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# NEGOTIATING HUMAN RIGHTS

CULTURAL, LEGAL AND  
POLITICAL FRAMINGS

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## Abstracts

**Alexandra Schultheis Moore**

Associate Professor, Dep. of English, University of North Carolina, USA

**Vertigo: Perpetrators, Performativity, and Excess in Joshua Oppenheimer's "The Act of Killing"**

This paper examines the cinematic production of vertigo in Oppenheimer's extraordinary film, "The Act of Killing." A documentary about the perpetrators of the 1965-66 killings in Indonesia of an estimated one million people targeted as Communists, the film destabilizes the aesthetic and political frames that have been employed to tacitly condone the violence and to silence dissent and mourning. "The Act of Killing" focuses on the performativity of both spectacle and violence and, in doing so, restages relationships between perpetrator, victim, bystander, beneficiary, and viewer. As opposed to traditional documentary aesthetics that seek to raise awareness and generate feelings of sympathy or anger, often predicated on a fixed relationship between viewer and subject, the film "move[s] beyond recognition in human rights discourse" (Hesford) even as it draws attention to the terms through which political community is imagined and enacted.

**Ayda Barghan**

Department of Foreign Languages, University of Tabriz, Iran

**Fictionalization of human rights in Voltaire's *Candide***

Voltaire's *Candide* has always been read as a rejection of French legal system and society of 18<sup>th</sup> century, thanks to narration of different adventures of Candide. This work demonstrates the concern of Voltaire to combat all forms of violation of human rights. Voltaire is not a theorist of human rights, but we can consider his *Candide* as a part of the historical context for contemporary human rights thinking because of some complex and important human elements represented throughout his narration including war, slavery, racism, sexual trafficking, torture, *etc.* which caused immense loss of life (the absolute and most basic human right) and suffering. In this research we can see how these elements have been fictionalized throughout this novel. Voltaire wants to make it clear that the French legal system does not regard people as human beings in any sense of the term, but as objects to be tortured, brutalized or slaved and with the help of the traditional elements of fairy tale he makes it seem intolerable to readers. With the help of humanist/rhetorical tradition of James Boyd White, this research demonstrates that this novel creates a relation with its reader which can bring us to see and criticize the essential inhumanity of the culture it represents. It shows as well how Voltaire tries to arouse the feeling of empathy with the help of imagination, literary fiction and its rhetorical techniques including allegory and satire.

It has become too easy to assume that Voltaire rejects this highly imperfect "best of all possible worlds" and argues, in every steps

of his fictional novel, for human rights. A closer examination of the role that human rights play in *Candide* demonstrates that Voltaire give a definition of an idealized world of Eldorado which is an ideal country in a total harmony with human rights. But also he emphasizes on the fact that this country can only exist in our imagination and dream because the evil, in this world, is an omnipresent reality that we cannot change because we cannot change the corrupt human nature. We conclude that Voltaire has a message of change for human beings in the closing pages of the novel. People can make things better if they commit themselves, collectively as well as individually, to eradicate evil, to diminish its presence and finally to change.

## **Belinda Walzer**

Assistant Teaching Professor, Department of English, Wake Forest University, USA

### **“Discovering Words”: WWII, the UDHR and Tracing Normativity in Human Rights**

This paper is part of a larger work that examines not just what is normative in human rights discourse, a necessarily shifting set of paradoxes and regimes deserving of both critique and promotion, but how human rights discourse becomes normative; in other words, how human rights becomes discursive.

Tracing the Enlightenment norms that persist in the contemporary legal and aesthetic language of human rights from WWII through the 21st Century, I am mostly inter-

ested in the rhetorical work of the language of rights and the act of “discovering words” in the form of the UDHR in the face of the atrocity of WWII.<sup>1</sup> As such, I argue that the UDHR and subsequent instruments are both pedagogical and performative of a normalizing discourse to which aesthetic forms of human rights, as cultural texts, contribute and potentially remake. However, in order to understand better how that normativity came about (and continues to be made), it is necessary to look more deeply at the conversations surrounding the drafting of the UDHR. Thus, I build off of Erik Doxtader’s work uncovering the role of fore-

most rhetorical scholar Richard McKeon in the Philosopher’s Committee (an advisory group to the Human Rights Commission during the drafting of the UDHR).<sup>2</sup> If human rights, as Doxtader argues “begins—historically and conceptually—with a question that asks after the potentiality of (its) rhetoric” (354), and carries with it several paradoxes that render its own language simultaneously both necessary and impossible, then where does that leave the normativity of human rights today? Said differently, while the normativity of rights is arguably one of the discourse’s most important goals, this normativity is also one of its biggest liabilities. In answering the question of how human rights became/are becoming normative, this paper also takes up the contention of why rhetorical theory has not been a louder voice in the conversation taking place around human rights in the humanities despite the fact that the UDHR,

as a declaration, calls explicitly for an overtly rhetorical framework of analysis.

