Theoretical Perspectives on Human Rights and Literature

Edited by
Elizabeth Swanson Goldberg and Alexandra Schultheis Moore

Foreword by Joseph R. Slaughter
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   Elizabeth Swanson Goldberg and Alexandra Schultheis Moore
Theoretical Perspectives on Human Rights and Literature

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Foreword by Joseph R. Slaughter
Dedicated to those on whose behalf human rights desire to speak, and to those whose utterances inspire deeper understanding of human vulnerability, connection, and possibility.

For Chloë, Samantha, and Marcelle


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The front page of the 28 May 1961 edition of *The Observer* newspaper featured an unusual essay by Peter Benenson, a British Barrister and (as his biographers like to note) one-time tutee of the poet W. H. Auden. Benenson’s article, “The Forgotten Prisoners,” told very short stories of six men imprisoned by governments for their political or religious views; these “Prisoners of Conscience” (a term that would become a keyword in the twentieth-century human rights lexicon) had been selected by Benenson and his colleagues—“a group of lawyers, writers, and publishers in London”—as the subjects of their *Appeal for Amnesty, 1961* campaign, which evolved shortly thereafter into Amnesty International. In his article, Benenson made what must now seem a rather extraordinary claim about the generic technical innovations of his campaign’s approach to “mobilis[ing] public opinion.” “The technique of publicising the personal stories of a number of prisoners of contrasting politics is,” Benenson claimed, “a new one. It has been adopted to avoid the fate of previous amnesty campaigns, which so often have become more concerned with publicising the political views of the imprisoned than with humanitarian purposes.” In Benenson’s formulation, the “personal story” of the religious or political “non-conformist” is not itself a political story; that is, the “personal story” is something worth defending in its own right.

The modern amnesty campaign emerged, at least in part, as a defense of literature, or literary values, forms, and figures of free expression, what Mümtaz Soysal characterized as “voices of the human imagination” in his speech accepting the 1977 Nobel Peace Prize on behalf of Amnesty International. Literature has a central place in Benenson’s *Observer* article; indeed, in the examples he offers of the powerful effects of concentrating “world opinion . . . on one weak spot” through publicizing the personal stories of political prisoners, Benenson cites the cases of Hungarian poet and novelist, Tibor Déry, who had recently been released under pressure from “Tibor Dery committees” formed around the world, and of Spanish
lawyer, sociologist, and essayist Tierno Galván (“and his literary friends”), who were acquitted of political crimes against Franco’s government after foreign observers arrived to monitor the trials. Furthermore, of the six Prisoners of Conscience whose personal stories Benenson publicized, two (Constatin Noica, held in a Romanian prison, and Agostinho Neto, an Angolan held by Portuguese colonial authorities) were identified as poets and literary critics. Noica was later amnestied in August 1964, and the release of Neto—who was just the first of many Prisoners of Conscience adopted by Amnesty to go from prison (and poetry) to the presidency—was announced in the first annual Amnesty International report with the following caveat: “If a prisoner is released . . . after some publicity about conditions in a country, we can only note the coincidence. We cannot say that Amnesty was directly responsible. In the twelve months that Amnesty has been working, however, there have been enough coincidences to make us feel that what we are doing is having some influence” (cited in Amnesty International). We might want to repeat the cautious modesty of this claim in noting some of the intersections between literature and human rights; however, I can say that the essays in this collection show enough “coincidences” between the two to suggest that what literature does clearly has some influence on human rights.

The centrality of literary expression to the Amnesty Campaign, 1961 reflects the professional interests of the committee of lawyers, writers, and publishers with whom Benenson worked, but it also emerges from Amnesty’s narrow mandate to advocate on behalf of “Prisoners of Conscience,” who were defined as “Any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form of words or symbols) any opinion which he honestly holds and which does not advocate or condone personal violence.” Amnesty drew its charge from the Universal Declaration of Human Rights, especially article 18 (freedom of thought, conscience, and religion) and article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” In its efforts to defend these “rights that exist on paper,” Amnesty developed literary methods for mobilizing public opinion (the personal story) and focusing it on repressive regimes (the mass letter-writing campaign) that themselves depended heavily on paper. Both of those methods exercise precisely the rights of freedom of opinion and expression that are being denied the Prisoner of Conscience; in other words, the techniques entailed in defending freedom of expression are of the same kind as the modes of expression for which the political prisoner is being punished. In a sense then, at least some of the original Amnesty campaigns were defenses not just of individual writers but of the literary universe and its conditions of possibility more generally.

