



# The State of Human Rights

Historical Genealogies,  
Political Controversies,  
and Cultural Imaginaries

July 5-7, 2018  
International Conference  
Amerikahaus Munich

**Abstracts & Bios**



bavarian  
american academy

# Thursday, 5 July 2018

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**Thursday, 5 July 2018, 14.00 | Young Scholars Panel**

## **Human Rights**

**Chair: Kerstin Schmidt** is professor and chair of American Studies at the Catholic University of Eichstaett-Ingolstadt and a board member of the Bavarian American Academy.

### **Florian Tatschner**

***“We Seek Our Basic, God-Given Rights as Human Beings”:* Hoping for Human Rights in the Contemporary Work of César Chávez**

Florian Tatschner is a postdoctoral researcher in American Cultural and Literary Studies at the University of Erlangen-Nuremberg. In his dissertation, *The Other Presences: Reading Literature Other-wise after the Transnational Turn in American Studies* (forthcoming spring 2019), he developed and operationalized a mode of engaging with phenomena of otherness called “reading other-wise.” His publications include *Dekolonisierte Eschatologie: Ein Versuch der Veränderung christlicher Zeitlichkeitsvorstellungen* (2018), *Heidegger Ab-Used: Thinking (Extra-)Ordinary Presences between Place and Planet* (2017), and *Ghosts in the Archive: Re-Vis(ion)ing Transnational Perspectives with Anna Lee Walters’s Ghost Singer and Diana Taylor’s The Archive and the Repertoire* (2015). 2014-17 he was a member of the German Research Foundation’s (DFG) graduate research program on “Presence and Tacit Knowledge” at his university.

### **Abstract**

This paper investigates the role of un/orthodox Christian theology in the activism of César Chávez and the United Farm Workers movement. To draw attention to the often-sidelined, but highly significant, religious inflection of the movement’s activism, it first analyzes how Chávez draws on Catholic social thought and connects it to elements from the Mexican-American tradition to express a call for human rights before the heyday of the discourse in the late 1970s. The focus will be put on how the three key terms of the “Plan of Delano” (1966) – “Pilgrimage, Penitence, Revolution” – are used to circumscribe a moral vision of human rights and social justice based on notions of performativity, vulnerability, and relationality. It will be shown how an ‘incarnational pathos’ is employed to counter societal apathy and to articulate a transcultural vision of human dignity beyond national citizenship. A close reading of the text, jointly written by Chávez, Dolores Huerta, and Luis Valdez, will reveal how the movement undermines the binary opposition between secular and religious notions of hope and discloses a potential for conceiving of human rights other-wise, namely from the within interstices of affect, eschatology, and a particular notion of utopia. The paper, thereby, seeks to illustrate how Chávez creatively engages with a

Christian tradition that is held responsible for promoting colonialism and imperialism to tease out a force of decolonization from within the modern/colonial world system itself. This can be read as a significant moment regarding the breakthrough of human rights discourses a decade later.

## **Sunčica Klaas**

### ***Writing Wrongs – Righting Wrongs: Human Rights and Testimony in the Contemporary American Autobiography***

Sunčica Klaas is a research assistant in the Department for English and American Studies at Potsdam University. She wrote her PhD thesis on *The Americanization of Human Rights: Iranian, African, and Chinese Lives in American Autobiography* (2018), in which she analyzed contemporary autobiographies of refugees in the United States, focusing in particular on questions of gender. Together with Kerry Bystrom and Carly McLaughlin she is working on the project “Shifting Frames: Migrant Children, Politics and History.” In her recent article “‘We Will Give Him a Family’: Economies of Race and Rescue in the Autobiographies of Young African Refugees,” she has addressed adoption of refugee children as a strategy of national incorporation. Currently, she is working on family separation and reunification on the American southern border as well as on narratives of child and youth protests. Her other research interests include the interdependence of law and literature, life writing, transnational and gender studies.

