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Miguel Ángel Blanco Martínez
Erasmus Mundus in Women's and Gender Studies
Utrecht University/University of Oviedo

Title: *LGBTIQ Video-Musicality. A Utopic Multisensorial Human Rights Approach.*

Abstract: Are Western human rights political agendas likely to top-down integrate the particular socio-political conditions of LGBTIQ people around the world? Taking the potentialities of utopian, phenomenology and video-clip studies into account, the present paper has as its object of analysis the current production of multi-sensorial LGBTIQ-addressed video-clips from Chile, Brazil, United States and United Kingdom. By looking at video-musical pieces from independent, yet quite popular, contemporary LGBTIQ artists from the African and Latin American diasporas, the aim of the paper is to analyze how LGBTIQ rights can be socio-politically targeted without losing its concrete utopian possibilities, thus avoiding a Western-centric patriarchal homogenization of specific LGBTIQ struggles across the globe.

When highlighting the utopian multi-sensorial core of video-musical phenomena, what it is more specially stressed is how the body and all its senses – not only sight, but also taste, touch or smell – of performers are evoked in experimental ways that actually relate to specific LGBTIQ issues and dynamics. Besides, utopian multi-sensorial clips also describe the behaviour and interaction of the audience when confronted with such corporeal portrayals. In this sense, it is only recently that feminist scholars have begun to apply the so-called haptic or multisensorial visuality to LGBTIQ artistic efforts within the film or music scenarios, being the field of video-clips a widely unexplored one. The importance of documenting the significance and repercussion of this phenomenon lies in the ways in which its multiple utopic articulation regarding their aesthetic formulation and LGBTIQ rights perspective influences different cultures in times where activist artistic contributions are able to reach people globally through the Internet.

The countries to examine are currently experiencing highly divided socio-political outbreaks, primarily dominated by a clash between the emergence of nationalist/conservative movements/polices and an unprecedented wave of subversive LGBTIQ counter-cultural efforts. Linn da Quebrada and Liniker e os Caramelows in Brazil; Javiera Mena and Alex Anwandter in Chile; Ray BLK and Young Fathers in United Kingdom; and Princess Nokia and Janelle Monáe in United States, are a few examples that clearly show the heterogeneous possibilities in which the intersection of independent music, video and an open LGBTIQ activism can help to promote inclusive human rights agendas both nationally and internationally without risking their singular utopian ethics and aesthetics. Therefore, by broadening multisensorial film and queer theory into the production of politicized video-clips, the present paper aims at elucidating the contribution of the arts in the socio-political visibility and inclusion of LGBTIQ people.

Information about the author

Bachelor Degree in Humanities + Translation and Interpreting.

Current Erasmus Mundus Master's Degree in Women's and Gender Studies (GEMMA) student at Utrecht University and University of Oviedo.

E-mail address: mikewhite1949@gmail.com

Postal address: C/Manuel García Conde, 5, 9D. CP: 33001. Oviedo, Asturias. Spain.

Race, Gender, and Injustice: A Second-Personal Restoration of Human Rights
Audra Goodnight
Saint Louis University
audra.goodnight@slu.edu

Testimonial injustice is a kind of epistemic injustice that occurs when a hearer does not give sufficient credibility to a speaker on account of some negative prejudice. Miranda Fricker's 2007 seminal work, *Epistemic Injustice*, focuses on examples of testimonial injustice present in works of literature, particularly *To Kill a Mockingbird*. Her approach has significant applicability across disciplines including Philosophical Theology. This paper explores notable instances of testimonial injustice toward women and societal outcasts in the biblical narrative. It is surprising that testimonial injustice has gone unexplored in this area of philosophy and it merits philosophical attention.

I examine an especially obvious example of testimonial injustice toward women. In the gospel of Luke, it was women who first learned about Jesus's resurrection from the dead. They went to the disciples to tell them what they had heard and seen, scripture says that for the disciples, "these words seemed to them an idle tale, and they did not believe them." Using this example of testimonial injustice resurrection story in the Gospel of Luke, I explore how the injustice is identified and a remedy is provided. The remedy for injustice involves belief and trust in the women as worthy testifies to the truth of Christ's resurrection. I examine the nature of such trust and belief, claiming it to manifest second-person relations. I proceed in two steps.

First, I examine how second-personal relations of trust, love, and compassion are manifested by Jesus toward the women when He trusts them with, arguably, the most important aspect of the Christian faith – the truth of His resurrection. Likewise, I suggest that Jesus demonstrates second-personal relations toward racial outcasts, such as the Samaritan women at the well with whom Jesus speaks and testifies about Himself. This second-personal engagement towards women and minorities restores their inherent dignity and right

to belief, trust, and relationship.

Second, I argue that the second-person relations offer a way to fight various injustices like racism and sexism. One implication of this call pertains to how Christians should think about the role of women and minorities in the church, state, and academy. For instance, what restrictions might be in place that result in silencing or ostracizing persons for racial or gender factors? I argue that addressing matters of social and epistemic injustice begins with a second-personal relationship. By this I mean, it begins with direct engagement with other persons with an attitude of trust and openness to them as persons, which in turn helps to fight injustices of all varieties.

Title: Nonconsensual personified sexbots: A violation of human sexual rights

Abstract:

We are on the brink of a robotic revolution: it is now possible to create sex robots ('sexbots') which closely resemble real people – sexbots which talk, move, and are permanently ready for sex. This is not merely science fiction, but our immediate (and disturbing) future: customers can currently have a bespoke sexbot created which matches their exact requirements in skin pigmentation, hair and eye colour, breast size, body shape, and genital design – all for as little as £4,000. There are currently few or no legal restrictions on the production of sexbots which are copies of real people. In 2016, Ricky Ma created a Scarlett Johansson sexbot (without her consent) which is almost indistinguishable from the movie star herself. Meanwhile, some widowers are purchasing sexbots which have been created to resemble their dead wives, as a way to deal with the bereavement (*The Mirror* 14.8.2017). It will not be long before people create sexbots of their friends, acquaintances of ex partners, with or without their consent.

In this presentation, I argue that creating a sexbot which represents a living human subject without their consent is intrinsically wrong. Creating such a sexbot may lead to instrumental harms such as fear, anger or embarrassment in the victim, but I argue that even if no such harms ensue, creating the sexbot without the consent of the human subject is a violation of their rights. Thus, even if the human subject (and society in general) suffers no negative consequences, it is still wrong to create a sexbot representing another person without their consent. Human rights as they stand do not fully guard against this danger, and I argue that we need to expand our conception of rights so as to be sensitive to these increasingly real possibilities.

I argue that creating ‘generic sexbots’ (sexbots which don’t represent anyone) is permissible and does not violate the rights of any particular women, nor the rights of all women; however, creating ‘personified sexbots’ (sexbots representing a particular person) instrumentalises the victim and amounts to sexual objectification (Nussbaum 1995). Nonconsensual objectification impedes a person’s ability to self-present as they choose (Jütten 2016), thus I maintain that objectification can be permissible when consensual, but that it is a violation of one’s rights when it is nonconsensual. The morally transformative issue is the consent from the human subject, and without such consent, I argue that creating a personified sexbot violates the victim’s rights.

Given that women are so frequently the ones who lose out due to sexual inequalities in society, and that the vast majority of sexbots are female in design (see Realdoll 2018), these issues are all the more pertinent, for it is women who are most likely to be the victims of these nonconsensual acts of sexual objectification and violation. As we move forwards through the robotic revolution, so our concepts of human sexual rights needs to evolve to acknowledge and prevent the injustices I have discussed.



Reassessing Tessman's conception of "burdened virtue" : through the pragmatic perspective and theories of recognition

KU Leuven
Grace (Xiaodan) Feng

In her well-accepted book *Burdened Virtues: Virtue Ethics for Liberatory Struggles*, Tessman identifies "burdened virtue" as where "selves" are confronting devastating conditions of oppression, with "self" being morally damaged, thus unable to develop and cultivate virtuous character traits. On her account, there exists a gap between exercising eudaimonistic virtue ethics, and reaching Aristotelian account of flourishing due to the burdensome condition. In short, if any normative claim she attempts to suggest, it subjects to the possibility of creating a self-restraining attitude where she reinforces not only the oppressive structure should be paid attention to, but more importantly (at this moment) the oppressive selves should strive for transformation before taking liberatory actions. Tessman explicitly expresses her emphasis to "direct one to focus on the self", instead of following the steps of other normative theorists promoting structural change. Tessman also made a particular point towards the insufficiency or inadequacy of political resistance , arguing that "I describe the political resister as displaying mixed traits that are routinely unlined from flourishing and thereby burdened. "As even for her propositions to balance on the one hand efforts for liberatory politics, on the other hand, recognizing and self-reflecting on the damage under oppression, the three points she made are underlined by the tone of self-oriented and self-preserved.

This essay aims to make two points. A main existing critical point towards Tessman's writing, as in fact herself briefly touched on is that identifying, recognizing and highlighting of the oppressive condition may putting people into the relatively commonly observed "victim – blaming" stance. What I want to critically assess in the first point is not of her risk of falling into "victim- blaming", but whether highlighting the "selves" under the oppressive condition (than the structure) are pragmatically effective. Tessman admits the "pessimism" of the book and suggests she does not intend to argue the unnecessary of liberatory struggle. What I want to emphasize is rather that the



action (of self-reflection on the limitations and burdens of virtues and our extensive sympathy) itself is a metaphor or symbolic action of being withdrawn from the oppressive authority structure. In addition, I believe “group loyalty” (that she highlights and calls it dangerous in identity politics) and conflict between shared-individual intentionality do not occur dominantly or particularly among feminist communities and should not be appropriated as a burden that prevents social condensation to happen.

Here I firstly want to re-affirm the necessity of the occurrence of people’s conflict moral sentiments under the oppressive structure and most importantly people’s acknowledgement with reflection towards those conflicts. Those inner conflicts under oppressive condition (analogous to what Goldstein described as people’s struggles between the two tendencies – the tendency towards order, norms and continuity, and the tendency or urge towards new experiences,) stimulating individuals and even to be believed as the only way in cultivating and approaching the perfect virtuous state portrayed by Aristotelian ethics. Similar propositions regarding the poles between intersubjective tension and integrated oneness have been prevailing throughout the history of theories of recognition. The second part of this essay will draw discussion from the perspective of modern theories of recognition of social condensation from Mead, Winnicott, Honneth and etc. to offer a structural and critical re-examining of Tessman’s theory.

Those who are sensible of the structural oppressiveness and who ever had even a little attempt to fight against it would soon realize their limitations and powerless, and mostly would naturally alter their focus to the “self” because one often immediately realizes it is the large entity and uncontrollable authoritative force that one is facing and trying to resist. Initiating one’s striving for the self to “critically search for character traits that one could recommend to those who devote themselves to both undoing the damage of oppression and engaging in political resistance.” This (as to focusing on the self) involves a paradox and would possibly cause a withdrawn attitude. Whether there are indeed the best character traits that enable resistance and stimulate change should be where the critical discussion of Tessman’s theory grounded and centered upon.