Literature and human rights may have intersected only recently as common or overlapping areas of scholarly inquiry, but the two have been bound
up with one another in the field (so to speak) for a very long time. As a number of the chapters in this volume, and studies elsewhere, demonstrate, literary works and literary modes of thinking have played important parts in the emergence of modern human rights ideals and sentiments, as well as in the elaboration of national and international human rights laws. Such relationships are rarely quantifiable, which I think is probably a good thing for both literature and human rights—not only because it leaves the dynamic terms of their entanglements undetermined in mutually productive ways but also because it reminds us that we must resist the easy temptation to instrumentalize one in the service of the other, to bend one to the exigencies of the other. In other words, the terms of cooperation, coordination, and contradiction between literature (or cultural production more generally) and human rights remain open questions. That the influence of literature on human rights may be both immense and immeasurable is not just a reflection of the indefinable epistemic effects of what Gayatri Chakravorty Spivak has described as “the Humanities . . . without guarantees”; it is the condition and wager of human rights work itself. In the early years of its existence, for example, Amnesty International properly refused to credit directly its letter-writing campaigns with the release of political prisoners. In the presentation speech awarding the Nobel Prize to Amnesty International, Aase Lionæs flirted with some inexact statistics on the percentage of prisoners freed to “provide some indication of the scope of the [organization's] work”; she concluded, following Amnesty’s own lead, that such figures were impossible to calculate, arguing instead that it is “more important to consider Amnesty International’s worldwide activities as an integral part in the incessant pressure exerted by all good forces on governments and on the United Nations Organisation.” Like literature, letter writing too is an activity without guarantees; and like letter writing, literature (in its best moments) participates in mounting “incessant pressure” through its own “worldwide activities.”

By any account, the Appeal for Amnesty, 1961 campaign’s emphasis on personal stories predates the so-called narrative turn in the social sciences and the ethical turn in literary studies—when narrative and ethics apparently turned into one another. Personal stories are the contemporary currency of human rights projects, and it seems difficult now—despite Benson’s insistence—to imagine the genre as new in 1961 or to imagine a time before personal stories and human rights campaigns. Indeed, from our perspective, it seems almost as difficult as imagining the introduction of a third character onto the stage of classical Greek drama as a revolutionary literary technological innovation—in a sense, Amnesty’s efforts were similar: to introduce a third character (world opinion) into the two-person drama of political imprisonment, to interpose public opinion between the state and the individual. Nonetheless, looking back, it is possible to see that the rise of personal story politics and memoir culture in the 1970s and 1980s coincided with mass movements for decolonization, civil rights,
women’s rights, and sexual freedoms—many of whose participants would themselves become subjects of Amnesty’s letter-writing campaigns. In fact, one of the primary tools of all those campaigns was the personal story—although, in contrast to Amnesty’s official opinion, the personal was also (or always already) political.

The intellectual (and not just the emotional or political) attraction of Amnesty International’s project for academics in particular might suggest that we should look more closely at the relationship between the development and popularity of human rights campaigns in the 1970s and 1980s and the turns taken by literary studies and the social sciences at the same time. What we call the World Republic of Letters in the second half of the twentieth century was at least in part shaped by the human rights campaigns defending the lives and rights of individual writers, but the campaign methods themselves seem likely to have had an influence on the generic shape of late-twentieth-century literature, and vice versa. We might discover, for instance, that human rights campaigns and methods like those popularized by Amnesty International and other organizations had more to do with steering the narrative and ethical turns than we suspect—that the dramatic turn to personal stories in the context of human rights struggles (broadly understood) helped to create and consolidate many of the literary tastes and methods—as well as the memoir culture—that remain with us today.

