



Faculty of Law
Institute for Interdisciplinary Legal Studies

DOCTORAL FORUM IN LAW & HUMANITIES
CROSSING FRONTIERS:
THE LAW FROM WITHIN & WITHOUT

10 & 11 December 2020
University of Lucerne via Zoom

Doctoral Forum in Law & Humanities
University of Lucerne
10 & 11 December 2020

Crossing Frontiers: The Law From Within and Without

Thursday 10 December

- 10.00-10.15 Welcome Remarks
- 10.15-10.45 Slow Groundings: Humanity, Ecocide, International Law
Tim Lindgren, University of Melbourne
Commentator: Daniel R. Quiroga-Villamarin
- 10.45-11.15 The Court as the Narrating Self in Judgments of the European Court of Human Rights
Yuliia Khyzhniak, University of Groningen
Commentator: Marco Mazzocca
- 11.15-12.00 Break
- 12.00-12.30 On the Vulnerability of Legal Drama: Slobodan Praljak's Courtroom Suicide
Tessa de Zeeuw, Leiden University
Commentator: Nicole Karam
- 12.30-13.30 Lunch
- 13.30-14.00 'Architects of the Better World': The Birth of the International Conference Complex (1918-1998)
Daniel R. Quiroga-Villamarin, Graduate Institute of International and Development Studies, Geneva
Commentator: Fabienne Graf
- 14.00-14.30 Legal Journals, Universities, and Legal Disciplines: Interrelationships Across the 19th Century. Foundations of an Intellectual Transnational History
Fernando Liendo Tagle, Universidad Carlos III, Madrid
Commentator: Filippo Contarini
- 14.30-14.45 Break
- 14.45-15.15 Auratic Algorithm
Bart Jansen & Agnes Schreiner, University of Amsterdam
Commentator: Giulia Walter
- 15.15-15.45 Technological Innovation and Torts Law: Some Considerations
Alessandro Drigo, University of Lucerne
Commentator: Dario Haux

Organisers
Fabienne Graf, Dario Haux, Josephine Heinzlmann, Steven Howe & Stephanie Wirz

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Friday 11 December

- 10.00-10.15 Welcome (Back) Remarks
- 10.15-10.45 Training the Political Imaginary: Approaching the Discussion about the Emergency Laws through a Civil Defense Exercise (Germany, 1966)
Jandra Böttger, Hochschule für Gestaltung Karlsruhe
Commentator: Tim Lindgren
- 10.45-11.15 Repairing Touch
Danish Sheikh, University of Melbourne
Commentator: Tessa de Zeeuw
- 11.15-11.30 Break
- 11.30-12.00 Asserting Identity through Arts in Countries affected by Conflict, Violence and Poverty: Case Studies from the Global South
Paola Forgione, ICRC, Geneva
Commentator: Danish Sheikh
- 12.00-12.30 Artemisia Gentileschi and Just Representation: A Visual and Legal Analysis of Rape Myths in Art and in Law
Sophie Doherty, Dublin City University
Commentator: Jandra Böttger
- 12.30-13.30 Lunch
- 13.30-14.00 A Case for a Visual Legal Education
Marta Dubowska, Jagiellonian University, Kraków
Commentator: Sophie Doherty
- 14.00-14.30 Coping with Copying: A Rendering of Law
Giulia Walter, University of Zurich
Commentator: Bart Jansen & Agnes Schreiner
- 14.30-14.45 Break
- 14.45-15.15 Imagining a New Natural Law Jurisprudence: Michel de Servan and *la femme protestante* (1767)
Nicole Karam, Johns Hopkins University, Baltimore
Commentator: Marta Dubowska
- 15.15-15.45 The Laws of Magic and the Magic of Laws: A Study on the Unbreakable Vow in "Harry Potter and the Half-Blood Prince" from a Legal and Philosophical Perspective
Marco Mazzocca, University of Trento Law School
Commentator: Yuliia Khyzhniak