### **Abstract**

This paper provides a critical genealogy of the encounter between the autobiographical and the human rights discourse. What are the cultural and socio-political conditions behind the contemporary American penchant for autobiographies by the victims of human rights violations? What forces shape the content and the contours of this literary archive? Also, who gets to figure as a human being and a human rights persona in contemporary American autobiography? And, what rights are imagined in these narratives as ‘human’ and thus worthy of international protections? In addressing these questions, the focus is set on the incredible attention the Lost Boys of Sudan and their autobiographies have received in the United States. Testifying to disenfranchisement, displacement, and vulnerability but also to innocence and resilience, the life-stories of these young South Sudanese refugees moved the American people into opening their hearts, purses, and borders to a select few. Yet regardless these extraordinary outbursts of emotional and political interventionism, the Lost Boys’ autobiographies also testify to the refugees’ asymmetrical access to humanitarian rescue, producing skewed images of humanness and victimization.



## **Katharina Matuschek**

### ***“These People are Animals”*: Dehumanization and the Effort to Regain Humanity in Prison Autobiographies**

Katharina Matuschek is a research assistant at the Department for American Studies at the University of Regensburg, where she completed her first state exam in English and Spanish in 2015. Since 2016, she has been working on her dissertation project tentatively titled “The Narrative Construction of Post-WWII Prison Experience in U.S.-American Prison Autobiographies of the 1970s and 1980s.” Her research interests include life writing, prison studies, African American studies, and American literature of the 20<sup>th</sup> and 21<sup>st</sup> century. In spring 2018, she received a graduate stipend from the Bavarian American Academy to complete a research stay at the Library of Congress in Washington, D.C.

### **Abstract**

Article 5 of the Universal Declaration of Human Rights maintains that “[n]o one shall be subjected to [...] cruel, inhuman or degrading treatment or punishment.” Yet, when one examines the construction of prison experiences in prison autobiographies, the question arises whether this article and others are applied in the space of prison. This paper thus aims at highlighting how the violation of basic human rights and especially the dehumanizing prison environment is constructed in prison autobiographies via Gordon Graham’s *The One-Eyed Man is King: A Story of Winning* (1982). Depicting his various stays in solitary confinement, one of them lasting an entire year, the narrator highlights, for instance, “the bleak inhumanity of the dungeon-like surroundings,” in which he nonetheless tries to find recognition as a person. Not aiming at judging whether human rights are actually applied in the prison setting, this paper rather analyzes how certain experiences are retrospectively remembered by the autobiographer as a violation of these rights.

## **Lars Vadjina**

### ***Human Rights and Jimmy Carter: On a Mission to Change the World***

Lars Vadjina studied American Studies, English Literatures & Cultures, and Computer Science at the University of Tuebingen and at Palm Beach Atlantic University. Before returning to academia he worked for Hewlett-Packard in various capacities and founded his own company after he left HP. Currently, he is working on a proposal for a research PhD project. His main research interests are Jimmy Carter, American Pop Culture, and Science Fiction literature and movies. He presented his papers “Jimmy Carter and his Passion for Human Rights”, “Jimmy Carter: A non-violent Utopian?”, “Cartoons, Comedy and more: The Popularity of Jimmy Carter in US TV Shows”, and “In Perfect Harmony: Cylons and Humans in Battlestar Galactica: A Technological Dystopia or Why You Shouldn’t Network Your Defense Computer Systems” at several international conferences.

## **Abstract**

During Jimmy Carter's presidential campaign the topic of human rights played an important role. At that time some journalist regarded it as an ingenious approach to gain voters not only from the liberals but also from the conservatives. Little they understood that this was not only marketing but rather something which came naturally to the former governor of Georgia. His strong fight for human rights is rooted in his Christian faith and his coming of age in the small town of Plains, GA. In order to fully comprehend his mission for human rights, it is important to look at his life before he became president and at events which shaped him and which in the end made him a different president with high moral values and a strong emphasis on humanity and human rights.

## **Robin Oliver Leick**

### ***The Bumpy Development of the Charter of Fundamental Rights of the European Union as a Prime Example of the Genesis of Human Rights Codifications***

Robin Oliver Leick is a research associate and teaching assistant at the chair of Public Law and European Law at the University of Munich, LMU and at the "Regulatory/Governmental Affairs" Department of the pan-European law firm Noerr LLP. Moreover, he is responsible for the coordination of the Japan-Korea-Exchange Program at his faculty. Robin Oliver Leick studied law at the LMU and the University of Castilla/La Mancha. His research focuses on European constitutional and data protection law. Currently, he is working on his PhD project titled "Unifying Effects of European Fundamental Rights Based on the Example of European and German Basic Data Protection Rights". He is the co-founder, publisher, and former editor-in-chief of the law journal *rescriptum*.