I have considered here only one very narrow but highly and historically influential way of thinking about the links between literature and human rights—the admirable chapters in this collection strike out in other important directions. Indeed, as a group, these chapters explore what we might call the necessary and incessant pressure of culture and the worldwide activities of literature on human rights thinking and practice.

NOTES

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Introduction

Human Rights and Literature: The Development of an Interdiscipline

Elizabeth Swanson Goldberg and Alexandra Schultheis Moore

Although the Universal Declaration of Human Rights (UDHR) was endorsed in 1948, and international law and practice of human rights have burgeoned in the interim, in many ways a conversation between literature and human rights has only just begun. It seems appropriate to pause, then, to ask why literary scholars should embrace human rights as an analytical lens, and what literary reading and critique can add to the aspirational field of human rights. In spite of ongoing debates about the framing of human rights via the construct of the nation-state, about its dependence upon the recognition of a rights-bearing individual whose legitimacy often, in fact, vanishes precisely at the moment she most needs the protective force of human rights, and about its complicity with the very power structures and violence it seeks to eradicate, the vision of creating conditions whereby persons and cultures may be free from persecution and deprivation remains a common denominator for advocates and critics of human rights alike. Whether or not the language of human “rights,” with its nationalist and juridical parameters and moral idealism, is the most efficacious and ethical framework for the work of securing dignity for all peoples remains in question. Still, striving toward such a condition is never not urgent: as Elaine Scarry reminds us in The Body in Pain, the most important thing we must know about torture is “that it is happening.” Generalizing from the scene of torture to preventable human suffering of both acute and chronic kinds, we must understand the role to be played by human rights, with its instrumentalization in international law and politics, in ending suffering and striving for human dignity and justice—even as we recognize its imperialist origins and complicities with global power and corruption. Our questions about the theoretical implications of interdisciplinary work in human rights and literature are posed within this aura of contestation, critique, and deep desire for social justice.

While the imbrication of the humanities and human rights is evident on the most basic etymological level, overt attention to interdisciplinary work in these two fields is relatively recent. Human rights academics and activists have for some time considered the significance of cultural texts in the
struggle against human rights violations, and scholars in literary studies have always devoted critical energy to interpreting representations of suffering, yet their pairing as an interdiscipline is emergent. It is clearly rooted in questions and approaches developed over several decades in trauma, postcolonial, holocaust and genocide, and feminist studies, questions and approaches which also fueled and were fueled by the rise of the “personal story” in responding to social suffering, as Joseph Slaughter’s Foreword to this volume explains, as well as the foothold human rights discourse and ideals gained in political and activist rhetoric in the late 1970s. In his important new history of how human rights achieved its current ideological dominance, Samuel Moyn underscores the importance of 1977 as its “breakthrough year”: the year Amnesty International was awarded the Nobel Peace Prize, U.S. President Jimmy Carter made human rights a centerpiece of his governing moral framework in his Inaugural Address, and Charter 77 was published in Czechoslovakia.2

As an interdisciplinary scholarly field in the U.S., human rights and literature gained formal momentum after September 11, 2001. The shift in political, social, cultural, and intellectual landscapes at that point seemed suddenly both to obviate and to render imperative the connection in relation to changing understandings and practices of war, imprisonment, torture, and immigration. As human rights continues as the dominant discourse for addressing issues of social justice more broadly, scholars working at the intersection of human rights and literature, each galvanized perhaps by his or her own political moment and geographic location, are developing new and more effective tools for understanding the ethical, literary, and political implications of their shared intellectual foundations. Interdisciplinary scholarship in human rights and literature, finally, undertakes two mutually invested intellectual projects: reading literary texts for the ways in which they represent and render intelligible the philosophies, laws, and practices of human rights from multiple, shifting cultural perspectives and considering how stories, testimonies, cultural texts, and literary theories contribute to the evolution of such philosophies, laws, and practices. Significantly, both intellectual projects are profoundly implicated in—and have profound implications for—the realm of the political as located within the flows and jumps of global capitalism.