Bora Zaloshnja
Trinity College Hartford Connecticut
300 Summit Street Box 700181
Hartford, CT 06106
bora.zaloshnja@trincoll.edu

The Disregardance of Class Violence within Sex Work

The sex worker and the sex trafficking victim are often falsely conflated, and as a result sex workers, especially lower-income sex workers who are underqualified for other professions, have often suffered from legislation trying to curb sex trafficking. White second-wave feminism help propagate this myth by labeling trafficking and violence in the sex work industry as a gender problem rather than looking at it for what it is: a class problem AND a gender problem. It also placed a victim narrative onto all sex workers and took away their agency. As a result, sex workers have been dehumanized, have lost possession of their own bodies, and their rights --specifically worker and bodily rights -- have been ignored. I will argue that the failure of white second wave radical feminists such as Catharine Mackinnon and Gayle Rubin to properly incorporate marxist theory into their analysis of sex work has created a false self-victimization narrative around sex work which has been utilized by neoliberal politicians to bolster public opinion while severely worsening the condition of sex workers in the United States. I will use the paper "Sex, Work, and the Feminist Erasure of Class" by Brooke Beloso to discuss the conflicts between sex worker's human rights and second wave feminism. I will apply the concepts of criminalization of poverty and gendered state violence discussed by Loic Wacquant in his work "Punishing the Poor: The Neoliberal Government of Social Insecurity," to the neoliberal state's treatment of sex workers and mainstream societal views of sex workers as expendable. I will then go into detail on how this erasure of class by liberal feminism and criminalization of poverty by neoliberalism has led to the loss of protections and deteriorating condition of sex workers in the United States--most notably the recent implementation of the Fight Online Sex Trafficking Act (FOSTA-

SESTA) by the U.S. Congress. This act has shut down classified internet sites like Backpage which many underprivileged, independent sex workers used for business. This will have disastrous effects, especially for younger sex workers who have never done business without the internet. I will conclude that the only way to realistically mitigate sex trafficking without further targeting sex workers is the legalization of sex work.

"Feminism and Infinity" : Revolution and Sexual Difference

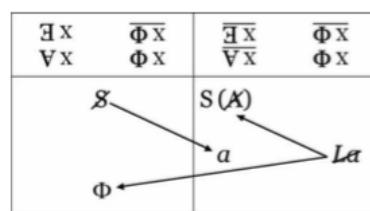
In his 20th seminar entitled: *Encore* (1999), Jacques Lacan presents the “schema of sexuation” (Lacan, SX, p. 78). This schema is composed of a several relationships between a set of logical formulations and incorporates many previous aspects of his teachings on the subject of sexual difference. With this schema, Lacan attempts to demonstrate - using logical and philosophical tools - the structural difference between two subjective positions manifest in the cultural domain of western society which he names the “feminine” and the “masculine” positions.

One of the main differences that Lacan exemplified in his schema of sexuation has to do with the constitutive relationship situated at the root of each of the subjective structures. Thus, according to Lacan, while the masculine subjective position is logically constituted in relation to a limit point and thus gains its consistency through a masculine form of universality; the feminine subjective position is constituted in relation to no-limit, and thus gains its consistency without a relation to any form of universality. This distinction stands behind Lacan’s famous aphorism “*La femme n'existe pas*” - [The] “Woman does not exist” (Lacan, 1999, p. 7).

The binary nature of this differentiation, as well as its dependence on - what Lacan coins as - the “phallic function” which revolved the predominant role of the phallus in the castration complex, have made the schema of sexuation to be the focal point of a vast critical debate in political theory circles, as well as in the field of gender studies.

In his article, “The Subject and Infinity” (2008), philosopher Alain Badiou criticises the way in which Lacan characterises this distinction between the masculine and the feminine subjective positions in the schema of sexuation. Badiou claims, that if Lacan had truly adopted the epistemological and logical repercussions rooted in this differentiation, he would have necessarily come to the conclusion that both subjective structures are constituted in relation to a distinct mode of universality - the masculine structure in regards to a “virtual” mode of universality, and the feminine structure in regards to an “actual” mode of universality. Accordingly, Badiou proposes to take “...the same paths that Lacan set out for us...” (Badiou, 2008a, p. 226), while adopting several philosophical reservations stemming from Georg Cantor’s conception of the mathematics of infinity, in order to give further support to this distinction between two singular forms of universality.

This lecture will demonstrate the way in which Badiou’s call for the augmentation of the Lacanian model in the schema of sexuation comes to fruition in his political philosophy, especially in its relation to femininity and the feminist project (Badiou, 2008b). Furthermore, I will attempt to clarify the way in which the refinement Badiou proposes to realise in Lacan’s teachings is interlaced in his ethical doctrine (Badiou, 2009). Accordingly I will try and give evidence for a differentiation between two positions through which contemporary universal feminism takes form - the “virtual” and the “actual”. The later being fundamentally revolutionary, challenging the conservative and liberal ethico-political elaboration of human rights in contemporary debates.



The Schema of Sexuation in Seminar XX

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Contact Details:

Name: Leon S. Brenner

Affiliation: Ph.D. candidate at Tel-Aviv University department of philosophy, visiting scholar at the Freie Universität, Berlin (DAAD)

Abstract: Autistic Self-Consciousness Short of a Signifier

Childcare: No childcare support needed

Email: brenner.tau@gmail.com

Website: leonbrenner.com

A theoretical approach to the concept of femi(ni)cide

In the modern world, human rights enjoy greater legitimacy, and the discourse of equality between sexes has acquired enough plausibility to be introduced in the form of institutionalized political practices. Even so, old and new forms of gender-based violence are occurring and even increasing worldwide. Gender-based violence occurs in all societies but many of its forms are still not explicitly addressed by EU law and policy. This is the case with femi(ni)cide, which I propose to use here as a philosophical concept for political analysis.

Only in recent decades has violence against women been made visible on an international scale and considered to be a violation of women's human rights, and only recently has masculine violence not been seen either as something natural or as the product of individual anomalies. To name is important in order to make visible the cruelties against women, while to conceptualize is to politicize them. Working in this line, Diana Russell (USA) and Jill Radford (UK) questioned the view that rape was the ultimate form of sexual. They formulated the concept of 'femicide'—in 1992 book *Femicide: the politics of woman killing*—to give a name to a gendered phenomenon of killing, thus avoiding the gender neutrality of the term homicide. They defined it as "the misogynist killing of women by men." Although there are disagreements about the definition of this concept, all theorists concerned with this subject agree that this concept is not meant to simply differentiate killings by the sex of the victims, but to name a crime based in a gender power structure.

Nonetheless, femi(ni)cide has not been widely discussed in feminist philosophical arenas, and this situation has led to a narrow understanding and/or misunderstanding of the concept. For example, it is often applied to a phenomenon mistakenly assumed to occur "only in third world countries," or said to essentialize women, or be understood as any killing of women, or that it only applies to killings within marriage or within relationships. This writing contributes to the discussion on this concept from a feminist theoretical perspective and using a new materialist methodology. In this paper I argue why femi(ni)cide is a concept and noteworthy to feminist theory and activism. I critically analyze the components of this concept with the aim of not just problematizing it in itself but also showing its relationship to other concepts and debates such as the one on sex versus gender.

Doctoral Candidate

Faculty of Law/University of Turku

aleida.a.lujanpinelo@utu.fi

(Aleida Luján Pinelo, Faculty of Law, FI-20014 University of Turku)

ao. Univ.Prof. Dr. Christine Armbruster, BA MA (Fakultät für Philosophie und Bildungswissenschaften, Universität Wien; Studierende)
Mantlergasse 23/2/12; 1130 Wien, Österreich
e-mail: christine.armbruster@gmx.at

Kurzfassung des Beitrages zum Symposium „Human Rights. Feminist- and Gender-philosophical Perspectives“

Titel: „Sind Rechtspositivismus und Moralphilosophie mit Blick auf die Grundrechte Kontrahenten oder Partner?“

Wird der im 20. Jahrhundert aufflammende Diskurs zwischen Vertretern der rechtspositivistischen „*Trennungsthese*“ und jenen der nichtpositivistischen „*Verbindungsthese*“ verfolgt, stellen sich die beiden Positionen als Kontrahenten dar (Alexy 2011, 15; 17). Bei detaillierter Auseinandersetzung mit den Konzeptionen der Rechtspositivisten Herbert Hart, Norbert Hoerster und Gustav Radbruch und mit den nicht rechtspositivistischen Grundgedanken von Robert Alexy und Otfried Höffe erschließt sich *ein* Bild mit unterschiedlichen Akzenten, dessen Hintergrund durch die *Reine Rechtslehre* von Hans Kelsen und durch die Moral- und Rechtsphilosophie von Immanuel Kant gestaltet wird. Die *Reine Rechtslehre* Kelsens präsentiert sich in Form der Rechtsmodalitäten des Gebietens, Verbietens und Erlaubens, die durch die „Ermächtigung“ ergänzt werden (Kelsen 2017, 268; vgl. Kelsen 2017, 113f.). Mit der Ermächtigung werden Befugnisse, wie jene, ein Richteramt bekleiden zu können, erteilt. Gemäß dem Rechtspositivismus ist der Begriff des Rechts bei Kelsen so zu bestimmen, dass er von Wertansätzen frei ist (vgl. Alexy 2011, 15). Dennoch bekennt sich Kelsen 1953 in seinem Text „Was ist Gerechtigkeit“ zur Gerechtigkeit der Freiheit, des Friedens, der Demokratie und der Toleranz, unter deren Schutz die Wissenschaft gedeihen könne (vgl. Jestaedt & Lepsius 2006, XXVII). Kant thematisiert das Aufeinander-Verwiesen-sein von Legalität und Moralität durch die Parallelisierung von „äußere[n] Pflichten“ und der „Idee der Pflicht“, von „rechtliche[r]“ und „ethische[r] Gesetzgebung“, sowie durch die Gültigkeit des Kategorischen Imperativs für das positive Recht (vgl. Schnoor

ao. Univ.Prof. Dr. Christine Armbruster, BA MA (Fakultät für Philosophie und Bildungswissenschaften, Universität Wien; Studierende)

Mantlergasse 23/2/12; 1130 Wien, Österreich

e-mail: christine.armbruster@gmx.at

1989, 10; 16–17; AA VI, 219). In Analogie zum Kategorischen Imperativ wird ein „allgemeine[s] Rechtsgesetz“ formuliert, dessen Inhalt auf die Verbindlichkeit und praktische Notwendigkeit des Gesetzes verweist und zugleich fordert, die Freiheit, gefasst als Autonomie, nicht anzutasten (AA VI, 231). Wird ein näherer Blick auf die Philosophie Kantens geworfen, ist eine Menschenrechtskonzeption nicht nur in Gestalt des einzigen angeborenen Rechts als jenes der Freiheit zu erkennen, sondern auch anhand der Würde als „inner[er] Wert“, in Form des Instrumentalisierungsverbots, das mit dem praktischen Imperativs verbalisiert wird, wie auch in Gestalt des „ewigen Friedens“ als höchstes politisches Gut (AA VIII, 360; vgl. GMS BA 67; 78; AA VI, 237; AA VIII, 27; Horn 2014, 30) Hart konzipiert eine Rechtsordnung, bestehend aus „primären Verpflichtungsregeln“ im Sinne definitiver Gebote und „sekundären Regeln“, welche als Optimierungsgebote interpretiert werden können (Hart 2011, 115). Er betont, dass die Entwicklung des positiven Rechts „tief“ durch die sittlichen Maßstäbe einer Gesellschaft beeinflusst wird und erkennt eine „innere Moral des Rechts“ in Gestalt von Gerechtigkeitsprinzipien, wie beispielsweise der Gleichheit vor und im Gesetz und der Unparteilichkeit qua Unabhängigkeit der Gerichte (Hart 2011, 243). Bei Hoerster fließt ein nichtpositivistisches Element in Form der „*intersubjektive[n]* Begründung gewisser inhaltlicher Anforderungen an das Recht“ ein, welches an den „*sensus communis*“ Kantens als der „Einung [...] eines Sollens“ erinnert (Hoerster 2012, 75; Flach 2015, 271; KU B 157). Die „Radbruchsche Formel“, die der Namensgeber 1946 unter dem Eindruck des Unrechts im Rahmen des Nationalsozialistischen Regimes veröffentlichte und welche den Diskurs zwischen Rechtspositivisten und Vertretern der nicht rechtspositivistischen Positionen neuerlich anfachte, räumt der Gerechtigkeit dann den Vorrang ein, wenn „der Widerspruch des positiven Gesetzes zur Gerechtigkeit ein unerträgliches Maß erreicht“ (Radbruch 1946, 5).

