian Agricultural Union, "Unio de Pagesos," and Its Consequences on Workers' Fundamental Rights  
*Olga Achon Rodriguez, Universitat de Barcelona, Spain*

# VIII

Migratory Movements as a Cultural Phenomenon: A New Category of Challenges for International Institutions and Norms of Public International Law  
*Bogumil Terminski, University of Warsaw, Poland*

## Session IX: Kaletsch Campus 4

Chair: Wasiq N. Khan, Franklin College Switzerland  
Not Equal Enough: Legislating Inequality for Indigenous Women in Canada  
*Pamela Palmater, Ryerson University, Canada*

IX

Blind Spots and Filters in Human Rights Narratives: Informers and Dealing with the Past in Northern Ireland  
*Ron Dudai, Queen's University Belfast, U.K.*

People's Perception about Law, a Comparative Approach: Canada, Japan and Mexico  
*Naayeli E. Ramirez, University of British Columbia, Canada*

10:00

**Coffee Break, Grotto, Kaletsch Campus**

10:45 - 12:45

**Round Table Discussion: Migration**

**Dangerous Liaisons: Republican Democracy and Human Rights in Switzerland**

*Moderator: David Cowan, University of Bristol Law School, U.K.*

*Gianni D'Amato, Institut Forum suisse pour l'étude des migrations et de la population (SFM), University of Neuchâtel, Switzerland*

*Brigitte Schnegg, Interdisciplinary Center for Gender Studies, University of Bern, Switzerland*

From an historical perspective, the relationship between republican democracies and human rights has not always been easy. In fact, it has often been difficult and controversial, in particular in long-established republics such as Switzerland and the U.S. Despite the differences in their histories, the two "sister republics," as the two countries were once called, have both had an ambiguous relationship to human rights. The exclusion of African Americans in the United States from full civil rights until after World War II and the exclusion of women's rights in Switzerland until the early 1970s are only two examples that illustrate the exclusive access to the rule of the Republic and the limited access to a comprehensive citizenship. The rule of the people does not necessarily converge with human rights standards, as the recent acceptance of the Minaret Initiative in Switzerland proved. This session will highlight some critical aspects of the "dangerous liaisons" between republicanism and human rights issues and discuss how the complex relationship between the two can be understood from a legal, historical and political perspective.

*Respondent: Peter Rosenblum, Lieff, Cabraser, Heimann & Bernstein Clinical Professor of Human Rights Law, Columbia Law School, U.S.A.*

**Auditorium Kaletsch Campus**

12:45 - 14:00

**Lunch, Grotto**

14:00 - 15:30

**Concurrent Sessions**

## Session X: Kaletsch Campus 4

Chair: Sara Steinert Borella, Franklin College Switzerland  
*The Girl with the Dragon Tattoo* and the Girl Who Refused to Fail:  
Subjectivities of Sexuality, Resistance and Justice  
*Robin A. Robinson, University of Massachusetts, U.S.A.*

X

Reproductive Rights as Human Rights: A Literary Perspective  
*Valentina Adami, Universita di Verona, Italy*

Human Rights and Cultural Relativism  
*Aysel Dogan, Kocaeli University, Turkey*

## Session XI: Kaletsch Campus 5

Chair: Lieve Gies, Keele University  
Culture and Human Rights: Co-Creation of Normative Standards through Deliberation and Capacity-Building

*Puja Kapai, The University of Hong Kong, Hong Kong*

Human Rights and Business: A Clash of Cultures But Not as We Know It  
*Aurora Voiculescu, Westminster University, U.K.*

The Bifurcation of Judicial and Cultural Discourses on Rape in the United States:  
The Curious Absence of a Dialogue on Human Rights in the Domestic Setting  
*Holly Jeanine Boux, Georgetown University, U.S.A.*

XI

15:30 - 16:30

**Coffee Break, Grotto, Kaletsch Campus**

16:30

**Keynote Address:**

Rethinking Human Rights through Competing Historical Narratives

We are in the midst of a surge of writing about human rights by social scientists including, most recently, historians. The work adds valuable nuance to the histories that are frequently mobilized by practitioners and theorists. At the same time, while starting from a premise that human rights are important enough to merit a history, they almost inadvertently focus attention on a profoundly unresolved question: what 'human rights' are we talking about? Is it a theoretically consistent, ideologically informed, normative movement? Some messy combination of groups, individuals, governments and organizations? Or something else, entirely? An imposition of the Western/Northern ideologies that deflect concern from profound systemic inequalities? All are argued and all have legitimate roots. This talk explores the stakes involved in the different--frequently competing--histories of human rights from the perspective of a critical participant in the organized human rights movement.

*Peter Rosenblum, Lieff, Cabraser, Heimann & Bernstein Clinical Professor of Human Rights Law, Columbia Law School, U.S.A.*

**Auditorium, Kaletsch Campus**

18:30

**Dinner, Osteria della Bellavista** (Reservations required, meet outside of auditorium for group departure)

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## SUNDAY, SEPTEMBER 25

08:30 - 10:00

**Concurrent Sessions**

### Session XII: North Campus Conference Room

Chair: Patrick Saveau, Franklin College Switzerland  
Application of "Repugnancy Doctrine" to Women's Customary Right of Inheritance:  
What Has Changed Since the Supreme Court of Nigeria's Judgment in *Mojekwu v. Mojekwu*  
*Ikechukwu Bernard Okafor, Afe Babalola University, Nigeria*

XII

Women's Rights in India: Separating Facts from Fiction

*Archana Shukla, M.K.P. (P.G.) College, India* Chair: Patrick Saveau, Franklin College

Amish Children's Rights: The Wisconsin v. Yoder Case

*Andrea Borella, University of Turin, Italy*

### Session XIII: North Campus 3

Student Panel

XIII

Chair: Bethany Wallace, Franklin College Switzerland  
Habermas Lost: The Inchoate European Polity  
*Maggie Humphreys, Franklin College Switzerland*

Down and Out in Paris and Wherever: Changing or Deteriorating Conditions of Housing in the Urban Sphere?  
*Milica Anastasija Bogetic, Franklin College Switzerland*

10:00 - 10:45

Coffee Break, North Campus Dining Room

10:45 - 12:45

Concurrent Sessions

### Session XIV: North Campus Conference Room

Chair: Gianni D'Amato, University of Neuchatel  
Rights of the Future Generations  
*Sule Sahin Ceylan, Marmara University, Turkey*

XIV

Human Rights: Narrative Arguments  
*Nirmala Pillay, Liverpool John Moores University, U.K.*

Historical Redress in Israel: The Clash of Paradigms  
*Ruth Amir, Max Stern Academic College of Emek Yezreel, Israel*

A Study of the Phenomenon of Medical Tourism within the Context of the General Agreement of Trade in Services  
*Aishwarya Padmanabhan, National University of Juridical Science, India*

### Session XV: North Campus 3

Chair: Georges Rocourt, Franklin College Switzerland  
Disability Law and Changing Cultural and Historical Perceptions  
*Ilze Grobbelaar-du Plessis, University of Pretoria, South Africa*

XV

Indigenous Peoples and International Law: The Persistence of Colonialism  
*Adil Hasan Khan, IHEID, Geneva, Switzerland*

(Ab)uses of the "Public Colonial Archives": Comparisons between Namibia, South Africa and Zimbabwe  
*David Bargeño, Faculty of Law, University of Cape Town, South Africa*

12:45 - 14:00

Farewell Lunch, North Campus Dining Room

*Et al.*

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