

Human Rights in Literary Studies

James Dawes*

ABSTRACT

This article examines the state of the field in literature and human rights and, more generally, analyzes the relationship between ethics and aesthetics. It gives special attention to the paradox of representing suffering: namely, that speaking for others is both a way of rescuing and usurping the other's voice. The use of individual narratives depicting inhumane treatment is important in supporting the human rights regime, which in the long run may limit suffering, but such narratives may also cause further suffering for the victim whose story is told.

I. INTRODUCTION

After years spent interacting with human rights and humanitarian fieldworkers, I have come to believe that human rights work is, at its heart, a matter of storytelling. Many of the most recognizable organizations that intervene in humanitarian crises do so in large part by using language instead of food, medicine, or weapons; the most important act of rescue for them is not delivering supplies but asking questions, evaluating answers, and pleading with those of us who observe from a distance. Indeed, for those in need of rescue and care, the hope of being able to tell the story is sometimes the only hope. How do you make your case? Get someone to believe you? Get someone to speak for you? One delegate in the International Committee of the Red Cross put it to me this way:

* James Dawes is the founder and director of the Program in Human Rights and Humanitarianism at Macalester College. He is the author of *That the World May Know: Bearing Witness to Atrocity* (Harvard University Press, 2007) and *The Language of War: Literature and Culture in the US from the Civil War through World War II* (Harvard University Press, 2002), along with numerous articles appearing in such journals as *Critical Inquiry* and the *Yale Journal of Law & the Humanities*.



For outsiders, and to get money from sponsor governments, what you have to show is airplanes, and big trucks full of food, and field hospitals filled and packed with wounded people—because this type of work can be shown. But most of the work that we do is just talking. Really, what is at the heart of the ICRC is to make representations.¹

South Africa's Truth and Reconciliation Commission (TRC) is a powerful example of the way storytelling can be both the means and ends of human rights work. The TRC was arguably one of the most visible acts of collective storytelling in the history of human rights endeavors, but it is far from unique. It was quite self-consciously an exercise in narration and healing. In its final report the TRC frequently described the "therapeutic process" of "giving victims an opportunity to tell their stories,"² and the "healing potential of telling stories."³ In one section it described how survivors "approached the Commission almost in a foetal position" but after telling their stories "walked tall."⁴ The TRC has also, of course, been rebuked for the way its attempts to promote public catharsis sometimes retraumatized survivors. Such criticisms, however, only add painful urgency to the claim that human rights workers must make it a primary goal to better understand narrative and its relationships to identity, emotion, and self-understanding.

One of the tenets of literary studies is that storytelling is essential to how we come to be who we are. We make sense of ourselves and our lives, individually and collectively, by telling stories. Basic work in social psychology supports this idea: some key studies on altruism, for instance, argue that our choices about whether or not to help in certain circumstances are dependent upon a "self-concept" we develop based on the stories we have learned to tell ourselves to explain our sometimes arbitrary past actions ("I've always been the kind of person who helps in similar circumstances—I should do so now"). This means that when considering basic issues about the "self" that are fundamental to the work of human rights and humanitarianism—sympathy, community building and activism, trauma and recovery (to name just a few)—we need to be highly sensitive to the structure of narrative and the role of storytelling.

This essay will elaborate these and other issues by assessing the contributions literary studies has made both to our understanding of human rights and to the development of the human rights regime. It will proceed by examining a series of related paradoxes. First, the paradox of beauty: that aesthetics and aesthetic experience promote human dignity, but also cloak ideologies that diminish human dignity. Second, the paradox of truth: that

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1. JAMES DAWES, *THAT THE WORLD MAY KNOW: BEARING WITNESS TO ATROCITY* 78 (2007).
 2. TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA REPORT VOL. 1, at 144 (1998).
 3. *Id.* at 112.
 4. TRUTH AND RECONCILIATION COMMISSION OF SOUTH AFRICA REPORT VOL. 5, at 444 (1998).



human rights work grounds itself in the idea of truth, but that what counts as truth is not grounded. Third, the paradox of description: that language liberates us from coercion by creating protective boundaries, but that these boundaries also imprison and constrain us. Fourth, the paradox of suffering: that the use of individual narratives depicting inhumane treatment is important in supporting the human rights regime, which in the long run may limit suffering, but that such narratives may cause further suffering for the victim whose story is told. And fifth, the paradox of witnessing: that speaking for others is both a way of rescuing and usurping the other's voice.

II. BEAUTY

Let me begin with what might be called the deep history of literature and human rights. In *Inventing Human Rights*, Lynn Hunt makes the argument that the human rights movement was made possible by evolutions in narrative practice.⁵ She claims that modern conceptions of human rights are derived from the principles of the eighteenth-century Western Enlightenment, which in turn were made possible by (or developed the way they did because of) changing practices of storytelling: namely, the rise of the epistolary novel. Some of you may recall reading as undergraduates Samuel Richardson's *Pamela: Or, Virtue Rewarded* (1740). It's the story of a young maidservant—told through her letters—who successfully resists the sexual assaults of her master, Mr. B., and in so doing earns the “reward” of marriage to him. It's as hard to overstate the revolutionary popularity of this novel as it is for readers today to understand it. In one village, Hunt writes, “the inhabitants rang the church bells upon hearing the rumor that Mr. B. had finally married Pamela.”⁶ Arguing for something like an eighteenth-century version of the CNN effect, Hunt claims that widespread reading of newly available dramatic novels like this, centering on the emotions of common individuals, played an important role in developing a new sense of empathy for and the equality of distant persons.