ao. Univ.Prof. Dr. Christine Armbruster, BA MA (Fakultät für Philosophie und Bildungswissenschaften, Universität Wien; Studierende)
Mantlergasse 23/2/12; 1130 Wien, Österreich
e-mail: christine.armbruster@gmx.at

Gemäß dem Zug der Zeit wird mit Alexys *Theorie der Grundrechte*, mit der „*dreiteiligen Hypothese*“ Höffes und mit dem *Grundgesetz für die Bundesrepublik Deutschland* den Grundrechten ein Platz im positiven Recht zuerkannt (Höffe 1989, 25; vgl. <https://www.gesetze-im-internet.de/gg/GG.pdf>; Alexy 2011, 121). Alexy führt mit seiner Konzeption eines „vierstufigen prozeduralen Modell[s]“ – „allgemeine[r] praktische[r] Diskurs“, „Gesetzgebungsverfahren“, „juristischer Diskurs“, „Gerichtsverfahren“ – eine interdisziplinäre und intersubjektive Begründung des Rechts herbei und Höffe gelangt zu dem Schluss, dass „nicht schon in der Demokratie, sondern erst im demokratischen Verfassungsstaat“ eine Positivierung, mithin eine Befolgung der Menschenrechte als „sittliche Maßstäbe“ erreichbar ist (Alexy 2015, 499f; Höffe 1989, 462). Diese Positivierung wurde durch das *Grundgesetz für die Bundesrepublik Deutschland* realisiert.

Das Thema meines Beitrages entbehrt leider nicht der Aktualität, werden die totalitären Regime des letzten Jahrhunderts und die wiederholten Verstöße gegen die Menschenrechte in weiten Teilen der Welt in Erinnerung gerufen (vgl. Pauer-Studer 2014, 15–135; https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2016_I_24/BGBLA2016_I_24.pdfs_ig; <https://www.amnesty.de/jahresbericht/2017/tuerkei>). Appelle zur Einhaltung der Menschenrechte und zur Achtung der Menschenwürde stoßen auf Widerstand, weil diese Leitbegriffe zwar weithin anerkannt, aber nur unzureichend begründet und definiert sind (vgl. <http://www.un.org/depts/german/menschenrechte/aemr.pdf>). In diesem Zusammenhang drängt sich die Frage auf, in welcher Weise eine Begründung des gesetzten Rechts möglich ist, welcher im Anschluss an die Philosophie Kantens im Sinne einer prinzipientheoretischen Begründung des Rechts nachgegangen werden kann.

ao. Univ.Prof. Dr. Christine Armbruster, BA MA (Fakultät für Philosophie und Bildungswissenschaften, Universität Wien; Studierende)
Mantlergasse 23/2/12; 1130 Wien, Österreich
e-mail: christine.armbruster@gmx.at

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ao. Univ.Prof. Dr. Christine Armbruster, BA MA (Fakultät für Philosophie und Bildungswissenschaften,
Universität Wien; Studierende)
Mantlergasse 23/2/12; 1130 Wien, Österreich
e-mail: christine.armbruster@gmx.at

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Elisabeth Menschl, Institut für Philosophie und Wissenschaftstheorie, JKU Linz,
elisabeth.menschl@jku.at

Abstract: Martha Nussbaum on Human Rights, Emotions and Capabilities

The two concepts - human rights and capabilities - go well with each other, so long as we do not try to subsume either concept entirely within the territory of the other. There are many human rights that can be seen as rights to particular capabilities. However, human rights to important process freedoms cannot be adequately analysed within the capability framework. Furthermore, both human rights and capabilities have to depend on the process of public reasoning. The methodology of public scrutiny draws on Rawlsian understanding of 'objectivity' in ethics, but the impartiality that is needed cannot be confined within the borders of a nation. Public reasoning without territorial confinement is important for both. The language of rights has a moral resonance that makes it hard to avoid in contemporary political discourse. But it is certainly not on account of its theoretical and conceptual clarity that it has been preferred. There are many different ways of thinking about what a right is, and many different definitions of "human rights." When governments and international agencies talk about people's basic political and economic entitlements, they regularly use the language of rights. When constitutions are written in the modern era, and their framers wish to identify a group of particularly urgent interests that deserve special protection, once again it is the language of rights that is regularly preferred. In *Political Emotions: Why Love Matters for Justice* (Nussbaum 2015) Martha Nussbaum furnishes the incisive philosophical substantiation of the idea of political emotions, drawing on her earlier exploration of the intelligence of emotions. Sometimes people suppose that only fascist or aggressive societies are intensely emotional and that only such societies need to focus on the cultivation of emotions. Those beliefs are both mistaken and dangerous. They are mistaken, because all societies need to think about the stability of their political culture over time and the security of

cherished values in times of stress. All societies, then, need to think about compassion for loss, anger at injustice, the limiting of envy and disgust in favour of inclusive sympathy. All political principles, the good as well as the bad, need emotional support to ensure their stability over time, and all decent societies need to guard against division and hierarchy by cultivating appropriate sentiments of sympathy and love.

In the type of liberal society that aspires to justice and equal opportunity for all, there are two tasks for the political cultivation of emotion. One is to engender and sustain strong commitment to worthy projects that require effort and sacrifice - such as social redistribution, the full inclusion of previously excluded or marginalized groups, the protection of the environment, foreign aid, and the national defence. Most people tend toward narrowness of sympathy. They can easily become immured in narcissistic projects and forget about the needs of those outside their narrow circle. Emotions directed at the nation and its goals are frequently of great help in getting people to think larger thoughts and recommit themselves to a larger common good.

Keywords: Human Rights, Justice, Equality, Capabilities, Political Emotions and Human Dignity

The Rights of the Elderly

Lisa Häberlein

Krugstraße 79, 90419 Nürnberg

lisa.haeberlein@gmx.at

Graduiertenkolleg: Menschenrechte und Ethik in der Medizin für Ältere

Medizinische Fakultät

Friedrich-Alexander Universität Erlangen-Nürnberg

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The Rights of the Elderly

The United Nations states that older persons are at risk of discrimination, poverty, and violence, and that they typically lack services and measures designed for them. (cf. Mapp/Gabel 2017) The importance of this topic increases, given that the number of older persons is expected to reach 2 billion by 2050. This is when there will be more people over 60 years of age than under 18 years for the first time. (cf. Mapp/Gabel 2017) While realizing this issue, there is no Convention on the Rights of the Elderly, yet. In other words, the considering of Human Rights from the perspective of older persons is still pending since considerable aspects concerning the Rights of the Elderly were previously merely implicitly included and not effectively translated. In 2002 the UN developed the Madrid International Plan of Action on Ageing which focuses on three priority areas: “older persons and development; advancing health and well-being into old age; and ensuring enabling and supportive environments” (Mapp/Gabel 2017, quoting UN Agenda Part II, II, A). A report of the Secretary-General to the General Assembly from 2011, examines the Human Rights challenges of older persons for the first time. It identifies four main challenges which older persons are faced with: discrimination, poverty, violence and abuse as well as the lack of specific measures and services. (cf. www.ohchr.org) “Multiple discrimination appears as an essential component of any analysis, particularly when considering that age-related discrimination is often compounded by other grounds of discrimination, such as sex, socio-economic status, ethnicity, or health status” (www.ohchr.org). The challenges they find themselves confronted to in the protection of their human rights vary greatly. Considering the fact that older persons are not a homogenous group makes it even more difficult to adequately handle this topic. Those who are in a fit and healthy condition continue to lead active lives as part of their community. Others with physical complaints or mental illness often cope with poverty, and social exclusion. Many face homelessness, lack of adequate care or isolation. (cf. www.ohchr.org). In 2012 the European Commission contributed to the European Year for

Active Ageing and Solidarity between Generations. The year was intended to raise awareness of the contribution that older people make to society. According to the coalition, active ageing means growing old in good health and as a full member of society, feeling more fulfilled in one's jobs, more independent in one's daily lives and more involved as citizens. Postulating that no matter how old we are, we can still play our part in society and enjoy a better quality of life, the European Year for Active Ageing and Solidarity between Generations sought to help empower older people to stay in good physical and mental health as to contribute more actively to the labor market and to their communities. (cf. www.europa.eu) Besides the potential of the elderly for the labor market, principles also focused on independent living arrangements as well as on participation in social life. Financial autonomy, social inclusion, lifelong learning, and voluntary work are keywords which call on the elderly to resist and fight against aging in a way one fights against illness. In the end, the compliance to the ideal of active ageing leads to social respect whereas its violation leads to marginalization.

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What are We Owed if We Are Owned? Women and Money

Eyja M. Brynjarsdóttir, PhD
Lecturer in Philosophy
School of Education
University of Iceland
Saemundargata 2
101 Reykjavík
Iceland
eyjabryn@hi.is
<https://eyjabryn.com>

Even in modern, affluent societies, women perform far more unpaid work than men and their work is systematically undervalued. Given that inequality tends to be exacerbated in harsher conditions, this is a clear indicator of severe gender inequality when it comes to both the evaluation of work and of other financial matters worldwide. Historically, women have been more likely to be traded as someone's property than to be owners of property. Various feminist thinkers have come to criticize this and to point out women's lack of power as property in a patriarchal system. In the late 18th century, Mary Wollstonecraft showed, in her novel *Maria. The Wrongs of Woman*.¹ how the situation of a wealthy woman was in many respects no different from a poor woman in that she, after all, was owned by her husband and had no power of her own. Almost two century's later, *The Sexual Contract* by Carole Pateman was published,² which in some respects can be considered a further development of this kind of critique. Pateman argues that traditional social contract theory is incomplete, as the social contract is only a contract for men, relying on another contract: the sexual contract. According to

¹ Mary Wollstonecraft, "The Wrongs of Woman: Or, Maria. A Fragment," in *The Works of Mary Wollstonecraft*, vol. 1 (London: Pickering & Chatto, 1989).

² Carole Pateman, *The Sexual Contract* (Stanford University Press, 1988).

Pateman, it is a fundamental factor of the patriarchal system, on which the social contract is based, that women are to be dominated by men, they are to be sexually submissive, and they are not parties to the social contract or taken seriously in the public sphere. A woman is not really considered capable of entering into a contract herself, as she is under the rule of a man. A woman is given or sold by one man to another, as she cannot be autonomous. Pateman discusses prostitution as an example of the commodification of women's sexual availability to men. However, the marriage contract is not fundamentally different, as Pateman sees it. The comparison between marriage and prostitution has roots in works of earlier feminists, such as Simone de Beauvoir³ and Wollstonecraft.⁴

It is in this context that we need to consider women's relationship with money. How could those who were treated as property own property? How could those who were not granted rights to enter into legal agreements handle currency the value of which was contingent on legal agreements? From this point of view, I consider some issues pertaining to women and financial matters, including the devaluation of housework and its role in the economy, microfinance loans to women in third world countries, and economy-related risks associated with climate change that especially affect women. While those may seem like a mixed bag of issues, they all share the feature of reflecting the disadvantage of women in our current social structure.