### Costas Douzinas

Professor of Law and Director of the Birkbeck Institute for the Humanities at Birkbeck, University of London

### Is there a right (is it right) to revolt?

Revolution is a well-known topic in philosophy. Right on the other hand has been abandoned to liberal jurisprudence and philosophy. The recent insurrections all over the world give us an opportunity to examine philosophy's hesitant exploration of the link between revolution and right and the metaphysical foundation of right itself. The talk moves from Kant and Hegel to Derrida and Foucault comparing civil disobedience with the right to resistance.

### Elena Butti

BA (Hons) Candidate in Law & Anthropology at University College Utrecht, and currently a visiting Erasmus-student at SciencesPo Paris.

### Human Rights on Stage: A case study on the use of Boal's forum theatre to enhance gender equality

The aim of this paper is to present a *niche* but powerful technique for narrating victimhood and addressing human rights violations to generate change: forum theatre. I argue that, because of its bottom-up approach, its accessibility, and its ability to generate direct discussion, forum theatre can be a powerful tool to concretely ensure

that human rights are *triggered by* local communities rather than *imposed upon* them. I substantiate this claim by using as a case study my personal work experience with the development NGO FT Kilimanjaro in the rural village of Mtakuja in Northern Tanzania (summer 2013). In my work I used Augusto Boal's "Theatre of the Oppressed" theory to address the problem of early pregnancy and to reflect on the related violation of the human right to gender equality.

The paper opens with a brief account of Boal's theory. It sets out the key points of his model, in which spectators turn into spectators through post-performance discussion. To show its distinctive value, this theoretical framework is complemented by a comparison with the first instance in which theatre was used to address fundamental rights: Ancient Greek tragedies. Second, I present the setup and findings of my case study in Tanzania, which serves as a practical application of the theory. I share some of the more insightful experiences, particularly those concerning post-performance discussion. Third, I critically analyse the findings against the backdrop of the theory. This analysis confirms the central thesis that forum theatre practically helps to *fight* the abuses portrayed in the play from the bottom, rather than merely *showing* them from the top. Finally, the observations and conclusions are embedded in the broader debate on the origins of human rights. While the law can provide the theoretical foundation for such rights, their practical enforcement resides in deeper cultural under-

standings that can only emerge by letting the oppressed speak – and take the stage. This paper enriches the debate on the cultural-aesthetic framing of human rights in two ways. First, it contributes to the academic discussion on the role of artistic means, as opposed to legal ones, to promote human rights. Second, it presents a technique, often overlooked, which can be concretely used in community work – a practical component that sets this paper apart from purely theoretical discussion, enabling practitioners to make a relevant difference.

## **Crystal Parikh**

Associate Professor, Department of Social and Cultural Analysis and English Department, New York University.

## **Discontents of the Global Nation: Bringing A Human Rights Method to Bear on American Literary and Cultural Studies**

In this paper, I consider why human rights discourse and politics have been a largely *inoperative* critical question for American culture and literary studies. With the exception of humanitarian victims located *elsewhere* (almost invariably Third World nations), scholars and critics of American literature and culture have paid little attention to the significance of human rights for American national culture. As might be readily apparent, this occlusion has much to do with American exceptionalism, especially where questions of rights and liberties are concerned, that has defined not only how commercial culture and mainstream

media represents the nation, but the critical lenses through which scholars approach this subject.