Speakers & Commentators

Jandra Böttger holds an MA in Art Theory and Media Philosophy from the University of Arts and Design Karlsruhe. She currently studies Philosophy at the Humboldt-Universität in Berlin and the Freie Universität Berlin. Her research focuses on the intersections of Aesthetic Theory, Political Theory, Affect Studies and Contemporary History. Currently she works praxeologically on the exercise as a politico-governmental means but also as an artistic genre and aesthetic discipline. Contact: jandra.boettger@posteo.de

Filippo Contarini is an independent researcher in legal theory. He previously served for a long time as an academic assistant at the chair of history of law and legal theory at the University of Lucerne, Switzerland. In January 2020, he obtained his PhD with a study on the history of the Swiss criminal justice system, focusing particularly on the expectations placed on jury trials (“La giuria (post)moderna. Studio policontesturale sulle aspettative riposte nelle Corti d’assise in Svizzera”, to be published soon). Deepening Giorgio Agamben’s theories on the society of the spectacle and Paul Virilio’s on speed, he is currently developing a new juridical concept he terms “legal-non-law”. From 2013 to 2016, Filippo also worked in the transdisciplinary context of the Istituto Svizzero in Rome, Italy. Contact: filo4@ticino.com

Tessa de Zeeuw is a lecturer in the Leiden University department of Film and Literary Studies. She is currently finishing her dissertation, entitled *Critical Legal Theatre: Trials and Tribulations of Criminal Law in the Postdramatic Twentieth Century*, in which she reflects on the common conception of law as a theatrical affair by analyzing contemporary institutions and trials of criminal law through the lens of theatre scholar Hans-Thies Lehmann’s influential reflections on drama as a symbolic form that has always determined the perception of theatre as an institution. She considers shifts that have taken place in the legal field in the twentieth century in relation to four theatrical aspects – law’s relation to space, to the body, to media, and to the generic element of the ‘act’ – to argue that in our time, law is becoming increasingly ‘postdramatic.’ She has published articles in *Law and Literature* (2014), *Pólemos* (2016), and in the edited volume, *Legibility in the Age of Signs and Machines* (2018). Contact: t.l.de.zeeuw@hum.leidenuniv.nl

Sophie Doherty submitted her doctoral thesis, *Visualising Justice: Sexual Violence, Law and Art*, in October 2019. She was awarded her doctorate with no corrections. She is in the process of converting her thesis into a monograph. Sophie is also currently working on invited article contributions to various journals including: *Law and Literature*, *Law and Humanities*, *Feminist Legal Studies*, *Jurisprudence*, and *Etica & Politica*. She is also working separately on an exhibition review for *Feminist Legal Studies* after securing a press viewing of the Artemisia exhibition at the National Gallery, London. Sophie is an Editorial Board member of the *Law and Humanities* journal and an Advisory Group member of the Art/Law Network. She is also a member of the SLSA, the Feminist Studies Association UK and Ireland, and the Irish Association of Law Teachers. Contact: sophie.doherty@dcu.ie

Alessandro Drigo studied law in Florence and benefited from the Erasmus+ exchange programme at the Universidad de Castilla La Mancha. His study of the relationship between civil liability and A.I. began with the writing of his thesis and allowed him to participate as a speaker at two conferences (Florence, 2018 and Würzburg, 2019). His current topics of interest focus on the relationship between private law and digitalization, law and technological development as well as the potential effects of climate change on private law. Contact: alessandro.drigo@unilu.ch

Marta Dubowska is a third year PhD student in legal philosophy at the Jagiellonian University in Kraków, Poland, where she’s working on her thesis on law and literature and narrativity of law. Apart from holding an MA in Law (2017), she also holds a BA in Theatre Studies (2017) and an MA in Performativity Studies (2019), all from Jagiellonian University. Her current research focuses on the structure of legal narratives, for which she has received a grant from the National Science Centre. Her publications touch on the connections of law and humanities (law and theatre, law and visual media), legal education, legal narratives and ethics of belief. Contact: m.dubowska@gmail.com