³ Simone de Beauvoir, *The Second Sex*, transl. Constance Borde and Sheila Malovany-Chevallier (New York: Vintage, 2011).

⁴ Mary Wollstonecraft, *A Vindication of the Rights of Woman*.

Forgiveness as Social Death: a Paradox of Moral Repair of Atrocious Human Rights Violations

Although a significant amount has been written in ethics recently on the topic of forgiveness, relatively little has been written about forgiveness for atrocities and, particularly, on the tension between the intolerability of the violation of human rights and the view held by forgiveness proponents that victims hold a moral power over their perpetrators through their ability to forgive. Not only will this paper agree with critics of forgiveness that forgiveness is neither possible nor obligatory for victims of atrocity (though it may be possible and supererogatory for witnesses of atrocity), it will take a further step and contend that even if it was possible for victims to express moral power and begin moral repair by forgiving those who suppressed basic human rights, forgiving atrocities would lead to the phenomenon of “social death”, or a desecration of fundamental social and familial relationships required for healthy moral agency.

Claudia Card’s *atrocity paradigm* (the view that maintains atrocities should be distinguished from lesser wrongs at least to help us allocate philosophical, social, and economic resources to prevent them from happening and repair them when they occur) is a philosophically compelling, non-ideal moral theory. What makes an atrocity *intolerable* (and so, the object of normative scrutiny) is that the harm suffered “is often irreversible, and frequently uncontrollable” (Card, 2010, 7), but what confers moral power to the victims of atrocity is their ability to forgive perpetrators of atrocious harm as well as those who are complicit in bringing the harm about. Serious questions emerge for the paradigm, however, about the ability of victims to forgive, and the extent to which they ought to forgive at all, if victims of atrocity suffer irreversible, uncontrollable harm to their identity and dignity.

Social death, on Card’s account, occurs when “the social relations-organizations, practices, institutions-of the members of a group are irreparably damaged or demolished,” and the breakdown of family, social, educational, cultural, and religious group identity relations is a commonly-intended

consequences of human rights atrocities (Card, 2003, 68). The breakdown of those relationships creates a loss of personal and collective meaning and identity (2003, 63) and so functions like a death to the victim. To succeed in showing that the forgiveness Card envisions for her victims can lead to social death, then, this paper will need to demonstrate that forgiveness can irreparably undermine the same relationships that suffered damage by the atrocity. Card suggests that forgiveness is, as Hannah Arendt contended, “the possible redemption from the predicament of irreversibility—of being able to undo what one has done” (1958, 1998, 236-7). Forgiveness, on her view, can interrupt a cycle of hostility felt in the victim, that can be generated by the legal and moral punishment of the perpetrator (2002, 166). But, if an atrocity is almost always irreversible and is always intolerable, then forgiving an atrocious harm is impossible, and would require a repair of a relationship between the perpetrator and, at least, the community of the victim (if not also between the perpetrator and the victim). To repair the relationship between the perpetrator and the community, the community would have to reassign and reconstruct the obligations between its members and the perpetrator, which were violated by the perpetrator through the atrocity. Reconstructing those obligations in a way that can help repair the harm done by the atrocity requires trust in relationships—but that trust cannot be present if an atrocity occurred.

The paradigm cannot consistently maintain both its commitment to the irreversibility of suffering that occurs from atrocious human rights violations and its invocation to victims to demonstrate their moral power over perpetrators by forgiving them. Philosophers tend not to require forgiveness of victims, but tie forgiveness into an imperfect duty of charity or laud it when it occurs as being morally meritorious because it can positively contribute to moral repair. But, if forgiving atrocities leads to social death, we should neither laud the victim for forgiving the oppressor nor encourage forgiveness for the perpetrators of atrocious harm. Our focus should be on rebuilding the life of the victim, and then integrating her back into community. If moral repair from an atrocity does not actually occur through an

act of forgiveness by the victim, then communities are empowered instead to: 1.) hold agents accountable for perpetrating an atrocious harm, and 2.) confer dignity back to victims through acts of service. If moral repair results from holding agents accountable and relying on communities for dignity-conferring service, Card cannot be right that moral repair is particular to individual victims, rather than a product of social change. She is correct that forgiveness has multiple dimensions (2002, 180-1), but if forgiveness creates social death for the victim, it is wrong to forgive. We ought instead focus on regaining human rights that can build relationships, connections, and foundational institutions, in order to "create community and set the context that gives meaning to careers and goals, lives and deaths" (2010, 238).

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Dr. phil. Esther Redolfi Widmann • SWIP-Austria • Sarns Nr. 11/a • I-39042 Brixen
• esther.redolfi@virgilio.it • +39 347 471 22 89

HUMAN RIGHTS
FEMINIST- AND GENDER-PHILOSOPHICAL PERSPECTIVES

Cooperative Symposium

**University of Vienna, Department of Philosophy and
Society for Women in Philosophy (SWIP Austria)**

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ABSTRACT

Women in times of change –

Philosophical aspects of artificial fertilization from an age ethics perspective

The twenty-first century is widely regarded as the *Biotech Century*. The term *biotechnology* encompasses a number of practices and procedures, some of which are highly relevant for today's women: In vitro fertilization (IVF), Intracytoplasmic sperm injection (ICSI), Preimplantation genetic diagnosis (PDG or PIGD). Additionally, two other interrelated phenomena can be observed: on one hand, the promise of attaining eternal youth through medico-technical progress; on the other hand, a statistically significant number of women giving birth at an increasingly advanced maternal age.

While far from proposing to deny women the right to fulfill their wish for children at an advanced age by way of using modern medical techniques, it should be pointed out, that we might perhaps be able to identify a '*modern form of suffering*'. It is becoming increasingly difficult for women to deal with various forms of infertility, in particular in the context of individual life concepts. When seen in the context of age-related infertility being pushed ever farther beyond natural biological limits, childlessness may thus – under circumstances – imply grave psychological predicaments.

It is undeniable that medical progress builds up contradictions between delusions of feasibility and resigned fatalism. Being an integral part of our societies, medical science is called upon to face questions and challenges from a broad spectrum of societal stakeholders raised by these developments. This concerns not only medical questions but also problems related to sociology, philosophical anthropology, and ethics. We urgently need a discussion about the development and orientation of medical research and its implementation that brings all stakeholders on board.

Or else we run the risk that these developments raise and cultivate expectations the fulfillment of which might not be feasible in the foreseeable future. Many hard questions need to be asked: Is modern science,

in its pursuit of purely intradisciplinary goals, not headed in a direction that entails consequences for our societies the impact of which will be irreversible? Are we confounding quantity with quality? From a philosophical point of view, we need to ask whether medical progress in the field of reproduction is contributing to women (and men) 'escaping' from themselves, from their existential basic situation as a '*being to age*'? Do expectations cultivated by medical science lead to an illusionary appraisal of human possibilities and limits?

It should be asked whether humans in general, and, in this context, women in particular, are ready to accept the unavoidable, i.e. to face the reality of aging and dying. Positions and questions related to research and development in the medical field need to be discussed in the context of practical philosophy as well, and thereby heighten our awareness of these emerging and rapidly spreading phenomena. Furthermore, this discussion should not only improve the situation of women, but also contribute to a more rational, sensible, and responsible development of our societies. Or else we run the risk that these developments render numerous hard-won achievements of women's lib untenable, because women are again reduced, and are, by way of hedging unrealistic expectations regarding the limits of their fertility, themselves contributing to being considered an object (of medical research). It is therefore high time that philosophers engage in this societal and interdisciplinary debate in the best interest of women – and very much so in the spirit of Simone de Beauvoir's thought.

Capability Theory of Affirmative Action: A Human Right Approach to Benefit the ‘Real’ Beneficiaries

Affirmative action programs, that prioritize the needs of certain groups in a non-equal way, are necessary at the present Indian context. However, the inconclusive caste and creed based affirmative action policies practiced currently in India have failed to improve the income share of the minorities and do not cater to the concerns of all the poor sections of society. It has neither reduced school dropout rates, poverty, gender inequality nor augmented the quality of education of the repressed groups. I argue a new affirmative action theory based on the capability theory of Amartya Sen, which affirms individual ‘functionings’, human rights and freedom, could be beneficial to the most repressed people of India (the so called ‘Untouchables’, Dalits, Adivasi groups, Scheduled castes and tribes and women) who were created due to the noxious caste practice of Indian society for centuries.

This paper will, first, give a brief analysis of the development of the concept of affirmative action in India, and will point out the pressing challenges that affirmative action program faces today. Second, it will present the various caste or race-based arguments that have been put forward in support of affirmative action program since its establishment. There have been both forward-and backward-looking arguments and this paper will examine the normative foundations of these arguments and clarify the scope and constraints of them. Prominent arguments that have been given in support of affirmative action most often have one of several principal concerns: they were concerned with diversity, compensation, correction, and integration. The forward-looking diversity model claims to address many of the criticisms of affirmative action, but since its principles are often devoid of a notion of justice, it has generally not been considered a cogent rationale for affirmative action. The compensatory argument seems much impactful and a more reasonable way of arguing in favor of affirming affirmative action, nevertheless, the improbability of calculating the precise volume of compensation to be provided and the common application of individualistic compensatory principle to groups can create an impasse in applying such compensatory arguments. The corrective rationale acts as forward-looking and claims to address present inequalities in the society, but it also failed to give a complete account of the reasons for preferential hiring. The forward-looking integrative model, endorsed by Elizabeth Anderson, is concerned not only with blocking discrimination and giving compensation, but also aims to address questions of segregation and stigmatization and appears as guarantor of justice. The overarching claim that it is an all-encompassing model for integration seems rather hazy, however. Such a ‘race conscious integrative rationale’ seems to suffer from many of the same infirmities that plague other rationales for affirmative action. First, I argue that Anderson’s definition of race in the integrative model is ambiguous. Second, although she claims that race plays a minimal and instrumental role in the integrative model, it seems that even an instrumental and minimal use of race consciousness may fail to provide a convincing tool for achieving integration in a society where race, caste, or ethnicity are all considered as reasons for discrimination and segregation.

Finally, I agree that although the concept of human rights and capabilities do not completely subsume into each other’s domain, they go well each other and therefore, claim that the capability approach in fact provides the rationale that is least concerned with race, gender, caste or ethnicity, and thus provides the least objectionable model for arguing in favor of affirmative action programs in a country like India. This is because a capability approach model takes into account each and every individual, and not race, gender, caste or ethnicity. Moreover, this new model of affirmative action will justify the initial rationale of affirmative action program – to help the poorest and most discriminated groups in the society.