In this paper, then, I describe the interventions that a human rights methodology makes available for reading, in particular, twentieth-century American literature and culture, e.g., what subjects materialize and what critical questions emerge that otherwise remain occluded in American literary studies. Moreover, working across the disciplinary divisions of comparative U.S. ethnic studies and postcolonial studies, I explain how it is precisely from the perspective of those who have been racially alienated in the United States that human rights yield critical potential for rethinking ethical and political norms. I thus turn to two novels, *Be-loved* (1988) by Toni Morrison, and *Comfort Woman* (1997), by Nora Okja Kellar, to illustrate how “minor literature” in the United States conceives justice for “impossible subjects,” those persons whose claims cannot be materialized in domestic legal and juridical imaginaries.

## **Elisabeth Swanson**

Professor of English, Babson College, USA

## **Culpability as Continuum: The Figure of the Perpetrator in Narratives of Sex Trafficking**

This paper will explore the figure of the perpetrator in fictional and testimonial representations of sex trafficking, situating its analysis in the context of broader conversations about the figure of the perpetrator

within human rights discourse; of feminist debates about victimization and agency in the trafficking scenario; and of discussions in literary and cultural studies about how cultural representations contribute to understandings and treatment of victims and perpetrators of sex trafficking. Debates over representations of sex trafficking and forced labor migration are well established. On the one hand, sex trafficking remains “the third largest criminal industry [...] behind only drugs and firearms trafficking, with profits reaching billions of dollars each year” (Zhang 106). Most of those trafficked are those who lack other forms of social, cultural, and legal protections: women and children, especially of minority and rural poor populations. On the other hand, sex worker advocates critique the implicit imperialism characterizing discourses of rescue promulgated by Western/Northern activists on “behalf” of trafficked persons from the global south. The injurious effect of this discourse is compounded when it works in conjunction with legal efforts to militarize borders and criminalize those who cross them. Such legislation, they argue, addresses trafficked persons first as passive victims and then as criminals, and it creates little space for the recognition of sex work as a choice sometimes made by adults and of distinctions between sex trafficking and prostitution; for the prosecution of sex worker clients; and, finally, for the ways in which envisioned and existing laws target already vulnerable populations of aboriginal peoples, the poor, and undocumented workers (Kempadoo).

To date, very little attention has been paid to understanding the figure of the perpetrator of sex trafficking, and myths and stereotypes of this figure abound. Reading fictional and testimonial narratives of sex trafficking against media accounts and international legal documents, “Culpability as Continuum” will demonstrate that, rather than depending upon a single criminal figure or syndicate, a range of *perpetrators* from all walks of life manifest the trafficking of persons for sex. Further, the essay will explore the surprising fact that the “perpetrator” in the trafficking scenario is often a girl or woman, often someone who was recently a victim of sex trafficking herself. Investigating the broad spectrum of responsible parties to or beneficiaries of the sex trafficking scenario, this essay will argue for a more complex understanding of culpability which will, in turn, intervene in debates about trafficking that are built upon and recapitulate reductive terms of responsibility, agency, and victimhood.

### Helle Porsdam

Professor, SAXO-Institute - Archaeology, Ethnology, Greek & Latin, History, University of Copenhagen, Denmark

### Empathy, literature and human rights: The case of Elliot Perlman, *The Street Sweeper*

Recent developments in empirical fields such as developmental psychology and neuroscience have emphasized empathy as a natural human faculty and as the basis for altruism and morality. In the humanities, too, there is an increasing focus on emo-

tions, especially those involved in moral thought and action.

In my talk, I will look at the relationship between empathy, literature and human rights. I will do so against the background of Elliot Perlman's novel, *The Street Sweeper*, first published in Australia in 2011. As more than one reviewer of Perlman's best-selling novel has pointed out, *The Street Sweeper* may not be among the best works of literature, but it is surely among the most emotionally gripping. "Tell everyone what happened here" - this is the moral imperative that Perlman has his characters repeat again and again. Spanning over fifty years and ranging from New York to Chicago and Auschwitz, his novel tells us a captivating story about the Holocaust and the U.S. civil rights movement which stirs our empathy in numerous ways.

The stories of "what happened here" do not only appeal to our emotions, however; they also appeal to our reason. Anger, Perlman has one of his main characters learn from none other than Justice Thurgood Marshall, for example, can "sabotage the benefit of the passion... [and] be the enemy of a good lawyer." Known to his co-workers as a "gradualist... who wanted change to come but gradually,"<sup>1</sup> Justice Marshall epitomizes for Perlman the perfect combination of the *emotional* and the *reasoned* moral fight.