As Domna C. Stanton notes in her “Foreword” to the special issue of the *PMLA*, “The Humanities in Human Rights: Critique, Language, Politics,” human rights and the humanities have a long, shared history. The proliferation of literary and cultural texts telling the stories of past and current human rights violations clearly necessitates an understanding of human rights philosophies and frameworks; less obvious, perhaps, is the extent to which the critical insights gained through literary readings in the past fifty years might be brought to bear in human rights contexts—in the field and in legal, activist, and scholarly sites—to open the foundations of shared rights norms to new interpretations. The essays in this collection
explore this intersection from both perspectives. They examine ways in which human rights norms and concerns change the way we read familiar literature even as they shape new directions in the “world republic of letters”; and they bring the interpretative methodologies of literary criticism to bear on human rights to uncover the stories that normative rights discourses implicitly include and exclude. If, as Thomas Keenan suggests, “[e]thics and politics—as well as literature—are evaded when we fall back on the conceptual priority of the subject, agency, or identity as the grounds of our action,” theoretical approaches to reading literarily can help return us to the necessary work of negotiating shared foundations of rights, suffering, and representation.3

One of the difficulties in defining the interdisciplinary field of human rights and literature is the nature of the “field” of human rights: it comprises law, politics, philosophy/ethics, sociology, anthropology, history, cultural and media studies, and journalism, yet is bound by structural and institutional components of the human rights regime. And of course, approaches to literature have been informed by multiple disciplines and cross-disciplinary approaches including, most relevantly in the late twentieth and early twenty-first centuries, history, philosophy, psychology, linguistics, economics (especially Marxist theory), political science, film and media studies, feminism, critical race studies, and queer theory. Requiring rigorous scholarship, nuanced interdisciplinary work contributes to efforts to move beyond the structuring of disciplines and departments which has produced both the rise of specialization as well as the compartmentalization of knowledge. Such compartmentalization of knowledge (and the teaching and learning practices that accompany it) must especially be disrupted if we are to tackle the complexly interwoven problems accelerating in our new millennium. The contributors to this volume share attention to the ways in which literary readings of human rights discourses (fictional, poetic, testimonial, legal, political, economic, journalistic, cinematic) may illuminate both the limitations of those discourses and the imaginative possibilities of alternative frameworks. We conceptualize such possibilities as substantive, in terms of the alternative potentialities occasioned by progressive work in human rights and in literary production, and as a kind of meta-narrative reflection on the forms that such interdisciplinary work has taken or may yet take. With this dual focus upon form and content in mind, then, we posit a human rights–oriented literary criticism that engages in several unique activities which are explored in this volume: it attends to what is shared by narratives of suffering while at the same time recognizing the particular situations and positions of those who suffer; it explores how narratives probe the limits of language, representation, and translation to depict their subjects adequately; it reflects awareness of the arguably “west-centric” history of human rights, taking account of representations of non-western approaches to human rights, and of economic and social rights as well as third-generation solidarity rights; and it engages in both reflection
upon and critique of the theories of the liberal subject and the liberal democratic state that underlie the modern international human rights system.

Narratives of origins for such human rights–oriented literary criticism can be constructed in multiple ways. For instance, one may trace its growth historically, from the shared roots of modern human rights and literary expression/criticism in the eighteenth century, or in the contexts of key movements within literary studies and legal studies. The law and literature movement that crystallized in the 1970s and 1980s, alongside the accession of human rights as a leading discourse of moral idealism and social justice, presages some of the momentum and potential limitations of work in human rights and literature. Driven by shared interest in social justice as well as what Marjorie Garber and Julie Stone Peters have called “disciplinary envy,” “[e]ach [discipline] in some way fantasized its union with the other: law would give literature praxis; literature would give law humanity and critical edge.” Peters reads in this “double [disciplinary] desire—for the other and for the other’s projection of the self,” the unintended consequences of “exaggerate[d] disciplinarity,” a yearning for the real “emerg[ing] from the center of postmodern skepticism as a kind of return of the repressed.” The work materializing from this desire would purportedly bring important changes to both disciplines: the broadening of literary studies to include material effects, and of legal studies to include greater attention to theoretical and academic concerns. It is possible to see the emergence of human rights and literature as coeval with the transformation of the law and literature movement into “law, culture, and the humanities.” Notable among literary approaches of the past several decades that have contributed to this movement are (new) historical, narratological, holocaust and genocide, trauma, and postcolonial studies, aided by what scholar Mark Sanders and others have termed “the ethical turn,” the reclamation of ethics as a central term of literary study in the wake of poststructuralist criticism and its interrogations of subjectivity. Contributors to this volume work across this spectrum to develop substantive vocabularies, frameworks, and standpoints from which to examine the structural affinities of human rights and literature, their shared paradoxes, and the limits of legal and literary representability.