## **Abstract**

Human rights are useless if they can't be invoked by anyone – in the best case, they are codified fundamental rights. One of the most important and conflictual fundamental rights regimes is the Charter of Fundamental Rights of the European Union (CFR). Its development process can be compared to the construction of a bumpy mountain road: if it has to be built, it will be built – but only step by step, as entrenched and elaborated as it has to be. Furthermore, there has always been a competition between the CFR and national fundamental rights as well as the European Convention on Human Rights. This conflict has been accompanied by a certain rivalry between the Court of Justice of the European Union and both national supreme courts and the European Court of Human Rights. The talk will give an overview of the vivid development and the present state of a prime example of codified human rights.



## Thursday, 5 July 2018, 19.00 | Keynote Address

### Saskia Sassen

#### *Toward a New Language of Human Rights*

Saskia Sassen is the Robert S. Lynd Professor of Sociology at Columbia University and a member of its Committee on Global Thought. Her publications include *The Mobility of Labor and Capital* (1988), *The Global City* (1991), *Territory, Authority, Rights: From Medieval to Global Assemblages* (2006), *Expulsions: Brutality and Complexity in the Global Economy* (2014), and *Ungoverned Territories* (2018). Co-edited with Mary Kaldor she recently completed *Cities at War* (2018). She is working on a new project on what “Ethics of the City” would actually consist of and on the ongoing collective project “The Urban Age”, focused on extreme urbanisms. She is the recipient of diverse awards and mentions, ranging from multiple doctor honoris causa to named lectures and being selected for various honors lists.

#### **Abstract**

Three powerful destructive vectors are coming together in today's world in ways they never did before. These conditions will bring billions of already poor and exploited people into even worse situations. The strength of human rights is that it is about all human beings. The fear is that the mix of rising destructive forces our world confronts might require much more than respect and support. Those destructive forces include admirable technical and financial developments, and extraordinary forms of knowledge, but driven by extractive logics. The lecture will examine this encounter between human rights and a powerful force whose modus operandi is to extract and leave behind dead land, dead water, and destroyed humans.

Friday, 6 July 2018, 09.00 | PANEL I

## Inventing Human Rights in the Pre-Modern Era

**Chair: Volker Depkat** is professor of American Studies at the University of Regensburg and a board member of the Bavarian American Academy.

### **Kerstin von Lingen**

#### ***The Legacy of the Marten's Clause: Debating Crimes Against Civilians, 1899-1945***

Kerstin von Lingen is a historian and researcher. Currently, she is the 2017/18 Visiting Chair for Contemporary History at the University of Vienna. From 2013 to 2017, she led an independent research group at Heidelberg University in the Cluster of Excellence "Asia and Europe in a Global Context" entitled "Transcultural Justice: Legal Flows and the Emergence of International Justice within the East Asian War Crimes Trials, 1946-1954," supervising four doctoral dissertations on the Soviet, Chinese, Dutch, and French war crimes trial policies in Asia, respectively. Her publications include *Kesselring's Last Battle: War Crimes Trials and Cold War Politics, 1945-1960* (2009) and *Allen Dulles, the OSS and Nazi War Criminals: The Dynamics of Selective Prosecution* (2013). Her edited volumes include *Justice in Times of Turmoil: War Crimes Trials in the Wake of Decolonization and Cold War in Asia* (2016), *Debating Collaboration and Complicity in War Crimes Trials in Asia* (2017), and a multi authored volume on the Tokyo Tribunal (2018). She also published the multi-authored volumes *Kriegserfahrung und nationale Identität in Europa* (War Experience and National Identity in Europe after 1945), (2009) and co-edited with Klaus Gestwa, *Zwangsarbeit als Kriegsressource in Europa und Asien* (Forced Labor as a Resource of War: European and Asian Perspectives) (2014).