1. Author information: Name : Gigi Thomas,
Designation : Ph.D. Student, Institute of Philosophy,
K.U Leuven, 3000, Belgium,
Email : gpurayidathil@gmail.com
Ph. : (+32)486112983
Postal address : Gigi Thomas,
Center for Ethics, social and political philosophy
HIW, Kardinaal Mercierplein 2, Bus 3200,
Leuven 3000, Belgium.

human-rights2018@univie.ac.at

ABSTRACT FOR SWIP SYMPOSIUM 2018 "HUMAN RIGHTS"

BETTINA ZEHETNER

VULNERABILITY AND GENDER

VIOLENCE IN INTIMATE RELATIONSHIPS, FEMINIST PHILOSOPHY AND PSYCHOSOCIAL COUNSELING

In 2014 the European Union Agency for Fundamental Rights (FRA) published a large survey on the subject of violence against women¹. This report is based on interviews with 42,000 women across the 28 Member States of the European Union (EU). It shows that violence against women, and specifically gender-based violence that disproportionately affects women, is an extensive human rights abuse that the EU cannot afford to overlook: The right of human dignity, access to justice and equality between men and women.

Today we are facing extremely ambivalent conditions regarding gender norms: An astounding range of gender roles is possible for men and women, whereas at the same time important areas in the symbolic and economic order between the sexes seem unchanged, even thrown backwards by an antifeminist backlash. For example the economic background and context to domestic violence: Despite the legal situation there is still a gender pay gap of 23% in Austria (16.3% EU-average). The first law for equal pay for both genders was released in 1958 – until now to no great effect on gender equality. An example for the leaky pipelines and glass ceilings for women in their careers: At our university, the University of Vienna, 69% of the students finishing their masters degree are female versus only 26% of the professors. Last but not least: There is still a gravely unequal division of paid and unpaid labour AND an extensive gender gap in care work.

Every fifth woman in Austria experiences violence from her partner or ex-partner at least once in her life (<https://volksanwaltschaft.gv.at/eine-von-fuenf>). Many women find it difficult to end these relationships. What does it take to conceive of oneself as equal to others, to a partner, especially after and during experiences of degradation as a girl, as a woman in sozialization in a patriarchal society, misogynous media industry and heteronormative (pop) culture? Low self-esteem, low self-worth is a problem for nearly all of the women* who seek counseling in my counseling center

¹ The survey asked women about their experiences of physical, sexual and psychological violence, including incidents of intimate partner violence ('domestic violence'), and also asked about stalking, sexual harassment and the role played by new technologies in women's experiences of abuse. In addition, it asked about their experiences of violence in childhood. What emerges is a picture of extensive abuse that affects many women's lives, but is systematically under-reported to the authorities. For example, one in 10 women has experienced some form of sexual violence since the age of 15, and one in 20 has been raped. Just over one in five women has experienced physical and/or sexual violence from either a current or previous partner, and just over one in 10 women indicates that they have experienced some form of sexual violence by an adult before they were 15 years old. Yet, as an illustration, only 14 % of women reported their most serious incident of intimate partner violence to the police, and 13 % reported their most serious incident of non-partner violence to the police.

“Frauen* beraten Frauen*”. This is a challenge for feminist counseling that considers the sociopolitical context and background for the analysis of the individual problem. No problem for which our clients seek counseling is only an individual problem, rather it is embedded in economic and sociopolitical conditions. The aim of psychosocial counseling with a basis of feminist philosophy is to enhance self-worth, self-care, responsibility and agency for the counseling seeking person.

Considering one of the key principles of feminist theory and practice, "the private is political" I want to focus on the "private" or "personal" side of human rights in intimate relationships characterized by psychological, physical and sexual violence. How do we conceive equality between partners in our relationships, in our daily living together with a chosen partner? How can we address the problem of low self-esteem, low self-worth of women who experience violence in their intimate relationships in a patriarchal society and misogynist media-culture?

In this paper I want to offer some perspectives on transferring feminist philosophical theory - mainly Judith Butler's thoughts on the subject of fundamental human vulnerability and its possible basis for resistance as well as our responsibility to recognize each others' vulnerability as a condition of becoming human - into the practice of feminist psychosocial counseling. Perpetration and victimization/vulnerability to violence are symbolically gendered – the symbolically “male/masculine” coded power to hurt versus the symbolically “female/feminine” coded openness to getting hurt. This gendered discourse manifests itself in the embodiments of the affects shame and anger (cf. Landweer). How can both genders find a way out of this restricting and damaging dichotomy? Feminist philosophy can provide the theoretical basis for an emancipatory counseling practice. I will give examples of my own counseling practice at the women and family counseling center “Frauen* beraten Frauen*” in Vienna to inspire an open discussion of the relations between gender and violence in the symbolic regime of current discourses (eg New Year's Eve in Cologne, sexual harassment #metoo and heteronormative pop culture).

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Zur Autorin:

Bettina Zehetner, Dr.ⁱⁿ Mag.^a, Philosophin, psychosoziale Beraterin bei „Frauen* beraten Frauen*. Institut für frauenspezifische Sozialforschung“, Trainerin für Genderkompetenz, Beratung bei Gewalt und Trennung/Scheidung sowie berufliche Laufbahnberatung und Onlineberatung: <http://www.frauenberatenfrauen.at>
<http://homepage.univie.ac.at/bettina.zehetner/>

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Illocutionary - Communicative Silencing: A Defense in Analytic Feminist Philosophy

While justifying Catharine Mackinnon's claim that pornography silences women, Hornsby and Langton, further known as H&L put forward the idea of silencing as an "illocutionary disablement". Appealing to Austin's speech act theory, they situate silencing as opposite to speech act and argue that silencing is a failure of speech act that arises when a particular illocutionary act 'misfires'. It arises when powerless people fail to perform particular speech acts in the social domain. Further, relating speech with the idea of "free speech" and "power", H&L reconstruct the traditional understanding of "speech act" into "communicative speech act". Additionally, they also argue that silencing is actually a violation of people's right to free speech. It arises when the social statuses of powerful groups, conflict with other people's right to free speech.

My paper here presents a defense of H&L account of "illocutionary silencing" against the objections made by another feminist philosopher of language, Ishani Maitra. In her criticism of "illocutionary silencing", Maitra challenges the free speech description of "illocutionary acts" and argues against the illocutionary understanding of "silencing". In my defense of the illocutionary account of silencing, I challenge the very understanding of "illocutionary acts" in Maitra's philosophy. By drawing on H&L's reconstruction of "illocutionary acts" in terms of "communicative speech act", I argue that Maitra might have failed to notice the reconstruction of traditional "speech act theory" in H&L account. In my view, Maitra neglects certain aspects of H&L account of silencing such as "power" and "authority" that map on to her criticism of "illocutionary silencing". In this paper, I advocate for a critical consideration of Maitra's

criticisms by clarifying the structure of “illocutionary-perlocutionary” acts in the “speech act theory”.

Islamic Feminist Theory as a Challenge for Feminism and the Human Rights Discourse

Dr. Anke Graness

Department of Philosophy, University of Vienna

anke.graness@univie.ac.at

The role of religion is still a difficult and little discussed issue in (Western) feminist theory, not least because many religions rely on patriarchal structures. Thus, many feminist philosophers and theoreticians have harbored a suspicion of religion, and so have been slow to develop a significant body of scholarship in this area. Sometimes even the question arises if faith and feminism are incompatible.

Thus, one of the great unanswered questions of feminist theory today is the question of how the emancipation of women can be conceptualized in the context of religion. Islamic feminist theory tries to answer such questions. In this paper, I will briefly outline two major trends in contemporary Islamic feminist discourse. The focus of my talk is on Saba Mahmood's study (2002) on the concept of agency in relation to women who were part of the piety movement in Cairo in the 1990s. Are the activists of this movement self-determined, autonomously acting women or victims of indoctrination? What are their motives to actively participating in such movements, and thus contributing to the revival of a strictly conservative Islam in many countries of the Arab world? What about freedom and agency, and the self-image of these women? Thus, how should agency be conceived under the aspect of a voluntary subordination to a certain religious system of rules, and what consequences does this have for feminist theory and the human rights discourse?

Re-evaluating a convergence: Are human rights really a way to get civil liberty?¹

Manuela Massa (MA)

Martin Luther University Halle (Saale)

manuela.massa@uni-halle.de

Abstract. Human rights and civil liberty normally converge. Because society has human rights guaranteeing the legal protections of individuals or groups, it is possible for the citizens of every country to develop what it is normally recognised as civil liberty. However, this theoretical convergence sometimes doesn't work, because if the state has to guarantee human rights, this doesn't mean that citizens are able to get the civil liberty which they should exercise in the modern state. This discrepancy between human rights and civil liberty emerges particularly in the case of minority groups, such as immigrants or enabled subjects. Here it is not only the case that human rights don't correspond to civil liberty, but also the individual seems to lose his social liberty in order to integrate into the society of the state to which he aspires to belong. Thus the aim of this contribution is to re-evaluate, through a philosophical approach, the convergence between these two elements in order to establish a possible relationship between the two. Hence, it will be structured as follows: First, 1) I will problematise human rights and their function in society. A systematic reconstruction will show their regulative function between the state and the individual. From here, 2) I will start a historical reconstruction of liberty. It will demonstrate not only its social characteristics, but also the point at which it became its opposite, namely servitude, through the question of dominium, in which every human right is missed. These aspects will be transposed on the real problem of immigration. If human rights are presupposed for these people in every state in which they are welcomed, where they will probably reside, then these rights don't converge with their civil liberty, due to the elimination of their traditions and customs. I will 3) resolve this divergence by proposing a new way of thinking: namely, through a critique of every right of the individual as part of its realisation. This way of thinking will result in the possibility of social law as part of their liberalisation.

Keywords: Human rights, civil liberty, individual, immigration, modern state

¹¹ Correspondence: Manuela Massa, *Social and culture in motion*, Reichardtstraße 6, 06114 Halle (Saale).

Carolina-Joanna Gomes

Kuznechnaya street, 83-89
Ekaterinburg
620075, Russian Federation

gomeskjoanna@gmail.com

PhD student from Ural Federal University,
Department of Philosophy, Ekaterinburg, Russia
Independent art curator

WHY MORALLY CONTROVERSIAL ART SHOULD NOT BE REMOVED: RUSSIAN EXPERIENCE

Abstract

The art world is changing, structurally and conceptually in front of us: boycotts and protests against works of art or artists are happening worldwide. The right to choose content came to auditory due to a rapid increase in creative engagement, therefore, the problem of viewers' spiritual security is extremely topical. Spectators became determinants of morally dangerous art that can withdraw them from the ethical comfort zone. The dramatic increase in information traffic deeply problematized morally dangerous in the artistic sphere, when the moral context of art, particularly immoral figure of an artist, became publicly known and is getting new visuality. Dissemination of interactivity on social media potentially will expand the area of ethical problems of art even more by multiplying participants of creative processes.

Nowadays mass media tend to generalize peoples' reaction to different social phenomenon or events by collecting few examples from social media and giving labels to them. While gathering data in the era of the Internet is accessible the danger of rapid conclusions became real. Such tendency in the artistic sphere can be harmful in many perspectives. Russian experience showed that a few complaints on social media can become a weapon of censorship at the environment of the state propaganda. Therefore, art practitioners and institutions can no

longer be shielded from the outside world behind the walls of museums and galleries and take down art pieces immediately after visitors' requests, just to avoid confusing, real controversy of the world we are leaving. In ethical problems of art, the leading role is played by the discussion, since moral values are actualized in the living communicative space and real discourse.

There is a need for more deep concern over social effects of morally controversial art. I assume that even though when artwork meets apprehensive individual it can lose its autonomous status, thus moral-neutrality, it is still necessary to make complex empirical studies on public reactions and the phenomenon of public censorship to reveal some patterns that can be morally harmful in a multiplicity of moral prospects.