Beyond these origination points, the interdiscipline is built upon solid foundations recently produced by scholars who pose crucial questions from multiple disciplinary perspectives about the production and circulation of both human rights and literature in the modern context. Historian Lynn Hunt’s Inventing Human Rights (2007) makes the case that modern human rights were articulated in the particular historical moment of the American and French Revolutions partly because of the enabling function of empathic responses fostered by the novel form which produced readers able to care for others outside of the limits of their social class, gender, race, and other situated particularities. Martha Nussbaum makes a similar claim for literature’s humanizing effects on the reader: that literature enables us to “see
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the lives of the different with [ . . . ] involvement and sympathetic understanding,” to “cultivate[our] humanity,” and to learn the habits necessary for “world citizenship.” Even as they formulate the powerful shared foundations of human rights and literary discourses, Hunt's and Nussbaum's works focus our attention upon the critical problem of the west-centric history of contemporary human rights, begging the question of whether human rights can materialize in states without democratic systems of governance, in societies in which “the individual” is not the major category of social organization, or in translation in local contexts that remain illegible to the human rights regime. As Hannah Arendt famously described in The Origins of Totalitarianism, one of the central paradoxes of human rights as outlined in the Universal Declaration of Human Rights (1948) is that they are available foremost to citizens, such that statelessness or marginalization within state formations challenges individual and collective claims to rights precisely at the moment that persons and groups are most vulnerable to the kinds of harms that such rights mitigate against. Similarly, expanding Arendt’s question about the role of the nation-state in maintaining the human rights regime to include the role of global capitalism, Talal Asad asks whether normative human rights discourse is in fact “part of a great work of conversion” which promises that when “redemption is complete, rights and capital will be equally universalized.” “But,” he notes, “whether universal capital or universal human rights will bring with it practical equality and an end to all suffering is quite another question.”

Considering Asad’s focus upon the affiliations between global capital(ism) and human rights, we might consider one of the UDHR’s framers, René Cassin’s, elegant diagram of the structure of the Declaration as a classical temple in “Cassin’s Portico” as emblematic of these limitations identified in the modern human rights regime, inasmuch as his image resonates culturally with notions of rights as a secular morality based upon individualism and democracy. Cassin imagined rights resting on the cornerstones of dignity, liberty, equality, and brotherhood and grouped into four stately columns relating to the individual; to individuals in relation to one another and social groups; to public and political rights; and to economic, social, and cultural rights. Engaging with this image of the structural relations of rights as foundational to a symbolic space of sacred sanctuary, we must ask what worshippers, adherents, or supplicants it produces, whom it excludes, and what it promises in return for faith in its principles. One avenue of response would recognize that, unfortunately, the divisions within Cassin’s idealized structure of the UDHR as a document that “could never be more than an entryway to a better world” were formalized in the separation of the Covenant on Civil and Political Rights and Covenant on Social, Economic, and Cultural Rights (1966) which resulted in the prioritization of civil and political rights and the marginalization of social, cultural, and (perhaps most consequentially) economic rights. As several of the contributors in this volume note, invigorating economic rights discourse is one of the
foremost tasks for human rights in the face of accelerating global poverty, increasing inequity between rich and poor, and potentially catastrophic scarcity of basic resources.