Having surveyed current research on empathy in part one of my talk, I will move into

a discussion on Perlman's novel in the second part. My argument will be that, while the capacity of a work of fiction to make us feel compassion with others is undeniable and important, there is a downside to the present enthusiasm for empathy - at least when human rights are involved. Empathy may lead people to care more about attractive victims than unattractive ones, for example - or to react to shocking incidents such as a tsunami, while ignoring more permanent conditions like global hunger or preventable diseases. Human rights are not just about putting oneself in someone else's shoes. There is a normative dimension to human rights which is downplayed by the present focus on compassion and empathy.

## Isak Winkel Holm

Associate professor, Department of Arts and Cultural Studies, University of Copenhagen, Denmark

## Judging Human. Disaster Fiction and Human Rights

In her recent book *Human Rights in Camera*, Sharon Sliwinski highlights the close link between images of disaster and the concept of human rights. Images from Lisbon, Auschwitz, and Rwanda show us that human beings must be "judged human" before they are able to benefit from the rights we ascribe to the human community. This paper will address the relationship between fictional representations of disaster and human rights. When the earthquake, the meteor, or the zombie infection wipe

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<sup>1</sup> Elliot Perlman, *The Street Sweeper* (London: Faber and Faber, 2012), 97, 28.

away the normal juridico-political order, what emerges is a fundamental question about who we are able to "judge human" – and about who we tend to judge inhuman. Since Heinrich von Kleist's "The Earthquake in Chile" (1806), modern disaster fiction has been used to explore the scope of the human rights and, hence, the scope of human rights.

### Jonas Ross Kjærgård

Department of Aesthetics and Communication - Comparative Literature, Aarhus University.

### Problems in Traffic: Human Rights and the Citizen in Pre-Revolutionary France

The aim of this paper is to engage critically with the question of whether the 1789 *Declaration of the Rights of Man and the Citizen* should primarily be read in a global or a national context, an old question that has recently blossomed in a discussion between historian of ideas Jonathan Israel and historian Samuel Moyn among others. I argue that this discussion has only inadequately accounted for the French pre-revolutionary idea of citizenship, which has often been understood merely as the particularistic backside to the universality supposedly implied by the word man. This dichotomy of universal man and the particular citizen has, furthermore, missed the dynamic relation between man and citizen in late eighteenth century political thought and praxis.

By reading *Tableau de Paris* (1781) by novelist Louis-Sébastien Mercier alongside

the general Cahiers des doléances, I offer a novel approach to the idea of citizenship, which I characterize as an ability to demand structural solutions to problems hitherto considered merely local or particular oddities. While this ability is a recurring trait that takes on a growing importance specifically in pre-revolutionary France, it might also be demonstrated by not entirely French citizens such as the Haitian revolutionaries in their attempt to establish a sovereign independent state. Thus, I understand the 1789 Declaration in a national context, but with a global surplus value that might be appropriated in other national contexts, hereby establishing a dynamic relationship between the poles of particularity and universalism, nationalism and internationalism.

### Joseph Slaughter

Associate Professor of English and Comparative Literature, Columbia University, New York

### However Incompletely, Human: Crusoe, Colonial Corporations, and Other Partial Creatures of Human Rights

Recent histories of international law and human rights have begun to document the important role that nineteenth-century colonialism played in the formation and institutionalization of contemporary international human rights law. At the same time, scholars have begun to warn of the current "colonization" of international, human rights law by corporations. This talk considers the possibility that early modern corporate co-

lonialism was a founding condition of contemporary international human rights law, and, furthermore, that the corporation might be said to have already beaten the human being to human rights at the outset. The colonial charter company was not merely a vehicle for the pursuit of nineteenth-century colonialism. It was charged with carrying some of what we now call human rights to supposedly backwards peoples in “unenlightened” parts of the earth; but it was itself the bearer of some international rights that we now regard as the human rights of individuals. Indeed, a collection of qualities and capacities that we typically think of as uniquely human were first combined and protected at the international level in the legal personalities of charter companies. As I will argue, corporations, and especially the colonial charter companies, were recognized as international persons in advance of the human beings they ostensibly serve, and, thus, as much as we need to be vigilant about the corporate takeover of human rights law, we need also to recognize the complex ways in which international, corporate, and human rights law are intertwined, and how the early international law of high imperialism set the stage for the emergence, as international persons in their own right, of human beings, however incompletely.