### **Abstract**

This intervention addresses the normative account of the concept of crimes against humanity from an intellectual history's perspective. The concept is based on earlier attempts to civilize warfare since the mid-19<sup>th</sup> century, and in particular the two Peace Conferences at The Hague in 1899 and 1907. The underlying understanding of "humanity" and "civilized nations," laid down within the preamble of the 1907 proceedings, the so-called Martens Clause, became the blueprint for later (and not always successful) attempts to punish war crimes and in particular crimes against civilians until the Nuremberg Tribunal, where a new agenda was set.

## **Micheline Ishay**

### ***Human Rights in the Age of Populism***

Micheline Ishay is University of Denver Distinguished Scholar, professor of International Studies and Human Rights, and a fellow of the Center for Middle East Studies at the Josef Korbel School of International Studies at the University of Denver. She founded the country's first interdisciplinary Human Rights Program and was executive director of the Center on Rights Development (CORD). She has been a visiting professor at the University of Maryland, a Lady Davis visiting professor at the Hebrew University in Jerusalem, and at the Khalifa University, and resident fellow of the Rockefeller Foundation. She has traveled throughout the Middle East and worked for three years in the Gulf region during the Arab uprisings from a very particular vantage point: as a female American scholar in human rights. Her published works include *Internationalism and Its Betrayal* (1995), *The Nationalism Reader* (1999), and the *History of Human Rights: From Ancient Times to the Era of Globalization* (2004). Her latest book, *The Levant Express: The Arab Springs and the Future of the Middle East* is forthcoming in 2018.

### **Abstract**

We are living in a new age of counter-enlightenment. Our democracy is in peril and populism on the rise. Despite prevalent pessimism about the scope and effectiveness of human rights, the human rights movement remains a critical antidote to counter populism in its variant forms. As the Universal Declaration of Human Rights reaches its 70<sup>th</sup> anniversary, how should the human rights movement orient its compass and device strategy? The talk offers some answers to this question.

Friday, 6 July 2018, 11.00 | PANEL II

## Democracy and the Quest for Human Rights in Troubled Times

**Chair: Jürgen Gebhardt** is professor emeritus of Political Science at the University of Erlangen-Nuremberg and a board member of the Bavarian American Academy.

### Benjamin Gregg

#### ***Human Rights Advocacy as Bottom-Up Politics that Deploys the Rule of Law, Democracy, Cosmopolitan Declarations and International Law***

Benjamin Gregg is visiting professor at the Oxford Uehiro Centre for Practical Ethics in the Department of Philosophy, University of Oxford. In 2019 he returns to the University of Texas at Austin to teach social and political theory. He has served as visiting professor in China (Beijing), Japan (Tokyo and Hokkaido), Austria (Innsbruck and Linz), Germany (Frankfurt/Oder) and, this November, Brazil (Goiânia). In addition to over 40 peer-reviewed articles, he has authored four books: *Thick Moralities, Thin Politics* (2003), *Coping in Politics with Indeterminate Norms* (2003), *Human-Rights as Social Construction* (2012), and *The Human Rights State* (2016). At Oxford he is completing a book in bioethics, titled *Human Nature as Cultural Design: The Political Challenge of Genetic Engineering*. He has delivered invited lectures on this project in Western Europe, North and South America, and East Asia.

### Abstract

This talk offers a distinctly *political* vision of the human rights project (political rather than moral or legal, metaphysical or theological). Human rights are proposed as cultural artifacts, as socially constructed bottom-up, as contingently valid, as reflecting preferences of particular human cultures at particular times in history. They are proposed as available only in political community. While the modern nation state looms large in any discussion of political communities, it is not the only relevant community. In five steps, a very different kind of political community toward advancing the human rights project is framed. Participants in this vision (1) develop and deploy “assertive selfhood,” (2) author their own human rights, and (3) create a “social field” in which their self-assigned human rights find social recognition. (4) This approach to human rights is distinctly pragmatist or consequentialist (rather than, say, deontological, or a matter of international law). (5) This approach is deployed in practical terms as a social and political movement, within the nation state, of self-selected advocates and this movement is (metaphorically) called a “human rights state.”