During my talk I am going to show some examples of polemic art exhibitions in Russia and how Russian contemporary ethical expertise based on the irresponsible generalization of peoples' reaction to controversial art and "takedown" policy can be toxic for freedom and evolution of artistic thought and society in general.

Dr. Daphna Sharfman

Western Galilee Academic College.

Human rights, society, women and coexistence- Jews and Arabs in Haifa during the British Mandate- 1920-1948: a lesson for the future.

Abstract

The central strategic and economic role of Haifa during the British Mandate led to rapid development of the city and its Jewish and Arab communities. It was primarily a parallel process, with both communities absorbing a large number of immigrants. However, the daily contacts in government workplaces such as the port, the railway, and the oil refineries, together with mutual commercial interests created a relative tolerance and recognition of the other community role in the city. A special interest is in the developing role of Arab women both Muslims and Christians in the modern and liberal city. As part of cultural changes at that period.

We would like to analyze in a comparative approach the base of this model, and its implications for current events in Israel today, where the gap between Jews and Arabs seems only to expand, is it possible to strengthen it "against all odds"?

This paper can also be a part of a panel discussion on the problems and options for coexistence (or existence) today.

SHORT BIOGRAPHY

Dr. Daphna Sharfman is a lecturer and former chair of the Political Science Department, Western Galilee College, Israel. She is the author of books and articles in the fields of human rights, Israeli government, human rights and foreign policy, and the British mandate in Palestine. Dr. Sharfman served as the head of Israel's delegation to the Third Committee, UN General Assembly, 1994-1995, was a member and vice chair of the Human Rights Committee of the Socialist International, 1987-2000. Among her relevant publications:

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2. Sharfman D. (2010) coexsistance in Haifa during the British Mandate. Horizons in Geography, 76,131-144(Hebrew).
3. Sharfman, D., & Nachmias, E. (eds.) (2006). *Tea on the Casino Balcony, Coexistence in Haifa during the British Mandate 1920-1948*. Haifa: Mishpaton. 334 pages (Hebrew).

Daphna Sharfman. Ph.D

Western Galilee Academic College,
151 Aba Hushi Av' Haifa 3490006, Haifa,Israel.
Daphna@ inter.net.il

Dr. phil. Nadja Meisterhans

JKU Linz

[**nadja.meisterhans@jku.at**](mailto:nadja.meisterhans@jku.at)

Human Rights and Psychoanalysis – Perspectives of legal feminism in times of authoritarian regressions in law.

Abstract

Nowadays, we are confronted by an *authoritarian* and anti-feminist backlash¹ which also has an effect on contemporary debates associated with human rights.² Needless to say, those authoritarian movements inject especially feminist struggles for political and legal recognition on the local, national and global level.³ But why are we facing such success of antifeminist right-wing populism which is at the same time a frontal attack on the Universalist legacy of the human rights regime? In answering this question, I want promote the idea of combining psychoanalysis with legal theory. I would like to make clear that such combination could function as a concept for **analysing and deconstructing contemporary authoritarian regressions** in the legal context. This goes hand in hand with the general idea that psychoanalysis can be fruitful as a critical theory. The argument here is: **Psychoanalysis can be used as meta-theory** for critical theories such as feminist and gender-based critiques of power, government and ideology.

Keywords: authoritarian regressions in law; psychoanalysis as critical theory; antifeminist backlash

¹ Lenz, Ilse: Geschlechterkonflikte um die Geschlechterordnung im Übergang: zum neuen Antifeminismus. In Gesellschaft: feministische Krisendiagnose, herausgegeben von Appelt, Erna/Aulenbacher, Brigitte/Wetterer, Angelika, S. 204-22. Münster, 2013; Fraser, Nancy: Vom Regen des progressiven Neoliberalismus in die Traufe des reaktionären Autoritarismus, in: Die große Regression: eine internationale Debatte über die geistige Situation der Zeit, herausgegeben von Heinrich Geiselberger, pp. 77–92. Berlin, Oxford, 2017

² Anderson, Kristin J: Modern Misogyny: Anti-Feminism in a Post-Feminist Era. Oxford University Press, 2015; Emily Dutton/Lise Gotell Sexual Violence in the ‘Manosphere’ : Antifeminist Men’s Rights Discourses on Rape, 2017

³ Dragiewicz, Molly/ Mann, Ruth M.: Fighting Feminism, Special Edition, International Journal for Crime, Justice and Social Democracy, Oxford, 2016

Art, Women's Rights and Les Demoiselles d'Avignon

Prof. Shulamit Almog* & **Prof. Ariel L. Bendor****

Abstract

Should a critique of a work of art be separated from a value-laden assessment of its subject matter? Particularly, should a critique of painting that depicts nude women ignore the fact that according to a certain gaze, that painting participated in exploitation of women? This presentation will relate to this intricate philosophical question through the prism of the interpretational discourse relating Picasso's famed *Les Demoiselles d'Avignon*. In his influential article, *The Philosophical Brothel*, art-critic Leo Steinberg puts forward that the power of the painting is established by the observer, whom he denotes the "solicited viewer." From the standpoint of such an observer, the painting represents "sheer sexual energy as the image of a life force", and the normalcy of inhibited sexuality.

The presentation will describe the opposition developed by women art-critics to the "solicited viewer" approach, and the alternative they developed. Starting from Laura Mulvey's theory on visual pleasure and the male's gaze, through the work of others, an alternate approach was constituted and established. The women in *Les Demoiselles*, according to this approach, are a signifier of a social practice of oppression and of the most harmful gender aggression. Finally, using trans-historical perspective, we will juxtapose this female agency-demanding interpretational turn with current radical-feminist standing in regard to prostitution. Such juxtaposing enhances the transformative, game-changing power of the gendered critical gaze.

* Full Professor, Faculty of Law, University of Haifa, Israel.

** Frank Church Professor of Legal Research, Faculty of Law, Bar-Ilan University, Israel.

Title:

Sartre, The Civil Code and the Rights of Arabs

Abstract:

The paper addresses a section of French colonialism through the historical background of Jean-Paul Sartre's theories on race and colonialism as featured in *Colonialism and Neocolonialism*.

The paper examines the positions of the Arab and Europeans in French colonialism unevenly defined as human and sub-human. The paper also examines how the application of liberal humanist principles on the condition of Arabs created further inequality between Arabs and Europeans. As a reflection on the post-9/11 treatment of Arabs, the paper shows that the European colonial legacy still has an influence on the present international treatments of Arabs. Thus, how the American government is mistreating Arabs, by passing and uploading policies such as the PATRIOT Act and FREEDOM Act, is not a new predicament within the Arab experience, as a legally oppressed group of people.

Dilemmas of justice in the age of culture wars. Limits of the human rights paradigm in addressing inequalities in East-Central Europe

Abstract for the "Call for Papers: Symposium "Human Rights. Feminist- and Gender-Philosophical Perspectives"

Eszter Kováts

PhD student, Institute for Political Science, Faculty of Law, University ELTE, Budapest

kovats_eszter@yahoo.fr

As early as in 1995 Nancy Fraser problematizes in her agenda article the shift of the justice claims from redistribution towards recognition (1995). Since then this shift has proven even more pronounced, displacing redistribution claims and reiterating identities (Fraser 2000). At the same time we can see how recognition claims including human rights of women and LGBTQ people became subject to heated controversies of the social justice activism in the Anglo-Saxon countries, contested not only from the Right, but also from the Left, Liberals and feminists; and on the European continent, mostly in right-wing movements mobilizing against the so-called 'gender ideolog', 'political correctness' and 'human rights fundamentalism' portrayed as imminent danger coming from the West/ US.

In my paper I connect the recognition shift to the widespread matrix of visualizing political positions and faultlines in political science literature, as being on two axes: economic (left and right) and cultural (liberal and authoritarian), and critically discuss why placing the attitudes and policies towards 'oppressed minorities' on the cultural axis cuts the related issues from their embeddedness in material conditions. Based on Fraser's concept of 'perspectivc dualism', outlined in her debate with Axel Honneth in 2003, I discuss, how putting gender issues on the cultural axes, the recognition shift in political activism for more justice, *and* the human rights paradigm type of articulation of injustices are related to each other, and how this framework could help us come out of binary interpretations like conservatives vs. progressives, people *for* or *against* equality.

While my empirical material draws from the Hungarian context and from gender and LGBT equality issues, the insights are hopefully helpful and transferable beyond Hungary and for other groups treated foremost in the human rights paradigm as marginalized and disadvantaged in cultural terms. The paper argues that the human rights paradigm suffices neither to address prevailing inequalities nor to understand the recent waves of right-wing contestations in Europe and US.

Keywords: 'gender ideology', 'political correctness', human rights, Nancy Fraser, feminism, LGBTQ

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This abstract has been accepted for a paper to be published for the next volume of *Intersections. East European Journal of Society and Politics*, [dedicated to the limits of legal responses to systemic inequalities](#); the paper is due by 30 September. In case you accept my paper for the Symposium and in case the editors of *Intersections* accept the final version of the paper, I will not be able to provide my paper for the Symposium's special volume.

Eszter Kováts holds a BA in sociology, an MA in French and German Studies and in Political Science. She is a PhD student in Political Science at ELTE University Budapest. She has been working in the Hungarian Office of the German political foundation Friedrich-Ebert-Stiftung (FES) since 2009, and since 2012 she is responsible for the Foundation's gender program for East-Central Europe. In 2015 she co-edited the volume "*Gender as Symbolic Glue. The position and role of conservative and far right parties in the anti-gender mobilizations in Europe*" (published by FES and Foundation for European Progressive Studies). In 2016 she edited the volume "*Solidarity in Struggle – Feminist Perspectives on Neoliberalism in East-Central Europe*", and in 2017 "*The Future of the European Union – Feminist Perspectives from East-Central Europe*" (both published by FES and online available). Her most recent publication is „*Questioning consensuses – Right-wing populism, anti-populism and the threat of 'gender ideology'*”, published by the Sociological Research Online of the British Sociological Association.

**Women Teachers' Professional Freedom in a Hands-On Governmentally-Politically Controlled Educational System
The Case of Hungary, 2010-2018**

Éva Thun, PhD

University of Pannonia, Institute of Education

Egyetem u. 10, Veszprém 8200, Hungary

thun.eva@gmail.com

Abstract

Human Rights

Feminist- and Gender-Philosophical Perspectives

Cooperative Symposium: University of Vienna, Department of Philosophy and Society

for Women In Philosophy (SWIP Austria)

16- 17 November 2018, Vienna

The philosophy of education has traditionally been concerned with the question that the nature of teaching often depends on ethics, epistemology, and the philosophy of language. Therefore, a fundamental, yet equivocal question keeps arising, if schools have the right to advocate particular values, or get involved in the formation of the students' characters.

The kind of liberal educational theory on which the Hungarian education system in the 1990s was based empowered teachers in the public education (then 85% women teachers) to develop their own educational agency and professional identity. This resulted in the diversification of programmes and methods based on a variety of theories, incorporating students' rights as human rights. Along with the renewed feminist activism some women teachers embraced the ethics of care approach which interpreted care giving as part of exercising justice. Indeed, in a Post-Soviet society the "new" approach which put emphasis on individual needs envigorized the professional discourse on the purpose of education, as well as on the content and the ethic of teaching.