Paola Forgione has a PhD in International Justice and Human Rights (2013), and was admitted to the Bar in Italy in 2011. She has been working since 2014 with the International Committee of the Red Cross (ICRC), carrying out missions in Ivory Coast, Zimbabwe, El Salvador and the Gaza Strip. She currently works at the ICRC headquarters in Geneva, where she researches the issue of violence against healthcare services. Paola has completed courses on contemporary and modern art at Jeu de Paume and Ecole du Louvre in Paris (2019), and at the Nuova Accademia delle Belle Arti in Milan (2018). She contributes on a freelance basis for an Italian art magazine (<https://www.juliet-artmagazine.com>), where she writes about contemporary art in countries affected by war and violence. Contact: paola.forgione@unipv.it

Bart Jansen is PhD candidate and lecturer in Law & Ethics at Nyenrode Business University, lecturer in Jurisprudence & Philosophy of Law at Leiden University, lecturer in Legal Sociology at the University of Amsterdam, and annual guest lecturer Philosophy of Law and Postmodern Philosophy at Airlangga University in Surabaya, Indonesia. The scope of his research is unlimited and covers a whole range of controversial legal figures. His current research concerns the deconstruction of self-regulation and informal dispute resolution, the legal and ethical status of amputated limbs, the philosophy behind ‘waste’ and misery in the art trade. Contact: b.jansen@nyenrode.nl

Nicole Karam, J.D., Ph.D., recently defended her dissertation entitled “Poetry in the Praetorium: Legal Eloquence in Prerevolutionary France” at Johns Hopkins University. During the 2016-17 year, she studied at the École normale supérieure in Paris. As a Ph.D. candidate, she studied at the École normale supérieure, spent a period of research at Worcester College, Oxford University and received a Singleton Center Fellowship for archival work in Paris. Nicole also designed and taught a course on eighteenth-century French law and literature, for which she received a Dean’s Teaching Fellowship. During the 2018-19 year, she was a fellow at the Alexander Grass Humanities Institute, for whom she recently taught an online public humanities course during the summer of 2020 on the idea of taste in early modern France.
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Yuliia Khyzhniak is a third year PhD student at the University of Groningen (the Netherlands). She obtained her Master’s degree in Law at the National University ‘Odesa Law Academy’ (Ukraine). At the same university, she defended a PhD thesis titled *Law and Literature as an Interdisciplinary Movement: On the Works of Mikhail Bulgakov*. She is currently working on a PhD project named *The European Court of Human Rights and the Shadow of the Past: A Literary Approach to the Court’s Jurisprudence*. This PhD research is dedicated to rhetorical and narrative manifestations of textual construction of a departure from previous interpretations of the Convention in the ECtHR judgments. In her research, she considers a departure as a plot-twist in the legal narrative of a chain of cases.
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Tim Lindgren is a Doctoral Candidate and Teaching Fellow at Melbourne Law School, University of Melbourne. His research concerns the field of international law, with a focus on environmental justice and decolonial legal forms of dissent. He is affiliated with the Institute for International Law and the Humanities (IILAH) at Melbourne Law School. He is also book review editor for the *Journal of Human Rights and the Environment* (JHRE). He holds a master’s degree in International Law from SOAS, University of London, and his recent publications can be found in *Postcolonial Studies* and *The International Journal of Human Rights*.
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Marco Mazzocca is a Research Fellow and Assistant Professor at the Faculty of Law of the University of Trento (Italy), where he collaborates in the teaching of the courses of *Sociology of Law* and *Legal Education*. He is also co-researcher of the Vega grant project no. 1/0386/19 titled *New Dimensions of the Methodology of Legal Reasoning: The Role of Legal Principles in a Multi-Level Legal System* of the Gustav Radbruch Institute of Theory of Law of the Pavol Jozef Šafárik University in Košice (Slovakia). He holds a Ph.D. in Law in 2020 from the University of Padua (Italy) with a dissertation in philosophy of law titled “A New Event-Based Perspective of Law.” His research interests include the ontology of law, law and literature, legal reasoning, legal argumentation, legal education, and neuro-law. He is currently working on a book project, based on his doctoral dissertation, and a series of papers on various topics.
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Daniel Ricardo Quiroga-Villamarín holds a Law degree (with a minor in Public Affairs) from the Universidad de los Andes (Bogotá, Colombia) and a MA in International Law from the Institut de Hautes Études Internationales et du Développement IHEID (Geneva, Switzerland), where he was awarded the Fondation Hans Wilsdorf scholarship (2018-2020). He is pursuing his doctoral degree in international law (with a minor in international history) at this same institution (2020-2024).