## Lee Soyoung

HK Research Assistant Professor, Research Institute of Comparative History and Culture (RICH), College of Humanities, Hanyang University, Seoul, South Korea.

## Rhetorical Framing that Traverse *Law as Father*: Literary Criticism of Law and the Narrativization of Minorities in East Asian Contemporary Novels

Literary works help grasping unseen and unheard narratives in legal discourse. Primary role of literature would be to disclose, for literary narrative is powerful in touching emotional code of the mass through reportage. Moreover, unearthing yet-to-be-discovered subjects in human right is unique contribution that literature brings to legal discourse of human right, thereby leading to recovering polyphonic justice. Such disclosing, discovering, and recovering may be performed through literary criticism on novels of contemporaneous writers: in this case, Korean novels released in the last decade. While Korean literature from the post-war period used rhetorical framing of treating wounds in relation to historical trauma or collective identity, drawing a clear line between the prevalent oppressor(whether it be colonialism, military dictatorship or capitalism) and the oppressed in nationalistic tone, literature from the 2000s illustrate post-historical, transnational, and surrealist subjects taking place in micro-spatial background.

My talk will illustrate unique perspective and storytelling that Korean novelists of the 2000s make use of when narrating the marginalized voices, especially focusing on short novels by three young writers: Park Min-gyu, Yoon Sung-hee and Kim Aeran. The peculiarities perceived in the three contemporaneous writers in fictionalizing

marginal voices are the following: i) post-modern style of narration. For instance, blocking reader's empathetic concentration by abrupt bluster of bizarre jokes in such serious scenes (Park Min-gyu), delivering painful event in dry numb tone (Yoon Sung-hee), or running away to the Imaginary before wounds of the Real reach the Symbol (Kim Aeran). Readers do sense the hurts, but still puzzled at where they derive from. Hence they eventually develop keen sense of hearing and gaze. ii) perspectives toward 'law as the Father.' Fathers in their stories are either absent or incompetent. Absent and incompetent indeed, thereby too vulnerable to be the subject of oedipal murderous wish. As a consequence, sons and daughters of these fathers are always-already well aware that justice to arrive delays forever. iii) thus the protagonists chose to take flight to *the imaginary* rather than bursting with rage or gathering under the flag of "people united will never be defeated." It is neither class nor ideology that forms sense of solidarity among the minorities here, but the existence of wounds of *the other* which only *the wounded* may recognize.

#### **Lena Halldenius,**

Professor of Human Rights, Human Rights Studies, Department of History, Lund's University, Sweden

#### **Against human rights pragmatism. A neoroman approach to rights, institutional facts and the structure of claims**

In this paper I argue for three things. First, all rights are claims. Second, rights are institutional facts and as such essentially collective in character. The third part of the argument is that an institutional approach to rights will serve to shift our focus in terms of the philosophical history of "rights".

The first point is a formal one. Thinking of rights as "claims" implies that propositions about rights have the form "X have a right to Q in relation to Y", where X is an agent who is the rights bearer, Y is an agent who is the bearer of a corresponding obligation, and Q is the object of X's claim and Y's obligation. A rights proposition can be particular or general but is always generalizable. The analytical use of a rights terminology is to introduce into our political and moral vocabulary the notion of claiming. If we do not think of rights as claims in this formal way, then "a right" is conceptually redundant, and adds nothing to the conventional moral terminology of what it is right (or wrong) to do. Rights, then, are claims and claiming is an activity. This is a formal conclusion and prior to, and independent of, considerations of the content of Q and empirical and causal concerns of realization. It does, however, require an idea of the relationship between X and Y and of what it consists. It also requires a formulation of a "zone of non-coincidence" (Brett).

If people can "have" no other rights than the rights that they are actually granted, then the concept of rights simply tracks official policy and can have no progressive or challenging purpose. It

will be the contention in that the best answer to the first requirement comes in the form of an institutional theory of rights. Institutions (in a sense that will be briefly specified) are a necessary circumstance for the issue of rights to arise. Regarding the second requirement I will suggest that a zone of non-coincidence be constructed institutionally, rather than morally, through a normative conception of political society, the “res publica”.