Novels made the point that all people are fundamentally similar because of their inner feelings, and many novels showcased in particular the desire for autonomy. In this way, reading novels created a sense of equality and empathy through passionate involvement in the narrative. Can it be coincidental that the three greatest novels of psychological identification of the eighteenth century—Richardson's *Pamela* (1740) and *Clarissa* (1747–48) and Rousseau's *Julie* (1761)—were all published in the period that immediately preceded the appearance of the concept of “the rights of man”?⁷

5. See LYNN HUNT, *INVENTING HUMAN RIGHTS: A HISTORY* (2007).

6. *Id.* at 45–46.

7. *Id.* at 39.



Margaret Cohen argues similarly that the sentimental social novel turns “sentimentality’s psychological or social maxims into a political or social idea”; moreover, that such novels self-consciously position themselves “as participating in the march, if not the battle, for progress.”⁸ As Lynn Festa explains: the sentimental novel’s “repetition and rehearsal of emotions” for the disenfranchised contributed to the broad reimagination of a more inclusive human community.⁹ Novels like *Pamela* helped to “[carve] out a space of abstract humanity that anticipated the ideal of universality upon which Revolutionary doctrine was ideally or theoretically based.”¹⁰

Some have criticized such arguments for relying upon, without fully developing, a theory about how literary works perform a cultural labor that can bring about broad perceptual shifts. But whether or not it is true that the rise of the novel played a role in *causing* the changes that made modern human rights possible, it is certainly *reflective* of the changes. The novel, in other words, is an artistic form that is dependent upon a certain conception of the human (individualistic, autonomous, defined less by status than by valuable interior feelings which, implicitly, all can share)—a conception that is likely also a prerequisite for the modern, liberal conception of (natural, equal, and universal) human rights.

The current interest in the connection between narrative and human rights is perhaps best understood within the larger context of aesthetics and ethics in intellectual history, in the broad study of the way art provides a foundation for human dignity. The defense of poetry by what amounts to ethical consequence has a long history, going back at least as far as Aristotle, who argued that art can essentially train people to virtue. “Taste alone brings harmony into society, because it fosters harmony in the individual,” Schiller writes.¹¹ And Wittgenstein has written: “Ethics and aesthetics are one and the same.”¹² Writing after the French Revolution, William Wordsworth finds in the pleasure of poetry, “an acknowledgment of the beauty of the universe . . . homage paid to the native and naked dignity of man, to the grand elementary principle of pleasure, by which he knows, and feels, and lives, and moves.” This pleasure, he writes, is itself the foundation of universal human sympathy.

In spite of differences of soil and climate, of language and manners, of laws and customs: in spite of things silently gone out of mind, and things violently

8. MARGARET COHEN, *THE SENTIMENTAL EDUCATION OF THE NOVEL* 145, 161 (1999).

9. Lynn Festa, *Sentimental Bonds and Revolutionary Characters: Richardson's Pamela in England and France*, in *THE LITERARY CHANNEL: THE INTER-NATIONAL INVENTION OF THE NOVEL* 73, 85 (Margaret Cohen & Carolyn Dever eds., 2002).

10. *Id.* at 91.

11. FRIEDRICH SCHILLER, *ON THE AESTHETIC EDUCATION OF MAN* 215 (1967).

12. LUDWIG WITTGENSTEIN, *TRACTATUS LOGICO-PHILOSOPHICUS* 147, ¶ 6.421 (D.F. Pears & B.F. McGuinness trans., Routledge & Kegan Paul 1961) (1921).



destroyed; the Poet binds together by passion and knowledge the vast empire of human society, as it is spread over the whole earth, and over all time.¹³

This Romantic view of art, long dismissed, has resurged of late in a series of works arguing that the aesthetic as a category helps us develop not only richer lives but also better social arrangements. In *On Beauty and Being Just*, Elaine Scarry argues that the transcendent experience of beauty prepares us for justice by temporarily making us forget ourselves (stripping us, in other words, of our self-centeredness) and also by inspiring us to share the beautiful artifact with others, thus training us in symmetry and fair distribution (for Scarry, the double meaning of fair is material rather than accidental).¹⁴ Marcia Muelder Eaton, in response to the complaint of many philosophers that aesthetics has been ignored in the discipline,¹⁵ has argued in *Merit, Aesthetic and Ethical* that “aesthetic response, like emotion, is tied to a culture’s moral order and, like emotions, will be used to prescribe and proscribe the sort of life one has and leads.”¹⁶ In *Love’s Knowledge*, Martha Nussbaum also attempts to unite philosophical ethics and literary aesthetics, drawing upon the practices of the Greeks of the fifth and early fourth centuries B.C. for whom “dramatic poetry and what we now call philosophical inquiry in ethics were both typically framed by, seen as ways of pursuing, a single and general question: namely, how human beings should live.”¹⁷ Moreover, in co-constructing with Amartya Sen the highly influential “capabilities approach” (the idea that we should evaluate principles of social organization based on how well they promote human flourishing by allowing for the functioning of universal, basic capabilities) Nussbaum has emphasized the capacity for aesthetic expression as an important element in deriving a universal ethics.¹⁸ We value art because art is, in a sense, essential to the free and full development of personality, because it promotes human flourishing. As Helen Vendler explains (quoting Wallace Stevens), art brings us into “a pervasive being”:

To lack a pervasive being is to fail to live fully. A pervasive being is one that extends through the brain, the body, the senses, and the will, a being that spreads to every moment, so that one not only feels what Keats called “the poetry of earth” but responds to it with creative motions of one’s own.¹⁹

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13. WILLIAM WORDSWORTH, *SELECTED POEMS AND PREFACES* 454–56 (Jack Stillinger ed. 1965).
 14. ELAINE SCARRY, *ON BEAUTY AND BEING JUST* (1999).
 15. See Jane Forsey, *The Disenfranchisement of Philosophical Aesthetics*, 64 *J. HIST. IDEAS* 581 (2003).
 16. MARCIA MUELDER EATON, *MERIT, AESTHETIC AND ETHICAL* 18 (2001).
 17. MARTHA C. NUSSBAUM, *LOVE’S KNOWLEDGE: ESSAYS ON PHILOSOPHY AND LITERATURE* 15 (1990).
 18. MARTHA C. NUSSBAUM, *WOMEN AND HUMAN DEVELOPMENT: THE CAPABILITIES APPROACH* 70–79 (2000).
 19. Helen Vendler, *The Ocean, the Bird, and the Scholar: How the Arts Help Us to Live*, *NEW REPUBLIC*, 19 July 2004, at 29.



Art is, after all, a human right, protected by Article 27 of the Universal Declaration of Human Rights. Even the foundational documents of human rights, it might be argued, are designed according to aesthetic principles. René Cassin himself compared the Universal Declaration to the portico of a temple, and in so doing invited us to consider how the document's formal construction reinforces the values it attempts to elucidate: not simply that such architecture persuades us with its stately solidity and implications of the sacred, but that its interior principle of symmetry is itself the principle of justice.²⁰

Interestingly, most contemporary literary critics have been slow to embrace aesthetics as a category. When they have, they have tended to formulate the good of art according to principles different from those above: the moral utility of aesthetics is seen primarily as a matter of ideology critique. Marxist literary critic Terry Eagleton allows that while the aesthetic is "inseparable from the construction of the dominant ideological forms of modern class-society, and indeed from a whole new form of human subjectivity appropriate to that social order," it also "provides an unusually powerful challenge and alternative to these dominant ideological forms."²¹ In *The Radical Aesthetic* Isobel Armstrong goes further, chiding Eagleton for his parsimony and celebrating the "democratic and radical potential of aesthetic discourse."²² As Murray Krieger (a critic probably never before paired with Eagleton) declaims, in what is described as the "general thesis" of the collection *Revenge of the Aesthetic*: "the aesthetic can have its revenge upon ideology by revealing a power to complicate that is also a power to undermine."²³

Such declarations notwithstanding, the return of aesthetics as a category of interest in literary criticism and theory has generated significant suspicion. The language of aesthetics—rapture, soul, transcendence, flourishing, beauty—is perceived by some to be the verbal equivalent of the magician's distracting hand flourishes, flying doves, and glittery assistants, hiding a much more simple move he doesn't want you to see: in this case, the rushed burial of "identity politics" and the attempt to fortify the return to universalizing humanism, with all the risks this entails. In *The Philistine Controversy*, for instance, Dave Beech and John Roberts warn against a loose grouping of related works they call "the new aestheticism"—that is, work from the purported political left that seeks a "transcendental ethics" through art's resistance to instrumental reason.²⁴ Beech and Roberts argue that by

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20. On the form of the Universal Declaration, see MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* 174 (2001). On symmetry as the principle of justice, see SCARRY, *supra* note 14, at 93–109.
 21. TERRY EAGLETON, *THE IDEOLOGY OF THE AESTHETIC* 3 (1990).
 22. ISOBEL ARMSTRONG, *THE RADICAL AESTHETIC* 2 (2000).
 23. Michael P. Clark, *Introduction*, in *REVENGE OF THE AESTHETIC: THE PLACE OF LITERATURE IN THEORY TODAY* 11 (Michael P. Clark ed., 2000).
 24. Dave Beech & John Roberts, *Spectres of the Aesthetic*, in *THE PHILISTINE CONTROVERSY* 14 (Dave Beech & John Roberts eds., 2002).



resorting to a concept of art's autonomy such criticism is a "diminishment" of historicist scholarship and ideology critique, a refusal to acknowledge that it is a "political achievement that the grand humanist categories and canonic distinctions of dominant culture have been fractured according to the specificities and fault-lines of class, race, gender and sexuality."²⁵

The fault-lines of class, race, gender and sexuality are often categorized in shorthand as "identity politics," a woefully inadequate term denoting a complex array of academic discourses, including work that uses the texts and methods of literary and cultural studies to understand local and global forms of identity, often organized around terms like postcolonial, diaspora, transnational, and globalization.²⁶ In the arts, such scholarship often self-consciously views itself as a kind of politicized academic work committed to human rights, but it achieves this by moving in the opposite direction of what might be called the Wordsworthian tradition detailed above. Rather than exploring the relationship between art and the promotion of human dignity, it *interrogates* it. How do cultural artifacts like novels or other kinds of texts train individuals and communities to perceive and judge racial, sexual, or gender difference? How do institutions establish canons of art, and how might the artworks thus canonized function to naturalize certain views on race, class, or gender? In fact, in such work it is not simply the products of culture but the very formulation of culture itself that prescribes or proscribes emancipatory possibilities. How do the forms of knowledge and concepts of the authoritative underlying aesthetic discrimination prepare us for discrimination of other sorts? Here's how Pheng Cheah summarizes the argument that our conception of what "culture" is (and what "identity" is within culture) can have important implications for our understanding of the possibility for social change:

Hybridity theorists . . . suggest that positivist accounts of culture as an empirical object that is merely given can have violent consequences because such accounts can be used to justify historical cases of social hegemony or oppression. If, however, we view culture as something constructed by discourse or signification, then the subject of culture becomes the site of permanent contestation.²⁷

If there is a single question underlying such work, as it is relevant to thinking about rights, it is this: how does art constitute the human, and what

25. *Id.* at 32.

26. Brenda Carr Vellino argues for human rights as a unifying framework for understanding the plenitude of issues in these categories. She writes: "A human rights framework provides a unifying matrix for issue-based teaching that derives from a critical rainbows approach combining insights from feminisms, queer theory, critical race theory, critical multiculturalism, and postcolonial and ecological theory." See Brenda Carr Vellino, *Everything I Know about Human Rights I Learned from Literature: Human Rights Literacy in the Canadian Literature Classroom*, in HOME-WORK: POST-COLONIALISM, PEDAGOGY, AND CANADIAN LITERATURE 141 (Cynthia Sugars ed., 2004).

27. PHENG CHEAH, INHUMAN CONDITIONS: ON COSMOPOLITANISM AND HUMAN RIGHTS 84 (2006).



implications does this have for human rights? Perhaps it's best to bring this section to a close with a specific example. In *Human Rights, Inc.*, literary critic Joseph Slaughter analyzes UN debates over the proposed Universal Declaration of Human Rights, giving particular focus to the arguments generated around Article 29: "Everyone has duties to the community in which alone the free and full development of his personality is possible."²⁸ Fernand Dehousse, Belgium's delegate, objected to versions of the community-oriented language, citing the novel *Robinson Crusoe* in his effort to justify his position: man, the novel shows, does not need a community to freely develop his personality. Isolated, self-inventing, concerned with his own freedoms and possessions rather than with his duties to others, Dehousse's Crusoe is an embodiment of the negative model of liberal personhood so often criticized by communitarian scholars. With this high-profile invocation of Crusoe, we see the cultural training and biases that were responsible for the demotion of economic, social, and cultural rights over the next several decades. Indeed, in such moments scholars like Slaughter see hints of the Western cultural imperialism that infuses the human rights regime. As Edward Said writes: "The prototypical modern realistic novel is *Robinson Crusoe*, and certainly not accidentally it is about a European who creates a fiefdom for himself on a distant, non-European island."²⁹

III. TRUTH

The question of cultural imperialism—identity politics writ large—is ever present in human rights discourse. What can possibly provide grounding to a discourse that is both universalizing and fundamentally devoted to respecting the incalculable diversity of persons and cultures? This is a question that is, I think, fruitfully unanswerable. In my own work, I've tried to reframe its fundamental concern in a much smaller way, as a question particularly relevant to art professionals interested in human rights: namely, how do we speak for others? Key here is what might be called the paradox of representing suffering: that is, to stop people from being injured, we have to tell the story of what's happening; but in telling the story, we often end up injuring people in unexpected ways. How can you tell the story of somebody's most abject moments without also in some way reproducing the pain of those moments? How can you be effective in gathering accurate information and moving your audience to action while avoiding the trap of "interrogating" survivors or commodifying their suffering? How do you resolve the paradox that your audiences hunger for images and stories of human calamity both

28. JOSEPH SLAUGHTER, *HUMAN RIGHTS, INC.: THE WORLD NOVEL, NARRATIVE FORM, AND INTERNATIONAL LAW* (2007).

29. EDWARD SAID, *CULTURE AND IMPERIALISM* xii (1994).



because they want to understand their world and their moral responsibilities in it and because they are voyeuristic? What, ultimately, are the psychic costs of storytelling to the storyteller, the audience, and the person whose story is being told? And perhaps most important, what makes these acts of storytelling more or less effective in changing the world?³⁰

In literary and cultural studies, the question of how to speak on behalf of others often begins as a matter of genre study. In *Beyond Terror: Gender, Narrative, Human Rights*, Elizabeth Swanson Goldberg analyzes how “classic Hollywood generic conventions” lead to the “obliteration of the other’s suffering” in films ostensibly dedicated to revealing human rights violations.³¹ In *Human Rights and Narrated Lives*, Kay Schaffer and Sidonie Smith analyze the genres of the US prison memoir and the NGO prison report to show how mainstream organizations attempt to give power to the voice of others, and to use the power of the voice of others, while retaining a kind of objectivity that provides ethical insulation. The classic model for understanding detention, they note, derives from Peter Berensen’s “An Appeal for Amnesty 1961” in the *London Observer*, calling into being Amnesty International by organizing outrage over what he termed “prisoners of conscience.” Given that audiences of human rights narratives are deeply conditioned by this un-narrative of innocent victims, how can genres of work by and about *criminals* be effective? Tracking the strategies Human Rights Watch uses in constructing a report on US prisons, Schaffer and Smith identify a series of generic moves that are themselves responses to this deeply embedded sense of genre. They note, for instance, the way short pieces of testimony describing prison rape in “ungrammatical, fitful, brutally direct” detail are embedded in the authoritative, objective language of human rights, and how these powerful but controlled glimpses into prison life are attached to very selective biographies: inmates convicted for property crimes as juveniles are chosen over those convicted for violence against persons. These biographies are, further, very careful about the way they frame prisoners as agents: action as such is not avoided—helpless victimization being as alienating as threatening capacity to act—but is rather reframed, expressed through stories of successful advocacy on the part of the inmates. Schaffer and Smith explain how this combination of moves underscores “the importance to an activist agenda of turning the inmate/perpetrator into victim/activist,” and offer this as a formula for better understanding other works in the genre of prison memoir.³²