His research focuses on the intersection of critical theory, global history, and international law, with a special concern for the theory and history of global governance. His work has been published in the *Anuario de Derecho Constitucional Latinoamericano* (Yearbook of Latin American Constitutional Law), the *Journal of the History of International Law*, and *Global Histories*, and other journals.

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Fernando Liendo Tagle studied Law at the Pontificia Universidad Católica del Perú. He has worked as a lawyer in dispute resolution and arbitration, and as legal advisor to organizations dedicated to the protection of historical heritage in Peru. In Spain, he participated in a European Commission project dedicated to a network of mediation and dispute resolution within the single market.

Fernando holds a Master’s degree in Public Law from the Universidad Carlos III de Madrid, and recently completed a dissertation - as holder of a full doctoral scholarship from the Spanish government - on “The Legal Press in the Formation and Teaching of Legal Disciplines and University Studies in Nineteenth Century Spain”.

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Agnes Schreiner has been a guest researcher at the Department of Jurisprudence since May 2019 and was a university lecturer at the University of Amsterdam from 1980 until May 2019. She has taught bachelor’s courses in Law and Human Behavior, Introduction to Law, and European Legal History, and master’s courses in Legal Anthropology and Anthropology of European Private Law.

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Danish Sheikh is a PhD Candidate at the Melbourne Law School. His research is located at the intersections of law, literature and performance, drawing upon his work as an activist lawyer and theatre practitioner. *Contempt*, his first original play, was longlisted for the Hindu Playwright Award in 2017 and selected to open the Arcola Theatre in London’s Festival of Global Queer Plays in 2018. He has law degrees from NALSAR University of Law, Hyderabad and the University of Michigan, Ann Arbor which he attended on a Grotius Fellowship. His writing has been cited by the Supreme Court of India in 2018, shortlisted for the Jan Michalski Award in 2017 and won the Publishing Next Award in the same year.

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Giulia Walter, MLaw, studied law at the Universities of Lucerne, Geneva and Vienna. She was assistant in Lucerne at the chair of history of law and legal theory. She is now a PhD student at the Chair for Legal Sociology with particular focus on Media Law of the University of Zürich. An art enthusiast, her interests and research focus on the intersections of art & law. Contact: giulia.walter@uzh.ch

Organisers

Fabienne Graf is an academic assistant and researcher at the University of Lucerne, where she is also a member of the Institute for Interdisciplinary Legal Studies - *lucernaiuris*. Fabienne studied law in Switzerland (University of Lucerne, BLaw and MLaw) and the US (Duke University School of Law, LL.M.). At Duke University, she was a merit scholar and contributed to an interdisciplinary research project on the public trustee concept and its potential applicability to digital platforms (led by Prof. Philip Napoli). Since 2020, she is a doctoral candidate at the University of Lucerne (with Prof. Malte-Christian Gruber) and the Humboldt University of Berlin (with Prof. Herbert Zech). Here, she pursues a cotuelles de thèse on software patent law, technicality and questions related to epistemology. Fabienne is a co-founder of *cognitio*, a student-led law journal and the publishing partner of this year's Doctoral Forum in Law & Humanities.