## **Regina Kreide**

### ***Human Rights as Placeholders: Between Legitimacy and Criticism***

Regina Kreide is a professor of Political and Social Theory and the History of Ideas at the Justus Liebig University in Gießen. She studied sociology, political science, and philosophy at the University of Cologne, Goethe University in Frankfurt, and at Columbia University in New York. She taught as a DAAD lecturer at the Universidad de Antioquia Medellin and the University of Zurich. In fall 2009 she was a visiting associate professor and Theodor Heuss lecturer at the New School for Social Research in New York, in 2014 a guest professor at UAM Iztapalapa, Mexico City, and in 2017 at the University of Washington Seattle. She is one of the directors of the Collaborative Research Center “Dynamics of Security” (financed by German Research Foundation) and an editor of the *Zeitschrift für Menschenrechte* (Journal of Human Rights). She has published widely on global (in)justice, human rights, international law, democracy, and securitization.

### **Abstract**

Human rights are currently either seen in a morally exaggerated way as ‘trump cards’ in political negotiations or they are pruned back to a purely juridical level, absorbed into legal instances. In contrast to this, Regina Kreide defends a political conception of human rights that overcomes the problems besetting both conceptions, but without having to sacrifice their critical, normative content or a realistic role for human rights in international politics. Kreide argues, first, that a political conception of human rights assumes that human rights grow out of concrete experiences of injustice and are the product of political struggles. Human rights are, second, placeholders for the public thematization of oppression, humiliation, marginalization, and despotism. Asylum politics is a litmus test for human rights. At the same time, human rights as placeholders not only provide the foil against which criticism of existing conditions is exercised but they themselves have been and still are ongoing objects of criticism. The criticism of human rights is a notion of human rights implicit. It triggers their advancement and makes their ambivalence visible.

Friday, 7 July 2017, 14.00 | PANEL III

## Rights on Paper: Intersections between Literature and Human Rights

**Chair: Kerstin Schmidt** is professor and chair of American Studies at the Catholic University of Eichstaett-Ingolstadt and a board member of the Bavarian American Academy.

### Greta Olson

#### *From Law and Literature to Literature and Human Rights*

Greta Olson is professor of English and American Literary and Cultural Studies at the University of Gießen, general editor of the *European Journal of English Studies*, and, with Jeanne Gaakeer, the co-founder of the European Network for Law and Literature Research. Her work attempts to bridge academic, political, and aesthetic pursuits. Her research involves projects on cultural approaches to law, the politics of narrative, critical media and American studies, and feminism and sexuality studies. Recent publications include the co-edited *Beyond Gender: Futures of Feminist and Sexuality Studies: An Advanced Introduction* (2018), *How to Do Things with Narrative: Cognitive and Diachronic Perspectives*, co-edited with Jan Alber (2017), "Law Undone: De-humanizing, Queering, and Disabling the Law: Further Arguments for Law's Pluralities" co-edited with Sonja Schillings (2017), "Law's Pluralities: Arguments for Cultural Approaches to Law" (2017), and *The Politics of Form* co-edited with Sarah Copland (2016). She is completing a book called *From Law and Literature to Legality and Affect*.

### Abstract

Human rights discourse has become the template for every kind of claim to rights or recognition. Or, as Lawrence Friedman maintains, we live in an age of human rights. This may be due to what Helle Porsdam has claimed to be the development of a civil religion surrounding human rights that is analogous to the semi-sacral relationship U.S. Americans have to their Constitution, or Britons to their magna carta. Representations of human rights and violations thereof have now taken the place that the literary narrative once had in law and literature. This paper reviews what law and literature once was and depicts what literature and human rights is now doing. It asks why the interdiscipline has moved its emphasis away from literary interrogations of and correctives to the law to taking philological and cultural studies approaches to human rights. What does this critical work gain affectively by jumping on the human rights bandwagon? Who is being saved?

## **Crystal Parikh**

### ***“I Haven’t Come Back... I’ve Come Here”:* American Innocence and the Refugee Child**

Crystal Parikh is associate professor at New York University in the Department of Social and Cultural Analysis and the Department of English. She specializes in 20<sup>th</sup> century and contemporary American literature and culture, with a focus on comparative race and ethnic studies, as well as ethical and political theory, and gender and sexuality, diaspora, and postcolonial studies. In addition to numerous essays and articles, she has recently published *Writing Human Rights: The Political Imaginaries of Writers of Color* (2017). She is also the author of *An Ethics of Betrayal: The Politics of Otherness in Emergent U.S. Literature and Culture* (2009), which won the Modern Language Association Prize in United States Latina and Latino and Chicana and Chicano Literary Studies. She co-edited with Daniel Y. Kim, *the Cambridge Companion to Asian American Literature* (2015) and is currently editing *The Cambridge Companion to Human Rights and Literature*.