Such studies can be matters of local, practical understanding of texts, as above, but because they focus on the processes through which we cre-

30. For more on these questions, see Dawes, *supra* note 1.

31. ELIZABETH SWANSON GOLDBERG, *BEYOND TERROR: GENDER, NARRATIVE, HUMAN RIGHTS* 30–31, 41 (2007).

32. KAY SCHAFFER & SIDONIE SMITH, *HUMAN RIGHTS AND NARRATED LIVES: THE ETHICS OF RECOGNITION* 175–76 (2004).



ate public identities, or *personae*, they can also become opportunities for examining deeper, and more volatile, questions about the nature of truth and fiction. One of the most recognizable instances of the way debates about literary genre and human rights can explode in this way is the case of *I, Rigoberta Menchú*. In his seminal work, John Beverley presented *I, Rigoberta Menchú* as a model for understanding and organizing a wide range of Latin American Spanish writing. Beverly was working in the tradition of Marxist literary theory, which argues that literary genres emerge as ideological practices for producing subjects consistent with broad economic and cultural transitions—in a plain language example, because the shift to capitalism, for instance, required people to re-understand themselves as autonomous and individualistic rather than, say, communally determined. Various forms of cultural expression began to help model that new kind of personhood. Beverley argued that, in our time, watershed cultural, political, and economic changes were producing and being produced by a genre called *testimonio* (roughly, a first person novel-length narrative, told by the witness of the events—often through an editor or “compiler”—that depicts a collective social problem through the individual’s life narrative).³³ The *testimonio*, he wrote, embodied “the social forces contending for power in the world today,” including movements of ethnic or national liberation and the women’s liberation movement; studying this genre could, therefore, help us see more clearly the possibilities for emancipation in our time.³⁴ Beverley offered *I, Rigoberta Menchú* as an important case study.

I, Rigoberta Menchú was at that point already at the center of a literary and political controversy. When Stanford in 1988 replaced its “Western culture” course requirement with the more intellectually inclusive “CIV” (Culture, Ideas and Values), the *Wall Street Journal* editorialized in outrage:

Of the 15 great works previously required, only six remain. The rest have been replaced by lesser known authors. Dante’s “Inferno” is out, for example, but “I . . . Rigoberta Menchú” is in. This epic tracks Ms. Menchú’s progress from poverty to Guatemalan revolutionary and “the effects on her of her feminist and socialist ideologies.” . . . The 18-year-old freshmen end their first term at Stanford with seven classes on Forging Revolutionary Selves. Much of this amounts to an intellectual fashion known as “deconstruction”—reading texts not as inherently worthy but to serve some professor’s private agenda. We await the lecture that interprets Marx (still required) through the work of Groucho and Harpo.³⁵

Three years later Menchú received the Nobel Peace Prize, and the plight of Guatemalan Indians received worldwide attention. Soon after, the powerful conservative backlash was revived when anthropologist David Stoll charged

33. JOHN BEVERLEY, *TESTIMONIO: ON THE POLITICS OF TRUTH* 31 (2004).

34. *Id.* at 30.

35. Editorial, *The Stanford Mind*, WALL ST. J., 22 Dec. 1988, at A14.



Menchú with fabricating key details of her story. In an early reply to this charge, Beverly wrote: "There is not, outside of discourse, a level of social facticity that can guarantee the truth of this or that representation, given that what we call 'society' itself is not an essence prior to representation but precisely the consequence of struggles to represent and over representation."³⁶ In response to these sorts of arguments, conservatives like David Horowitz harshly attacked the credibility of "human rights leftists" (his essay in *Salon* on the topic was called "I, Rigoberta Menchú, Liar.")³⁷ Did Rigoberta Menchú tell the truth? Did she lie? What counts as "the truth"? As discussion proceeded, *I, Rigoberta Menchú* became an opportunity for scholars and activists to examine the role of storytelling in human rights advocacy. It was not, Beverly insisted, a matter of unscrupulous "deconstruction" or postmodern recklessness, but rather a matter of negotiating the complicated relationships among truth telling, politics, trauma, and memory, of understanding the way narrative structures all political discourse.