I will refer to this institutional approach as “neo-roman” and it has historical implications. The paper will conclude by disentangling some features in the history of thinking philosophically about rights in order to get the context of an institutional approach to rights and how it differs from “natural rights” theory. This historical cherry picking will take us from Locke, via Hobbes, to Cicero, and then back to the 18<sup>th</sup> century with the suggestion that we need Cicero, rather than Locke, in order to understand fully not only 18<sup>th</sup> century rights discourses but also our own.

## **Mads-Anders Baggesgaard,**

Post Doc, Dep. of Aesthetics and Communication, Denmark

## **The Migrating Earth: Cinema in Haiti**

Two recent Haitian documentary films have endeavored to show the devastating consequences of the earthquake that hit Port au Prince and rest of Haiti on January 12, 2010, however employing two very different strategies.. Arnold Antonin’s 2010 short documentary *Chronique d’une catastrophe*

*annoncée, ou Haiti : Apocalypse Now* was produced in the months after the quake as an appeal to international help and national unity in face of the disaster. And the second, Raoul Peck’s 2013 production *Assistance mortelle* views the catastrophe from a later vantage point critiquing the devastating effects on the international aid that Antonin pleads for. This paper discusses these differences within the framework of Haiti’s position within the international community as a case in point for the discussion of the relationship between human rights and nationalism within a globalized world order.

## **Marie Juul Petersen**

Post Doc, Danish Institute for Human Rights, Copenhagen, Denmark.

## **Human rights, religion and the provision of aid**

Recent years have witnessed an increasing popularity of so-called ‘rights-based’ approaches to development, placing human rights at the center of development cooperation. Historically, many religious organisations and institutions have had a troubled relationship with human rights – the Catholic Church did not officially endorse the Universal Human Rights Declaration until 20 years after its formulation, and even today, conservative and moderate organisations from all of the world’s major religions are skeptical of human rights. This is also true for religious NGOs and other civil society organisations involved in the provision of development and humanitarian aid. Fo-

cusing on the ways in which these organisations relate – or do not relate – to human rights in their provision of aid, this paper explores the nexus between human rights, religion and development, pointing to two potential areas of contention: One, and perhaps most obviously, rights-based approaches to development may clash with religious values and practices, in particular in the area of gender and family. Two, relying on legalistic notions of rights and duties, rights-based approaches present a different conception of aid than many religious aid organisations, conceiving instead of aid as a gift, expressing bonds of religious solidarity between giver and recipient. The paper discusses how these challenges can be overcome, presenting concrete examples of religious aid organisations that have successfully integrated human rights into their provision of development aid.

### Michael A. Donnelly

PhD Candidate in Twentieth-century English Literature at the University of Toronto, Canada.

### Economies of Love: Rights, Romance, and the Desire Called Dystopia

In recent years, discussions of human rights have sometimes turned to literature and its genres. Joseph Slaughter's *Human Rights Inc.* (2007) considers the Bildungsroman as a "cultural surrogate" for human rights law, and Lynn Hunt's *Inventing Human Rights* (2007) construes novelistic (especially episodic) fiction in the 18<sup>th</sup> century as enabling the rights revolution by helping to

manufacture social situations of empathy. What both of these approaches share is an emphasis on literary genre as an important form of social work, and in my paper I wish to consider yet another literary genre, dystopian or anti-utopian fiction, as helping make the legality of human rights seem legible and appear reasonable. It is, after all, a critical commonplace to use the term "utopian" when referring to human rights law and its political aspirations. Ernst Bloch argued in *Natural Law and Human Dignity* (1961) that appeals to classical natural law are "utopian," and recent studies on contemporary human rights by Costas Douzinas (*The End of Human Rights*, 2000), Samuel Moyn (*The Last Utopia*, 2010), Seyla Benhabib (*Dignity in Adversity*, 2011), and Robert Meister (*After Evil*, 2011) have likewise employed the handle of *utopia*. Most scholarly reference to the *utopianism* of human rights is, however, largely disconnected from the political aesthetic of utopian literature and the genre's developments in the 20<sup>th</sup> century along the lines of dystopia. I want to begin to address this oversight and underscore how appeals to human rights operate, firstly, according to a utopian economy and, secondly, elaborate how the contemporary inheritor to utopian literature, the dystopian novel, offers a *utopianism* of its own in appealing to innate rights. Dystopian novels almost always include an element of romantic love as a utopian alternative or outlet to totalitarian oppression. Using George Orwell's *Nineteen Eighty-Four* (1949) as my principle test case, I will elaborate how Orwell uses what