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Dario Haux studied law at the Humboldt-Universität zu Berlin, the Université de Genève and the Luiss Guido Carli University in Rome, focusing in particular on legal policy frameworks in a global context. After completing the first state examination, he took up his current post as research assistant at the University of Lucerne. In 2020 he earned a LL.M. degree from Columbia University Law School. Presently, Dario is preparing the defence of his PhD thesis, a legal-philosophical enquiry on the subject of "Digital Commons".

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Josephine Heinzlmann is a Bachelor student of law at the University of Lucerne, where she also works for the Chair of Legal Philosophy and Commercial Law with a focus on Intellectual Property Law and the Law of New Technologies. Still on the path to determining her exact niche, her otherwise broad interest is strongly drawn to the aforementioned subject areas. Wishing to broaden the scope of her studies, she completed an extracurricular semester in Philosophy and History at the University of Zurich in autumn 2019.

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Steven Howe is lecturer and senior research fellow at the University of Lucerne, where he also serves as Associate Director of the Institute for Interdisciplinary Legal Studies - *lucernaiuris*. He read German Studies at the universities of Manchester and Hamburg, holds a PhD in European Languages and Cultures from the University of Exeter, and in 2017 was a visiting fellow at the Humanities Research Centre of the Australian National University in Canberra. His current research focuses on the intersections between law, art and politics across diverse contexts. Recent publications include articles on law and cinema in Weimar Germany, on clemency and statehood in nineteenth-century drama, and on contemporary verbatim theatre as a site of legal critique. Contact: steven.howe@unilu.ch

Stephanie Wirz obtained her Master of Law degree with a specialization in transnational law in 2014 at the university of Basel, Switzerland. After completing her studies, Stephanie served a number of internships at various courts, at a foundation for the protection of animals and in the pharmaceutical industry. Most recently, she was employed as an academic associate in a Swiss cantonal administration. In September 2019, she took up a position as an academic assistant at the Chair of Legal History and Legal Theory with Prof. Michele Luminati at the University of Lucerne, where she currently is researching about indigenous peoples of North America. Contact: stephanie.wirz@unilu.ch

Zoom Link

The forum will be hosted on Zoom. Please find the link [here](#).

Meeting ID: 953 3588 2556

Password: 129834765

'Social' Programme

In usual times, we would host an informal social gathering for all forum participants - as an opportunity to relax, chat and make new friends. These are not usual times, of course, and in our covid-forced virtual existence our hands are somewhat tied. As a gesture of goodwill and camaraderie, however, we would like to recommend a couple of films to hopefully help you unwind on Thursday evening - together with a traditional Swiss recipe to enjoy on the side.



Our first suggestion is Yorgos Lanthimos's *The Favourite* (2018). Blackly comic, and at times brutally wicked, the film revolves around a love triangle between a queen and two courtiers who compete for her attention while manipulating her affections for their own ends. A sharp and cynical sendup of monarchy and court life, *The Favourite* also poses unsettling questions about power, authority, control and desire.

As an alternative for those who may have seen *The Favourite*, or perhaps do not feel particularly compelled to watch it, we recommend Fritz Lang's 1931 classic *M*. Often claimed as the first serial killer film, *M* weaves its plot around and through urgent contemporary concerns with the nature of law, rights, justice and punishment. A vivid snapshot of a society on the cusp of Nazism, the film retains a timeless quality that continues to resonate. A subtitled version is freely available online [here](#).



Our culinary recommendation is as classical as can be - that perennial Swiss favourite, the Röstli. Warm, hearty and made with ingredients that should be easy to source for all. The Helvetic Kitchen offers one recipe suggestion [here](#); others can be found readily online.