### **Abstract**

Elaborated through constructions of innocence, responsibility, and redemption, American national culture is ensnared in an apparent set of contradictions when it comes to refugee realities and politics. This paper considers how diasporic American literature and culture troubles the moral logic that the promotion of ‘innocence’ assumes. If, conventionally, the nation and the refugee are expected to reflect an idealized innocence to one another, then diasporic writers deploy the image of the child who, while profoundly vulnerable to social harm, nevertheless proves willful and difficult in her relation to family, nation, and the law. By examining the legal ‘strangeness’ that attaches itself to the child, it is considered how this figure serves as an exemplary instance for reimagining refugee subjectivity beyond victimhood and ‘bare life.’



## **Martin Puchner**

### ***Cultural Rights and World Literature***

Martin Puchner is the Byron and Anita Wien Chair of English and Comparative Literature at Harvard University. His prize-winning books cover subjects from philosophy to the arts, and his bestselling six-volume *Norton Anthology of World Literature* and his HarvardX MOOC (massive open online course) have brought four thousand years of literature to students across the globe. His most recent book, *The Written World: The Power of Stories of Shape People, History, Civilization* (2018) tells the story of literature from the invention of writing to the Internet. He is a member of the European Academy and has received numerous awards, including a Guggenheim Fellowship, a Cullman Fellowship, and the Berlin Prize. He is currently at work on a book about Rotwelsch, a secret language based on Yiddish, Hebrew, and German that has haunted his family for three generations. It is called *The Rotwelsch Inheritance: Biography of a Secret Language*.

### **Abstract**

In the second half of the 20<sup>th</sup> century, cultural rights received increasing attention, mostly focused on community (“each person has the right to take part in the cultural life of the community”). This was – and continues to be – particularly important within the context of minority rights and the rights of indigenous peoples. But today, some cultural rights should extend beyond community, for example in the domain of literature. While material artifacts such as manuscripts and libraries should be treated as community possessions, cultural rights should include access to and participation in world literature through translation. This raises difficult questions of ownership and circulation. Currently, the circulation of world literature is primarily regulated by the market and supported by such concepts as international copyright. What would happen if we extend cultural rights to include aspects of the circulation of literature?

Friday, 6 July 2018, 16.30 | PANEL IV

## The Cultural Imaginery of Human Rights after World War II in a Transatlantic Perspective

**Chair: Heike Paul** is professor and chair of American Studies at the University of Erlangen-Nuremberg and director of the Bavarian American Academy.

### Jane Lydon

#### ***Visualizing Human Rights and Constructions of Indigeneity: UNESCO's Human Rights Exhibition in Australia, 1951 – The Shared Visual Language of Photography?***

Jane Lydon is the Wesfarmers Chair of Australian History at the University of Western Australia. Her research centers upon Australia's colonial past and its legacies in the present. Her books include *Photography, Humanitarianism, Empire* (2016), *The Flash of Recognition: Photography and the Emergence of Indigenous Rights* (2012), which won the 2013 Queensland Literary Awards' History Book Award, and (ed.) *Calling the Shots: Aboriginal Photographies* (2014) which brings together Aboriginal and non-Aboriginal scholars to explore the Indigenous meanings of the photographic archive.

### Abstract

Atrocity imagery has become the principal modern media strategy of arousing empathy and arguing for rights – indeed, recent histories of human rights argue that rights are only visible in their violation. Yet at the end of WWII a new apparatus of human rights was articulated through a range of visual narratives that sought to create a sense of a universal humanity and a shared global culture through picturing 'unity in diversity.' Roland Barthes' famous attack on the 1955 photographic exhibition "The Family of Man" set the tone for subsequent criticism of attempts to visualize universalism – also integral to the 1948 United Nations' Declaration of Human Rights and its culture committee's work – on the grounds of effacing difference and asserting a Western-centric model of liberalism and identity. Instead of this humanist visual genre, the global visual culture that developed after WWII was characterized by the growing value attached to atrocity imagery.