I call an economy of love so as to gesture towards a system of inviolable rights, what would become known as *human* rights in the years that followed. Orwell's narrator speaks of a "curious emotion" that stirs in Winston when he first spies Julia and "instinctively" sets out to assist her. I will argue that this emotion evolves into what Winston claims is love, but the emotion begins with and is continually confused by his first feelings for Julia as a "human creature, in pain and perhaps with a broken bone."

## **Mohd Faizal Musa**

Research Fellow at Institute of the Malay World and Civilization (ATMA), National University of Malaysia.

## **HUMAN RIGHTS IN MALAY PROVERBS**

Human rights culture is relatively new in Malaysia. The term human rights are observed widely after the formation of Human Rights Commission (SUHAKAM) in 1997. According to Alfred Fernandez (2006: 18); 'the countries of the South, in particular African and Asian, claim that they were not present in 1948 as they did not exist as such at the time. And number of countries of Islamic faith regard human rights as a kind of civil religion alternative to their beliefs, which they are not ready to accept'. This notion might not be true, as human rights are indeed part of traditional cultures that protect the well being of the people. Malay civilisation is heavily influenced by Hindu, and Islam; the Malays have their own traditional values that cherished human dignity. Diana Ayton-Shelker (1995)

convince that traditional values that 'protect the well being of people would illuminate the common foundation of human dignity on which human rights promotion and protection stand'. According to her, by locating and unearth the values of human dignity from traditional heritage would certainly help to enhance understanding on Human Rights. Thus, an attempt to connect traditional values buried under Malay proverbs with contemporary sociological findings should be done. In order to make this attempt successful, George F. Mclean's formulated framework 'human rights and the dialogue of civilizations' has been chosen. Mclean's formulation look into the needs of human rights; civilizations in dialogue; values and virtues; cultures and traditions, and these are done by also questioning the authority, normative authority and ontological foundation of many faces of humanities (George Mclean, 2001: 169-190). This essay intends to construct or establish features of Human Rights as presented in contemporary society; and to transpose the features into the reading of Malay proverbs to identify Human Rights features in Classical Society.

## **Nan Gerdes**

PhD Student, Department of Comparative Literature, University of Copenhagen, Denmark.

## **The right to oppose semiotic deception Marquis de Sade and the counter- enlightenment 1795-1801**

The overall topic of this paper is the question of rights in the aftermath of the French Revolution. Specifically, I relate arguments from a group of rightwing, Catholic critics of Enlightenment and Revolution, to Marquis de Sade's prose fictions. The paper highlights two points of intersection between Sade and proponents of the counter-enlightenment: they identify of paradoxes of sovereignty and they insist on a right to shatter semiotic deception. Both issues are related to questions of rights.

Lynn Hunt has noted that for Sade natural rights "meant only the right to grab as much power as you could and enjoy wielding it over others"<sup>2</sup>, thereby making Sade place a cynical verdict on the sentimental novel and its, for Hunt, vital link to the emotional formation of empathy and equality. My paper stresses how Sade's work also draws other conclusions to the tradition of the sentimental novel and its linkage to human rights.

Although disagreeing strongly on the topic of religion, after the Jacobin Terror both Sade and figures such as Jean-François de La Harpe, Louis Gabriel Ambroise de Bonald, and Joseph de Maistre pinpoint paradoxes related to the theoretical fundament of governance on which *les droits de l'homme* rest: political representation and sovereignty. Bonald for instance finds the concept of people's sovereignty absurd since it, according to him, necessarily implies obedience or even enslavement ra-

ther than political freedom.<sup>3</sup> In the translation of the concept of sovereignty in Sade's fiction one can notice a fictional reworking of a similar autonomy-submission dialectics.