Since 2011, with the introduction of new laws on education, the mainstream educational policies tended to derive the new functions of education from the needs and priorities which emerge in the economic sphere. As a result, teachers' roles and teachers' professional identities were influenced by this new understanding of education. Teachers were often described as technicians of the learning process, and as facilitators of students' learning. These priorities created a double bind for teachers who insisted on their individual professional autonomy.

As a next step, the political decision makers – arguing that the existing diversity in education may jeopardize the quality and efficiency of education – introduced a fully centralized education system, which insists on identical curricula, one centrally “prescribed” textbook for each subject, and prioritizes Christian values almost inclusively in state schools. Our claim is that homogenising the knowledge content (the epistemological source of which is mostly unknown and unexplained), and values (which favour a particular social group) constitutes the violation of students' civil rights and human rights.

In my paper, I intend to problematize the position of women teachers in this new setting and attempt to draw a parallel with an earlier period of Hungary's social history, namely the role and function of the education system in the state socialist times, and with the role of women teachers within.

The Soviet Power saw women as ideal helpers/means in raising the ideal soviet citizens. The Soviets wanted women to serve as a "surrogate proletariat" in territories where there was no working class at all in the European sense. Paradoxically, this harsh/crude kind of identification served well of the purposes of the Soviet power – they delegated the “messy” part of resocialization to the educational system and to the women teachers within.

Today in Hungary the short-lived teachers' autonomy - which allowed women teachers to negotiate their social status and the worth of their profession – has been curtailed in such a manner which reminisces that earlier historical period. Yet, few researchers seem to notice the

parallel that I have described above, when women's caring and teachers' caring is utilized as a tool for indoctrination of the young. As a consequence, one can argue that the education system which is in place today in Hungary, does not only throw students into ignorance generally and ignorance about their rights, but it also violates teachers' human rights when restricting them (almost banning them) in practising their profession on a professional basis informed by the philosophy of education and feminist philosophy.

DAS GEDÄCHTNIS DES LAGERS UND DIE ZUKUNFT DER MENSCHENRECHTE

brigitta keintzel (Dr.ⁱⁿ phil, Mag.^a phil) brigitta.keintzel@univie.ac.at

Elise-Richter Stelle am Institut für Philosophie (GV 345)
Gender: G.W.F. Hegel – Franz Rosenzweig – Jacques Derrida
Sensengasse 3a
1090 Wien

„*Nicht die Sache, nicht die Tat, erst die Tatsache ist sicher vor dem Rückfall des Nichts.*“ (Franz Rosenzweig,
Stern der Erlösung)

Mit Aleida und Jan Assmann, Aby Warburg, Maurice Halbwachs, Sigmund Freud und Melanie Klein kann argumentiert werden, dass das Gedächtnis eine soziale, kulturelle, religiöse und identitätsstiftende Funktion besitzt. Es bildet die Voraussetzung für eine kulturelle und ethische Haltung in uns, die über Tradition, Erziehung, historischen und aktuellen Erfahrungen unser Selbst- und Fremdverständnis prägen. Eine besondere Herausforderung erlangt die traditionsbildende Rolle des Gedächtnisses durch das Paradigma des Lagers. Das Lager bezeichnet nach Agamben einen Ausnahmezustand, der dennoch als immer wieder kehrendes Verhängnis die abendländische Geschichte bestimmt und beeinflusst hat. Als Ausnahmezustand unterbricht das Lager, das über unterschiedliche Kontexte bis in die aktuelle Gegenwart anzutreffen ist, die Kontinuität eines historisch gewachsenen Verständnisses von gelingenden Selbstbeziehungen. In der Lagerrealität ist „die Frage nach der weiteren Zukunft gegenstandslos geworden“, schreibt Primo Levi in „Ist das ein Mensch?“ (Levi, Mensch, 40). Daraus kann gefolgert werden, dass gerade in gewaltaktiven Extremsituationen die vielschichtige Bezugnahme auf Tradition, als einem lebendigen Zusammenhang von Mythos, Ritus, Erzählung, Literatur und Kunst, nur bedingt möglich ist. Berichten von Lagerinsassen zufolge (Améry, Levi, Wiesel, Ruth Klüger) hat die Situation der Lagerrealität das Aushalten des Augenblicks und die Hintanstellung von traditionsbildenden Gedächtnisinstanzen erforderlich gemacht, um den Augenblick erträglich zu machen. Das Faktum Geschlecht besitzt für das Erfahren und Beschreiben der Lagerrealität einen exponierten Stellenwert, der gerade im Kontext der Vergangenheitsbewältigung zu Unrecht vernachlässigt wird. Diese Vernachlässigung unterstützt und verstärkt ein antagonistisches Verständnis von Gedächtnis, wodurch Begebenheiten der Lagerrealität nicht angemessen beschrieben werden können. Ein antagonistisches Verständnis des Gedächtnisses wird durch ein zeitlich geprägtes Verständnis von den Menschenrechten auf eine neue Ebene der Betrachtung gebracht.

Hier kann mit Franz Rosenzweig argumentiert werden, dass Menschenrechte nicht primär ein Prinzip des Denkens oder eine logische Konstruktion sind, die quasi zeitlos unser Denken anleiten. Vielmehr sind sie eine Erfahrungstatsache, die auch in ihrer geschlechtlichen Diversität zu erfahren und für die Belange einer antizipierten Zukunft in der Gegenwart immer wieder aufs Neue herzustellen sind.

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Päpstin Johanna bei Leibniz (Zur Gerechtigkeit universaler Anthropologie) (Exposé)

Cornelius Zehetner (Independent / Institut für Philosophie der Universität Wien)
Afrikanergasse 11/12, A-1020 Wien | cornelius.zehetner@aon.at

Die Geschichte von der Päpstin Johanna fungiert seit Jahrhunderten als Aufhänger für vielfache Fragen und Problemstellungen: vom Geschlechterverhältnis und der implizierten Macht- und Gesellschaftskonstellation (Staat, Kirche und andere Gesellschaftsformen) über die Geschichtswissenschaft (deren Leistungsfähigkeit; Methoden- und Darstellungsproblematik; Fiktion vs. Tatsachen) aber auch Literatur- und Texttheorie, weiter über allgemeine Rechts- und Gerechtigkeitstheorien bis zur universalen Fundierung von *Theorie* (Wissenschaften, Ethik) und *Praxis* sowie deren Ineinandergreifen *überhaupt*. Zur versuchten Dechiffrierung dieser theoretischen Aufladungen beziehe ich mich auf Leibniz‘ Philosophie und stelle die Frage, in welcher Beziehung seine aufklärerische, historisch-kritische Schrift „*Streublumen auf das Grab der Päpstin*“ von ca. 1709 zur Rechtsphilosophie (Naturrecht und Gesellschaftskonzept) und Metaphysik bzw. Ersten Philosophie als universaler Fundierung steht.

Die Fragerichtung ist dreifach: Auf welche Art prägt im konkreten Fall das Faktum des Weiblichen sowie der Geschlechterdifferenz die Auseinandersetzung, Darlegung und Lösung des Fundierungsproblems (ausgehend von einer scheinbar fiktiven skandalösen Irregularität)? Hier wird über das Problem des Rechts auf eine Machtposition hinaus etwa das Begriffsinstrumentarium von Gattung - Gender, Generosität; Differenz; Spezies; aber auch Substanz, Person usw., von Belang.

Zweitens: Was ist Menschenrecht bei Leibniz? Wie affiziert es, bzw. der entsprechende Rechtsbegriff in seiner Spannweite von Liebe zu Interesse, von Eigenem und je Anderem, das rationale Argumentationsverfahren? Welche Emanzipation resultiert daraus?

Schließlich: was bedeutet Gerechtigkeit in der Wissenschaft, im Hinblick auf Richtigkeit und Recht/Pflicht nicht nur als moralische und juridisch-politische Kategorie, sondern auch als Herausforderung für kritische Wissenschaft, von der Historie, Literatur- und Sprachwissenschaft bis zur Metaphysik (Erstphilosophie)? Zu beachten sind hier ontologische Stolpersteine im Menschen- oder Naturrecht, sofern es universale Verbindlichkeit beanspruchen kann: von *physis* vs. *ousia* bis zur Individual- und Relationenontologie.

Letztlich wirft somit der vom Sujet der Päpstin ausgehende Diskurs die Frage nach einer Anthropologie auf, die sowohl für die Fiktionenproduktion als auch für Tatsachenwissenschaften (Gesellschafts-, Geistes- und Natur-) als auch für praktische Verhältnisse im Sinn aktueller Pragmatik ebenso wie der *universalen* Fundierung einen relevanten Aktions- und Argumentationsraum zur Verfügung stellt. In diesem erhält die Frage nach besonderem wie universalem Menschenrecht und nach der Gerechtigkeit einer universalen Anthropologie ihren Sinn.

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Abstract for

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70 years after the UDHR: "Social and cultural patterns" as persistent obstacles to women's human rights

Marie-Luisa Frick

When the (nonbinding) *Universal Declaration of Human Rights* (UDHR, 1948) was drafted, women's human rights were not yet a key concern. It is true, conflicts over woman's role in society already were present in the drafting process and Eleanor Roosevelt herself – in the capacity as chairperson of the UN Commission on Human Rights – represented female self-assertion and proficiency that impressed her male colleagues in the drafting committee and beyond. However, the question of women's human rights was overshadowed by the fierce contests over the relationship of liberal-political and social-economic rights which took place against the backdrop of the emerging Cold War as well as disagreements over specific rights, for example the right to freedom of religion or freedom of speech. It was not until 1979 that women's human rights gained true prominence in the international human rights discourse. *The Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) was a landmark treaty not only in regards to the rights affirmed and established therein but also in terms of state ratifications (189 as today).

At a closer look, this success story is anything but flawless. In fact, many rights guarantees enshrined in CEDAW did not translate into better life conditions and more freedoms for women in many of the signatory states, especially in the Global South. It is a bitter truth, yet evident not least from state's reservations to the treaty, that women's human rights are often not a matter of genuine compliance but mere lip service. Despite CEDAW's pioneering emphasis on the importance of "modify[ing] the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (Art. 5, a), in large parts of the world such practices and views persist with remarkable deep rootedness. This holds in particular where they are induced and/or sanctioned by religious doctrine.

In my proposed presentation, I would like to draw to some of the most common practices and views rejecting the notion of basic equality of men and women and ask in what way they (could) contribute to actual human rights violations. Thereby, I will differentiate between practices and views that (a) deny the full humanity of women and pertain to the core of human rights and hence should concern us most as well as (b) practices and views that contest specific human rights guarantees. By additionally highlighting reformist strategies and discussing policy options, I try to contribute to the greater debate on the future of global human rights.

Abstract submission for Human Rights. Feminist- and Gender-Philosophical Perspectives

Name: Ting-An Lin

Affiliation: Department of Philosophy, Rutgers University

Postal address: 47 N Tulane Street, 3F, Princeton, NJ 08542, USA

Email address: tingan.lin@rutgers.edu

Immigrant spouses in Taiwan: What are the threats to their human rights?

Since the early 1990s, Taiwan has attracted more than half a million immigrant spouses, mostly women, into the country from China and Southeast Asia. These immigrant women are labeled as “foreign brides” and often portrayed as passive victims of trafficking who are prone to committing crimes and causing threats to Taiwanese society. This paper argues that the portrayal of immigrant spouses as victims of trafficking is problematic and reduces their agency. Most of these immigrant women do so base on their own decisions and we should understand their motivations under the socioeconomic context of globalization and the influence of patriarchal system. Through analyzing the obstacles that these immigrant spouses encounter, this paper argues that the threats to their human rights do not stem from the choice of marriage migration itself. Rather, it is the objectifying narratives, stigmatizing attitudes, and restrictive policies that cause more harms to their human rights.