What *I, Rigoberta Menchú* forces us to confront is not someone who is being represented for us as *subaltern*, but rather an active agent of a transformative cultural and political project that aspires to become hegemonic in its own right: someone, in other words, who assumes the right to tell the story in the way she feels will be most effective in molding both national and international public opinion in support of the ideas and values she favors, which include a new kind of autonomy and authority for indigenous peoples.³⁸

As Doris Sommer emphasizes, Rigoberta Menchú's testimony came as a series of responses to "possibly impertinent questions" from the anthropologist Elizabeth Burgos Debray. Menchú, Sommer writes, exercised a kind of "uncooperative control" that turned "a potentially humiliating scene of interrogation into an opportunity for self-authorization."³⁹ How, indeed, do we speak for others?

I, Rigoberta Menchú is certainly an exceptional case, but as Shoshana Felman and Dori Laub reveal, truth and storytelling can be a complex problem for human rights work in a range of ways. They recall the testimony of a Holocaust survivor who, describing an uprising at Auschwitz, spoke in detail about the sight of four chimneys being blown up. Because, in fact, only three chimneys were blown up, some historians were insistent that her testimony as a whole could not be accepted. "It was utterly important to remain accurate, lest the revisionists in history discredit everything." One psychoanalyst disagreed, explaining:

36. BEVERLEY, *supra* note 33, at 73.

37. David Horowitz, *I, Rigoberta Menchú, Liar*, SALON, 11 Jan. 1999, available at <http://www.salon.com/col/horo/1999/01/11horo.html>.

38. BEVERLEY, *supra* note 33, at 92–93.

39. DORIS SOMMER, PROCEED WITH CAUTION, WHEN ENGAGED BY MINORITY WRITING IN THE AMERICAS 116, 120 (1999).



The woman was testifying not to the number of the chimneys blown up, but to something else, more radical, more crucial: the reality of an unimaginable occurrence. One chimney blown up in Auschwitz was as incredible as four. The number mattered less than the fact of the occurrence. The event itself is almost inconceivable. The woman testified to an event that broke the all compelling frame of Auschwitz, where Jewish armed revolts just did not happen, and had no place. She testified to the breakage of a framework. That was historical truth.⁴⁰

IV. DESCRIPTION

Related to but distinct from the question of truth and fiction is the question of referentiality. Doris Sommer summarizes the issue this way, referring to *I, Rigoberta Menchú*:

Some academic readers of testimonials have fixed only on the reality of reference. To worry about the instability of the signifier and the need to reinvent language as part of political struggle seems treacherous; it tends, so the argument goes, to reinforce the system of oppression by doubting its effects. Their response is to highlight the power of the existing order in order to affirm the efficaciousness of struggle against it. A couple of opportunities are lost here: first, the irony that can help to wither the apparent stability of the ruling structure, and second, the testimonials' playful—in the most serious sense of that term—distance from any pre-established coherence. That distance creates the space for what Mikhail Bakhtin (1980) called heteroglossia, the (battle)field of discourse where revolutions are forged from conflict, not dictated.⁴¹

Sommer's short comments have a deep background, and are perhaps clearer for those familiar with the debates that preceded her. Drawing on works of poststructuralism, political theory, and philosophy, literary critics have tried to develop systems for thinking about meaning and language that have far-reaching implications for ethical systems achieved through language (like the human rights regime). Analyzed at the broadest level, literary critics have essentially divided themselves into two camps. Each has a different theory for the nature of language and communication, and each attempts to apply its theory of language to understand the nature of language artifacts like human rights law. On the one hand is a cluster of scholars and schools of thought associated with what might be called the emancipatory model of language. The essential idea here is that democratic language practices emancipate us from the reign of force. Perhaps the most frequently referenced thinker

40. SHOSHANA FELMAN & DORI LAUB, TESTIMONY: CRISES OF WITNESSING IN LITERATURE, PSYCHOANALYSIS, AND HISTORY 60 (1992).

41. SOMMER, *supra* note 39, at 135.



in this group is Jürgen Habermas, who argues (in brutal shorthand) that reciprocally sincere, mutual understanding is the telos that determines the interior structure of discourse. On the other hand is an even more diverse collection of scholars associated with the disciplinary model of language. The one thinker uniting most in this category is Jacques Derrida. The essential thought here, again in brutal shorthand, is that close attention to how language works must always reveal that meaning is inherently unstable; it follows from this that the attempt to fix meaning is something like an act of force, an almost violent attempt to make something contingent seem true, natural, or permanent. Supplemented by Foucault's theory of power, the argument runs that because we are constituted by language (to live is to be constantly named or categorized by others, to be functional only because one has been thus "defined") we come into being as *subjects* of power, and that this subjection is so complete, so thoroughly internalized, that we experience it not as limitation but rather as the expression of our individuality, personhood, and freedom.⁴²

To give a fuller sense of the way these views are expressed by contemporary literary critics, let me juxtapose two quotations from two literary critics who worked together in the same English department, both talking about language and Amnesty International. Discussing human rights practice and discourse, Barbara Johnson writes:

While Amnesty International operates under the assumption that the arbitrary imprisonment of individuals by governments for reasons of conscience is a transgression of human rights, Foucault, in a sense, sees the evil of such imprisonment as a matter of degree rather than kind, since on some level the very definition of the "human" at any given time is produced by the workings of a complex system of "imprisonments."⁴³

Contrast this with Elaine Scarry, describing how in prison camps around the world the barest achievements of communication can be a startling triumph over the "unthinkable isolation" of torture:

The prisoner who, alone in long solitary confinement and repeatedly tortured, found within a loaf of bread a matchbox containing a small piece of paper that had written on it the single, whispered word "Corragio!," "Take courage"; the Uruguayan man arranging for some tangible signal that his words had reached their destination, "My darling, if you receive this letter put a half a bar of Boa soap in the next parcel"; the imprisoned Chilean women who on Christmas Eve sang with all their might to their men in a separate camp the song they had written, "Take heart, Jose, my love" and who, through the abusive shouts

42. For more on these opposed theoretical perspectives, see JAMES DAWES, *THE LANGUAGE OF WAR: LITERATURE AND CULTURE IN THE US FROM THE CIVIL WAR THROUGH WORLD WAR II* 1–23 (2002).