Moreover, Sade's autonomy-submission dialectics is related to how especially his post-Terror oeuvre stresses the necessity of a *right* to transgress the semiotic illusions that his fictional characters repeatedly confront. The right to shatter semiotic deception is also a right he gives to his readers. In that way his fictions are engaged in post-Terror discussions of the role of rhetoric and semiotic deception. For La Harpe revolutionary rhetoric had had the capacity to inverse meaning so that virtue came to signify crime and vice versa. As a critic of the Revolution it was his *right* to oppose this vast semiotic deception.<sup>4</sup>

In sum, by juxtaposing Sade and the post-Terror Catholic revival my paper identifies an important cluster of problems related to the discussion of human rights in the aftermath of the Revolution.

### Sten Schaumburg-Müller

Professor, Department of Law, Aarhus University

#### Does J.L. Austin's 'speech act' theory have any implications for freedom of speech?

<sup>3</sup> [Louis Gabriel Ambroise de Bonald], *Théorie du pouvoir politique et religieux dans la société civile*, p.1, 1796, p. xxi.

<sup>4</sup> Jean-François de La Harpe, *Du fanatisme dans la langue révolutionnaire ou de la persécution*, Paris, 1797, p. 99-100.

<sup>2</sup> Lynn Hunt, *Inventing Human Rights*, New York: Norton & Company, 2007, p. 212

J.S. Mill's *On Liberty* often serves as a reference in freedom of speech discussions as his defense constitutes a convincing argument for advantages of freedom of speech. Still, Mill's argumentation is neither perfect, nor all encompassing. Firstly, he explicitly excludes the benefits of freedom of speech for "those backward states of society in which the race itself may be considered as in its nonage." Liberalism is only for the civilized. Secondly, he assumes a discussion model for all freedom of speech issues, he does not deal with commercial or political activities directed at *influencing* the opinions of others, and he presupposes a notion of language as being a mere account of facts and of opinions. This is where Austin leaps in: Language is not merely a means of accounting for the real world, including the real world of existing opinions; language is much more active, we *do* something, cf. the title of his renowned book *How to Do Things With Words* (1962). In my presentation I shall focus on this aspect and consider what it implies for freedom of speech, including the problem of derision of groups. I will also include Judith Butler's *Excitable Speech* (1997) who has made similar considerations from a post-modern and implicit US perspective, and finally I will consider whether there are any connections between Mill's exclusion of large parts of the world and his exclusion of large parts of the various uses of language.

## **Steven L. B. Jensen**

Researcher, Danish Institute for Human Rights and Saxo-Institute, University of Copenhagen, Denmark.

## **The Enigma of Arrival - Reconstructing the Cold War History of Human Rights, 1945-1993**

Decolonization made a crack in the world running from South to North and East to West. From this tectonic shift, the issue of human rights emerged and over time achieved global prominence. The transformation is not just a story of structural changes in the international system of states: it is equally a story of agency where the lead proponents were, in fact, a group of states from the global South that explored and used the global tectonic crack to reform the norms of international society and create a platform for human rights in international politics. Among the matter that welled up from this tectonic shift was the concept of universality.

During the 1960s countries like Jamaica, Ghana, Liberia and the Philippines gave East and West a master class in international human rights diplomacy and brokered the breakthrough for human rights in international relations. They changed the normative foundations for international law and thereby influenced Cold War political struggles. The 1960s developments helped to define what State obligations entailed in a post-colonial world.

From a distance we can see that Jamaica and its nearest Global South partners delivered the human rights project on the door-

step of the 1970s. It was a decade where the Helsinki process, Amnesty International, Chile, Alexander Solzhenitsyn and the campaigns against Torture would further define the meaning of human rights.

The paper will argue that the breakthrough and trajectory of international human rights to its current position has been misdated and misunderstood in the international human rights literature. It will address how the shift towards a greater emphasis on human rights happened and manifested itself and will re-assess the whole Cold war period from 1945-1993 with the 1960s as its vantage point.

From within post-colonial studies human rights have been strongly criticized, frequently linking human rights with Western neo-colonialist agendas. It may be that this critique has only been able to sustain itself through its amnesia about the post-colonial moment, i.e. its own historical foundations. If a number of key countries from the global South were the driving force behind the breakthrough of universal human rights how Western is the concept of human rights?

### **Susan Maslan**

Associate Professor, French Department,  
University of California, Berkeley

#### **"Human Rights between Enlightenment and Post-Modernity"**

This talk will offer readings of literary texts from the Enlightenment and will argue that the Enlightenment itself recognized and rejected what have emerged as postmodern critiques of human rights.

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