In Section I, I will give a brief introduction about the situation of marriage migration in Taiwan, including the trend, gender ratio, demographical constitution, and regional distribution. In Section II, I argue that we should go beyond the binary dichotomy of voluntary migration versus passive trafficking in order to better understand the marriage migration phenomena. Instead, I propose that we should situate these marriage immigrants’ choices under the context of the gendered globalized economic system and the patriarchal system. In Section III, I discuss various obstacles that cause harm to the immigrant spouses’ human rights, including objectifying narratives, restrictive policies, and stigmatizing attitudes against them. I then conclude by offering some future recommendations and reviewing some of the past attempts that the immigrant spouses have taken to fight for their human rights.

Halbierte Menschenrechte und die Frage der Demokratie Feministisch-kritischen Perspektiven

Aktuell wird unser demokratisches Modell von reanimierten Autoritarismen, entgrenzter Ökonomie, flottierender Digitalisierung, neuem Populismus, religiösen Fundamentalismen, nationalen Grenzregimes, Kontroll- und Sicherheitsdiskursen bedroht. Von Postdemokratie ist die Rede und in einigen Weltregionen werden Demokratien westlicher Konvenienz abgelehnt. Faktisch oder utopisch wird ein Demokratiekonzept in Frage gestellt, das auf Repräsentation und Liberalität basiert. Und all das ist unterlegt mit einer Produktions- und Konsumideologie, die als unser imperialistischer Lebensstil bezeichnet werden muss, der nicht nur die Natur sondern auch die Humanressourcen des globalen Südens ausbeutet. „Noch nie in der Geschichte der Erde und der Menschheit haben Gewalt, Ungleichheit, Ausschluss, Hunger und damit wirtschaftliche Unterdrückung so viele menschliche Wesen betroffen. Anstatt die Ankunft des Ideals der liberalen Demokratie und des kapitalistischen Marktes zu besingen, anstatt das ‚Ende der Ideologien‘ und das Ende der großen emanzipatorischen Diskurse zu feiern, sollten wir niemals diese makroskopische Evidenz vernachlässigen, die aus den tausendfältigen Leiden einzelner besteht: Kein Fortschritt der Welt erlaubt es, zu ignorieren, dass in absoluten Zahlen noch nie, niemals zuvor auf der Erde so viele Männer, Frauen und Kinder unterjocht, ausgehungert oder ausgelöscht wurden.“ (Jacques Derrida, Marx’ Gespenster, 1995) Menschenrechte, man muss es deutlich sagen, sind, falls sie je mehr als die Proklamation eines Ideals waren, zur bloßen Rhetorik verkommen.

Doch waren den Menschenrechten von Anfang an nur eine abstrakte volle Anrufung und eine konkrete leere Umsetzung beschieden; ihrem Anspruch nach universell, ist ihnen der Ausschluss im Moment ihrer Entstehung eingeschrieben – nicht alle Menschen gehören zur Menschheit. Von vornherein wird die Hälfte der Menschen nicht als solche anerkannt; die Frauen müssen um die Aufnahme in die Gemeinschaft der mit unveräußerlichen Rechten ausgestatteten Menschheit kämpfen. „Dass die feministischen TheoretikerInnen so erschreckend viele Worte machen, um zu beweisen, dass Frauen weder Sklavinnen noch Hündinnen, weder Puppen noch Fehler der Natur sind, wird vor diesem Hintergrund verständlich: Alle Theorien, alle Texte, alle Appelle müssen zunächst einmal beweisen, dass Frauen Menschen im vollgültigen Sinne des Wortes sind.“ (Barbara Holland-Cunz, Die alte neue Frauenfrage, 2003) Gleichsam ist der Entstehung der europäischen Demokratie die Exklusion von Frauen (und allen anderen als minoritär bestimmten Menschen) gewaltvoll eingeschrieben. Es ist die Köpfung einer Frau, Olympe de Gouges, die 1791 in Paris die „Erklärung der Rechte der Frau und Bürgerin“ verfasst hatte. Die kopflose Frau, reduziert auf

ihren Körper und eine entmündigte, weltlose Existenz ist der Moderne und ihrer politischen Organisationsform der liberalen Demokratie immanent. Bis heute verdient die Demokratie im Sinne von Selbstherrschaft und Autonomie aller BürgerInnen ihren Namen nicht; die Kontinuität des Ausschlusses von Frauen aus politischen Institutionen, die Negierung ihrer Interessen zeichnen das bisherige demokratische System im Modus einer bloß rhetorischen Gleichheit.

Der Beitrag möchte die Grenzen eines bloß (moralisch) emphatischen Menschheitsbegriffs sowie dessen Reduktionismus durch die Nivellierung der Geschlechter- und anderer Differenzen auf einen vereinheitlichenden Gattungs- und Menschenbegriff ebenso diskutieren, wie die Annahme, dass „eine Gesellschaft ohne jegliche Art von Ausschließung ein psychotisches Unternehmen wäre. Wir können so demokratisch wie möglich mit Ausschließungen umgehen, aber Politik ist zu einem großen Ausmaß eine Serie von Verhandlungen um das Prinzip der Ausschließung, das es immer gibt als das unauslöschbare Terrain des Sozialen. Wie üblich, determinatio est negatio.“ (Judith Butler/Ernesto Laclau, in: Oliver Marchart (Hg.), Das Undarstellbare der Politik, 1998) Es geht um Gleichheit, die nicht zur Vergleichsgültigung führt, um Zugehörigkeitsreflexion, die keine menschenfeindlichen Grenzen setzt, um die Frage, wie ein Politisches zu denken sei, das nicht auf Ähnlichkeit und Homogenisierung, sondern auf die Anerkennung von Unterschieden und Pluralität basiert.

Mag. Dr. Birge Krondorfer
Lehrbeauftragte verschiedener Universitäten
Maria-Tusch-Straße 2/1/10 1220 Wien
birge.krondorfer@chello.at

Einreichung für das SWIP-Symposion 2018
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How to be a Refug(e)e for a Stranger? Fragments And Brief Chronicles of the Time of Migration.

*Film by Esther Hutfless und Elisabeth Schäfer
(Deutsch/Englisch; Englische Untertitel; 40'58")*

How to be a Refug(e)e for a Stranger? ist ein philosophisch-poetischer Film, der die Frage der Annäherung, die Frage nach dem *Wie* des Zusammenlebens stellt. Wenn Fremde einander begegnen, müssen neue Formen und Modi des Zusammenlebens, des Denkens, des Sprechens und Mit-Seins erfunden werden. In welcher Sprache, mit welchen Worten ist eine Begegnung möglich? Es gibt immer mehr als eine Sprache, so viel ist sicher. Und es gibt auch immer etwas, das sich dem Ausdruck und der Übersetzung entzieht.

“How not to”, so eröffnet Hélène Cixous’ ihren kurzen Text im Programmheft zum Theaterstück *Le Dernier Caravanserail*, das sie gemeinsam mit Ariane Mnouchkine und jenen Flüchtlingen geschrieben und entwickelt hat, die am Théâtre du Soleil in Paris Ensemble-Mitglieder sind. Das Stück basiert auf Interviews mit Flüchtlingen in Frankreich, Indonesien, Neuseeland, Australien und Großbritannien. Wie nicht? Und: Wie doch sprechen? Wie mit dem*der Anderen sprechen und denken? *Mit* anstelle von *über*. Wie ist eine Annäherung möglich, die die Andere/n nicht vereinnahmt? Im Nachdenken über diese Fragen ist die Idee entstanden, eine Annäherung von Fremden zueinander über einen Film zu erzählen. Denn ein Film vermag verschiedene Stimmen, Geräusche, Bilder und Schriften gleichzeitig zu zeigen und auf diese Weise eine multidimensionale Erzählung zu ermöglichen, die sich nicht zu einer Linearität fügen und die nicht zu einem finalen Punkt kommen muss. “Let us not seek to solidify, to turn the otherness of the foreigner into a thing. Let us merely touch it, brush by it, without giving it a permanent structure” (Kristeva 1991, 3). Die Begegnung mit einer jungen afghanischen Frau, die über die Balkanroute 2015 nach Deutschland gekommen ist, die Erzählung ihrer Flucht, sowie Bilder und Textfragmente zweier Philosoph*innen – Esther Hutfless und Elisabeth Schäfer – die diese Erzählung gehört und aufgenommen haben, hat sich zu einem poetisch-philosophischen Lecture-Film zusammengefügt. Und ein Film stellt in gewisser Hinsicht ebenso eine Fremde* dar – zumindest im Kontext der traditionellen akademischen Philosophie und erkundet somit mit und für die Philosophie noch teilweise unvertrautes, neues Terrain.

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Esther Hutfless lebt und arbeitet als Philosoph*in, freie Wissenschaftler*in und Psychoanalytiker*in in Wien. Sie* ist Lehrbeauftragte am Institut für Philosophie der Universität Wien und Psychoanalytiker*in in Ausbildung unter Supervision beim Wiener Arbeitskreis für Psychoanalyse. Ihre* Forschungsfelder beinhalten: Poststrukturalismus, Dekonstruktion, Feministische Philosophie, Écriture féminine, Psychoanalyse und Queer Theory. Esther Hutfless beschäftigt sich intensiv mit Körpern, Geschlecht, Begehren, der Dekonstruktion von binären hierarchisierenden Kategorien, dem Verhältnis von Queer Theory, Psychoanalyse und Philosophie sowie queerenden Praktiken und neuen Ästhetiken des Schreibens. Sie ist eine* der Gründer*innen von *Sublin/mes. philosophieren von unten. a queer reviewed journal*:

<https://sublinesblog.wordpress.com/> sowie der Wiener Forschungsgruppe *Queering Psychoanalysis*. Publikationen (Auswahl):

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Jahrgang.

Kontakt:

esther.hutfless@univie.ac.at

www.hutfless.at

Elisabeth Schäfer, Postdoc-Stelle im Rahmen des Forschungsprojekts “Artist-Philosophers. Philosophy AS Arts-Based research” [[AR 275-G21; gefördert vom Österreichischen Wissenschaftsfond FWF] an der Universität für Angewandte Kunst Wien (Projektleitung: Arno Böhler). Externe Lektorin seit 2010 am Institut für Philosophie der Universität Wien.

Forschungsschwerpunkte: Dekonstruktion, Körper-Diskurse, Queer-feministische Philosophie und Écriture feminine. 2013 hat sie gemeinsam mit Esther Hutfless und Gertrude Postl die erste dt. Übersetzung von Hélène Cixous berühmtem Essay „Le Rire de la Méduse“ herausgegeben. (Passagen Verlag Wien; Übersetzung: Claudia Simma).

Elisabeth Schäfer arbeitet derzeit an einem Forschungsprojekt mit dem Arbeitstitel „Trans*Writing. Immanence and Transformation. Towards a Political, Ethical and Aesthetical Theory of Writing as Artistic Research“ (eingereicht und in internationaler Begutachtung als Elise Richter PEEK / Austrian Science Funds FWF / [V635]).

Kontakt:

elisabeth.schaefer@univie.ac.at

http://homepage.univie.ac.at/elisabeth.schaefer/Website_Uni_Wien/Home.html