43. Barbara Johnson, *Introduction*, in *FREEDOM AND INTERPRETATION: THE OXFORD AMNESTY LECTURES 1992*, at 1, 6 (Barbara Johnson ed., 1993).



of guards ordering silence, heard “faintly on the wind . . . the answering song of the men”—these acts and their multiplication in the extensive and ongoing attempts of Amnesty International to restore to each person tortured his or her voice, to use language to let pain give an accurate account of itself, to present regimes that torture with a deluge of letters and telegrams, a deluge of voices speaking on behalf of, voices speaking in the voice of, the person silenced, these acts that return to the prisoner his most elemental political ground as well as his psychic content and density are finally almost physiological in their power of alteration. As torture consists of acts that magnify the way in which pain destroys a person’s world, self, and voice, so these other acts that restore the voice become not only a denunciation of the pain but almost a diminution of the pain, a partial reversal of the process of torture itself.⁴⁴

Where those working in the tradition of poststructuralism have tended to characterize the attempt to achieve fixed meaning as a form of coercion (as in, you are a “savage” or “queer”), those working in the Habermasian tradition have argued that, on the contrary, violence is released precisely when fixed meaning fails (“It is not really clear what the Geneva Conventions require, is it? We can’t really agree what the word torture means, can we?”). In other words, where one group would see human rights law, and the international deliberation that produces human rights law, as an important part of what makes self-realization possible for global citizens, the other would see it as a classic instance of the theory of subject interpellation, which depicts the individual as constituted through the ideology and language of a culture or social system in much the same way that a pedestrian is hailed and accosted on the street by a police officer. In a recent special issue of PMLA on human rights and the humanities, Samera Esmeir makes a basic case for this latter tradition, explaining that international human rights law transforms “humanity into a juridical status, which precedes, rather than follows and describes, all humans.” In other words, law aspires to call into existence and to constitute “a human who would otherwise remain nonhuman”;⁴⁵ it thereby risks “erasing all other humanities, not only in imposing its particular vision of humanity but also, and more crucially, in erasing their past existence before the law’s intervention.”⁴⁶ As Joseph Slaughter writes, international human rights are “necessary but suspicious vehicles” that “project a new universal, international citizen-subjectivity” through “monadic, self-sufficient Enlightenment individualism,” “historically narrow, generic universalism,” and “residual nationalism.”⁴⁷

44. SCARRY, *supra* note 14, at 50.

45. Samera Esmeir, *On Making Dehumanization Possible*, 121.5 PMLA 1544 (2006).

46. *Id.* at 1547.

47. SLAUGHTER, *supra* note 28, at 33.



V. SUFFERING

Another way of framing this opposition in the function of meaning is to consider the role of language in trauma theory. As Scarry's comment reveals, one very powerful model posits language as, in important ways, the unmaking of trauma: to bring physical or psychic damage into language is to lift it out of the body or mind into the world, where it can be repaired or, at the very least, distanced. To transform pain into language is to exert control over it, to undo pain's original theft of our autonomy. By another model, however, such acts of control and repair are themselves a new kind of injury, a turning of the screw in the process of trauma. Cathy Caruth highlights the costs of converting deep shock into coherent life narrative:

The trauma thus requires integration, both for the sake of testimony and for the sake of cure. But on the other hand, the transformation of the trauma into a narrative memory that allows the story to be verbalized and communicated, to be integrated into one's own, and others', knowledge of the past, may lose both the precision and the force that characterizes traumatic recall. . . . [T]he capacity to remember is also the capacity to elide or distort, and in other cases . . . may mean the capacity simply to forget. Yet beyond the loss of precision there is another, more profound, disappearance: the loss, precisely, of the event's essential incomprehensibility, the force of its *affront to understanding*.⁴⁸

As Claude Lanzmann declares, "There is an absolute obscenity in the very project of understanding."⁴⁹

In such arguments many hear the echo of Theodor Adorno's enduring claim: "To write poetry after Auschwitz is barbaric." In giving voice to suffering we can sometimes moderate it, even aestheticize it. As Adorno argues, the artistic depiction of pain, "contains, however remotely, the power to elicit enjoyment out of it." Through the stylization of violence, he warns, "an unthinkable fate appear[s] to have had some meaning; it is transfigured, something of its horror is removed. This alone does an injustice to the victims."⁵⁰ Scholar John Treat, discussing the literature of atrocity, explains that the genre necessarily suffers "a nagging doubt that it may somehow constitute a moral betrayal."⁵¹ The "pleasure" of form, he argues, "is to be distrusted: a belief in the human instinct for form may make us think that the

48. Cathy Caruth, *Recapturing the Past: Introduction*, in *TRAUMA: EXPLORATIONS IN MEMORY* 151, 153–54 (Cathy Caruth ed., 1995).