The Australian reception of UNESCO's travelling 1951 Human Rights Exhibition reveals how the new apparatus of human rights was applied to local circumstances, as local adherents argued in broad terms for rights and the individual, expressed through photos of both the human family and 'struggle.' However the glaring absence at the heart of the Australian exhibition was the nation's Indigenous people: echoing UNESCO's Western-centric narrative of progress and humanity, new domestic visions of assimilation required Aboriginal people to surrender culture and identity, ultimately blending into mainstream

society. Ironically, the official assimilation booklets produced by the Australian government, structured by a visual conversion narrative, became the target of attack by the nation's Soviet critics criticizing Australia's betrayal of its Indigenous people. Key 'blind spots' such as the symmetry between the program of universality espoused by the UNESCO and Australian assimilation reveal how the idealising framework human rights has been profoundly shaped by state agendas and cultural predispositions.

## **Gerd Hurm**

### ***“The Family of Man” (1848/1955): Feminist Foremothers, Women’s Rights, and Human Rights***

Gerd Hurm is a professor of American Literature and director of the Trier Center for American Studies (TCAS) at the University of Trier. He is also an advisory board member of the new Obama Institute for Transnational American Studies at the Johannes-Gutenberg-University in Mainz. His publications include books and articles on modernism, urban studies, political rhetoric, and American post-war culture, film, and photography. A senior Fulbright scholar, he has been active teaching and lecturing on a wide variety of American studies topics in Germany, France, Switzerland, Luxembourg, Great Britain, and the United States. His current research projects focus on the photography, aesthetics, and curatorial politics of the Luxembourg-born American artist Edward Steichen. He is co-editor of *The Family of Man Revisited: Photography in a Global Age* (2018).

## **Abstract**

When Roland Barthes assigned the phrase “the family of man” to the field of zoology in his (in)famous essay on Edward Steichen’s 1955 groundbreaking photo installation “The Family of Man,” he was not aware or did not care about the historical and political gender implications of one of the key phrases in Elizabeth Cady Stanton’s 1848 “Declaration of Sentiments.” Barthes’ misleading label stuck. In recent years, however, new documents and new interpretations have called attention to the progressive intercultural and emancipatory potential of Steichen’s pacifist installation, among them texts by Max Horkheimer, Siegfried Kracauer, and Janine Marchessault. Ariella Azoulay even claimed that “The Family of Man” constituted a “visual universal declaration of human rights.” The present talk will re-examine the transnational suffragist and abolitionist roots of “The Family of Man” within the context of the 1848 Seneca Falls Women’s Rights Convention and its relationship with the 1948 United Nations Declaration of Human Rights.

**Saturday, 7 July 2018, 10.00 | PANEL V**

## **Civil Rights and Law**

**Chair: Erik E. Lehman** is professor and chair of Management and Organization at the University of Augsburg and a board member of the Bavarian American Academy.

### **Peter T. Wendel**

#### ***Civil Rights and Law in the U.S.: Historical Roots and Recent Developments***

Peter Wendel is professor of Law at Pepperdine University. His research focuses primarily on issues of wills, trusts, and estates, particularly from a law and economics perspective. He has been a visiting professor at University of California at Los Angeles (UCLA) School of Law and Santa Clara University School of Law. He has taught intensive classes at the University of Lyon and in the University of Augsburg Summer Program. His publications include co-edited with Robert G. Popovich, *California Wills and Trusts: Cases, Statutes, Problems and Materials* (2017), "Wills Act Compliance and the Harmless Error Approach: Flawed Narrative Equals Flawed Analysis?" (2017), "Protecting Newly Discovered Antiquities: Thinking Outside the 'Fee Simple' Box" (2007). He is the Pepperdine Director of the Augsburg-Pepperdine Exchange Program and was awarded an Honorary PhD in Law from the University of Augsburg.