49. Claude Lanzmann, *The Obscenity of Understanding: An Evening with Claude Lanzmann*, in *TRAUMA*, *supra* note 47, at 200, 204.

50. Theodor Adorno, *Commitment*, in *THE ESSENTIAL FRANKFURT SCHOOL READER* 300, 312–13 (Andrew Arato & Eike Gebhardt eds., 1982). On readings and misreadings of Adorno's comment, see Michael Rothberg, *After Adorno: Culture in the Wake of Catastrophe*, 72 *NEW GERMAN CRITIQUE* 45–48 (1997).

51. JOHN WHITTIER TREAT, *WRITING GROUND ZERO: JAPANESE LITERATURE AND THE ATOMIC BOMB* 43 (1995).



well-executed lyric or novel can restore coherence, through its own internal order, to even a disintegrating world."⁵² As he concludes: "When someone argues that a literature of atrocity is a priori impossible because words do not, will not, suffice, that person is also insisting that he steadfastly refuses to cooperate with any such attempt and means for that stubborn insistence to suffice as its own message."⁵³

VI. WITNESSING

Perhaps the best way to close this essay is to return to the beginning, back to consideration of the direct, often painful testimony and storytelling that subtends so much human rights and humanitarian work. We are now, seemingly, quite a distance from these more visceral questions, but even at this level of high theory the most basic concern (and, indeed, ethical impulse) is the same: what are the ethical risks and obligations of our language practices? Emmanuel Dongala is the author of *Johnny Mad Dog*, a novel about a child soldier in the Congolese civil war. Dongala was himself a refugee from the war, saved from likely death by a group of humanitarian workers. Dongala knew the only reason the humanitarian workers had been able to reach him was because they had been able to raise money and gain access by revealing dramatic stories, like his, about suffering in Congo; he knew, in that moment of his rescue, that he was trading his story for his life. But he was also emphatically, painfully aware of the dehumanizing quality of such storytelling, aware that the price of each such rescue was a solidification of the image of the suffering African, the African whose natural state is suffering. But it wasn't just that such images contributed to the racist logic manifest in, for instance, the statement attributed to François Mitterrand when discussing Rwanda: "In countries like that, a genocide is not very important."⁵⁴ It was that such storytelling involved a kind of theft not dissimilar to the theft of war looting itself. As a young African woman explains in Dongala's novel, in response to the impassioned plea by a Western journalist to allow her to film her dying mother: No, this was "*our* suffering, *our* pain. . . . We had the right to keep it private."⁵⁵

52. *Id.* at 39.

53. *Id.* at 28.

54. William Pfaff, *An Active French Role in the 1994 Genocide in Rwanda*, INT'L HERALD TRIB., 17 Jan. 1998, Opinion, at 6.

55. EMMANUEL DONGALA, *JOHNNY MAD DOG* 147 (2006).



Contributors

Paige Arthur is Deputy Director of the Research Unit at the International Center for Transitional Justice (ICTJ), where she currently manages a project on identity politics and transitional justice. For more than five years, she was an editor of the journal *Ethics & International Affairs*, published by the Carnegie Council for Ethics in International Affairs. She was also the Senior Program Officer for the Ethics in a Violent World initiative at the Carnegie Council. Her most recent work includes this history of the field of transitional justice and an article on transitional justice as a response to ethnic conflict. She has also published articles on political violence, decolonization, and identity politics in *Theory & Society*, *Ethics & International Affairs*, and the book *Race After Sartre* (Jonathan Judaken ed., 2008). She holds a Ph.D. in European history, focusing on European decolonization, from the University of California, Berkeley, and a B.A. in International Relations from the Johns Hopkins University. Her first book, *Unfinished Projects: Decolonization and the Philosophy of Jean-Paul Sartre*, (Forthcoming Verso Books in 2010).

Jacqueline Bhabha is the Jeremiah Smith, Jr. Lecturer in Law at Harvard Law School. She is also a lecturer in public policy at the Harvard Kennedy School. She directs Harvard's University Committee on Human Rights Studies. The author of numerous articles on refugee protection, migration, and asylum, she is working on a book on child migrants. Prior to working in the academy, she was a practicing human rights lawyer in the United Kingdom.

Ken Betsalel is Professor of Political Science at the University of North Carolina-Ashville. His areas of interest include political theory, human rights, and documentary photography and film. He received his Ph.D. from the University of California, Berkeley.

Dana Dasch-Goldberg is a Program Assistant at the Bellevue/NYU Program for Survivors of Torture. She holds an M.A. in Human Rights Studies from Columbia University and a B.A. in Anthropology from The George Washington University.

James Dawes is the founder and director of the Program in Human Rights and Humanitarianism at Macalester College. He is the author of *That the World May Know: Bearing Witness to Atrocity* (Harvard University Press, 2007) and *The Language of War: Literature and Culture in the US from the Civil War through World War II* (Harvard University Press, 2002), along with numerous articles appearing in such journals as *Critical Inquiry* and the *Yale Journal of Law & the Humanities*.

Mark Gibney is the Belk Distinguished Professor at the University of North Carolina-Asheville. His latest book projects include the edited volume *The Age of Apology: Facing Up to the Past* (University of Pennsylvania Press, 2007) and *International Human Rights Law: Returning to Universal Principles* (Rowman & Littlefield, 2008).



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