#### **Abstract**

In any democracy there is inherent tension between the rights of the individual and the power of the government, with the judicial system called upon often to act as referee. Different judicial systems have adopted different approaches to how best to resolve such conflicts. While many countries have adopted a proportionality approach to judicial review of governmental action that infringes upon an individual's right, the United States is generally recognized as having rejected such an approach. The presentation will focus on (a) the American approach; (b) the generally accepted historical roots of the American approach; (c) the unique attributes of the American approach to constitutional rights that help explain its approach; (d) some examples of how the American approach plays out in application; and (e) whether the American approach is immutable or whether there might be some movement afoot to more of a proportionality approach.

## **Thomas M.J. Möllers**

### ***A Comparative and Critical View of Civil Rights and Law in the U.S. and Germany***

Thomas M.J. Möllers is a full time professor at the University of Augsburg and holds a chair for Civil Law, Economic Law, European Law, Private International Law, and Comparative Law at the Law Faculty of the University of Augsburg. In addition to this, he holds a Jean-Monnet-Chair in European Law and is the Managing Director for European Legal Studies. He is the founder and managing director of the international Augsburg Summer Program bringing together German practicing lawyers and postgraduate law students. He published in American, South African, and Australian law journals and his recent monograph is *How Lawyers are Working: Legal Methods and Legal Reasoning in Europe* (Juristische Methodenlehre) (2017). The oeuvre includes an assessment of civil rights in a German/European perspective.

#### **Abstract**

German and American civil rights share the same roots and both countries see themselves as part of a community of shared values. Comparing the American and European civil rights, their differences become obvious. In the United States, there is an emphasis on their save area. In a first step, the freedom of speech, protest, or property are far more extensively interpreted than in German law. In Europe, one often points out the conflict of civil rights that work in opposite directions and the necessity to balance these out. Another specialty of German and European civil rights is the consideration of proportionality. Government interference has to be kept to a minimum. The paper will discuss the pros and cons of each approach.

## Saturday, 7 July 2018, 12.00 | Concluding Keynote

**Chair: Heike Paul** is professor and chair of American Studies at the University of Erlangen-Nuremberg and director of the Bavarian American Academy.

### **Heiner Bielefeldt**

#### ***Human Rights: Practice and Philosophy***

Heiner Bielefeldt is professor for Human Rights and Human Rights Politics at the University of Erlangen-Nuremberg. While his main academic background is philosophy, he sees himself also as practitioner in the area of human rights. Between 2003 and 2009, he chaired the German Institute for Human Rights, which is Germany's officially accredited National Human Rights Institution. From 2010 to 2016, he served as UN Special Rapporteur on freedom of religion or belief. In this capacity, he undertook fact-finding missions in various parts of the world and regularly reported to the UN Human Rights Council in Geneva and the UN General Assembly in New York. Bielefeldt authored numerous articles and books, including *Philosophie der Menschenrechte* (1998), *Symbolic Representation in Kant's Practical Philosophy* (2003), *Freedom of Religion or Belief: An International Law Commentary* co-edited with Nazila Ghanea and Michael Wiener (2016), and *Struggling for Religious Freedom: Concepts and Controversies* (forthcoming).

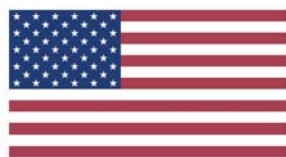
#### **Abstract**

Human rights claim to be applicable across geographical, political, cultural, religious, and other boundaries. This universalistic aspiration is well compatible with an appreciation of context-sensitivity. Indeed, human rights respond to the experience of multiple diversities by empowering free and broad articulation of diverse experiences, convictions, orientations, and life plans. At the same time, the requirement of "free articulation" itself requires a critical analysis of implicit presuppositions and concealed barriers. In his lecture, Heiner Bielefeldt combines academic reflection on the philosophy of human rights with an account of practical experiences, which he gained when serving as UN Special Rapporteur on freedom of religion or belief (2010-2016). As the last presenter, he will also try to take up various threads that may have come up during the discussions.

## **Bavarian American Academy (BAA)**

The Bavarian American Academy promotes and coordinates the interdisciplinary cooperation of scholars in the social and cultural sciences in the widest sense, specializing in aspects of North American culture, society, politics and economics in their hemispheric and global contexts.

The conference is organized by the Bavarian American Academy and kindly supported by the German Research Foundation, the U.S. Consulate General Munich, and the Bavarian Center for Transatlantic Relations.



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