Interpreting the structural relationships between different categories of rights presents specific challenges for literary studies, where readings of characterization and interiority (which seemingly align with notions of the autonomous individual’s freedom) are often separated from those of historical and economic context. As Pheng Cheah has argued recently, the humanities, as the source of our understanding of what it means to be human, help us to “figure[e] the global as human” and thus “underwrite our understanding” of globalization’s ineluctable participation in the force fields of uneven capital development. The challenge for the humanities then is to “question this pre-comprehension of the human” and to provide an “account of the normativity of human rights that acknowledges their contaminated nature without reducing them to ideological reflections of global capitalism.” Both challenges must be met through the “radical reconceptualization of freedom,” not as an escape from but as a desired condition within global capitalism. Not only must we recognize the structural conditions that ground both the humanities and human rights regimes, but we must also read literally, linguistically, rhetorically, and philosophically for the ways in which rights may be “violent gifts, the necessary nexuses within immanent global force relations that produce the identities of their claimants.”

We embrace the paradox imminent in Cheah’s construction—“violent gifts”—as constitutive of human rights discourses more generally, as both Greg Mullins (in his contribution in this volume) and James Dawes, in his recent assessment of the field of literature and human rights, have noted. If a gift is violent, is it still a gift? In what ways might the suffering that is often engendered by the protection of rights and redress of wrongs be considered gifts? If we return to the roots of “gift” in the Old English, where it originally signified “payment for a wife,” but also was linked to “poison,” and trace its journey through Middle to modern English, where in addition to its standard reference to something bestowed “gratuitously, for nothing,” it also references a bribe or corrupt payment, we can discern the subtleties of corruption and exchange embodied in Cheah’s construction of the gift, which then gestures toward the complexities and complicities inherent in the distribution, protection, and enforcement of human rights in the contemporary context. We can also perceive through this etymology the important revision brought by this idea of “gifts” to the deeply held idea of “inherent rights” enshrined in the UDHR. For all the drafters’ embrace of this idea, the truth is that in practice, human rights have in fact been “something bestowed” unequally by national governments and, to a lesser and more recent extent, international law. Too, Cheah’s phrasing of the “violent gift” that contributes to producing the “identities of its claimants” evokes the important role of suffering—both one’s own experience
of suffering and recognition of the suffering of others—in the construction and metamorphosis of the self. This point suggests the strain of philosophical theory emergent from such thinkers as Giorgio Agamben, Judith Butler, and Emmanuel Levinas that underpins the ethos of human rights in the contemporary moment and that has particularly informed interdisciplinary work in literature and human rights, as we discuss below.

Implicit in the nature of paradox are the challenges of and to representation itself. To return to the contemporary paradoxes of state power, for instance, the rise of the neoliberal state in the post–Soviet era constitutes a new site of interface between global capital and global terror, a site with particularly important consequences for thinking about the full range of human rights in the post–9/11 era. The paradox of the neoliberal, democratic state as a force that produces terror in order to fight terror constitutes ground for the work of human rights and literature, which, in the context of the “war on terror,” strives to deconstruct the newly mobilized language of terror and its application to extrajudicial actors, largely people of Arab and Muslim identity. Such deconstructive efforts across the spectrum of literary production and human rights activism reveal the terror produced by states in both their overt and covert military and policing options, as well as that produced by nation states, transnational corporations, and global financial institutions in the practices of global capitalism.

These issues of language in relation to contemporary discourses of terror are closely tied to the problems of representation, narratability, and embodiment which have been explored at length in the scholarly work of holocaust and trauma studies. These sub-fields are also foundational to the interdiscipline of literature and human rights. In the 1980s and 1990s, critics such as Shoshanna Felman, Saul Friedlander, Dori Laub, Hayden White, and others posed questions about how to represent the unthinkable, unspeakable, unrepresentable event of the Nazi holocaust. Indeed, some thinkers argued that this event quite literally could not be represented, nor the name Shoah even uttered, without committing further violence against both its victims and survivors. The range of positions on aestheticizing historical atrocity may be represented in the context of antipodal debates about Claude Lanzmann’s film Shoah (1985) in which Lanzmann purposefully refuses to recreate images or narrative of the Nazi holocaust, presenting instead only interviews with individual survivors, bystanders, and perpetrators, and Stephen Spielberg’s Schindler’s List (1994), a classical Hollywood dramatization of the story of Oskar Schindler, a Nazi official who rescues 1,300 Jews, complete with high-octane stars and blockbuster cinematography. These positions occupy the ends of a broad spectrum of aesthetic strategies employed to represent atrocity that continues to require deep critical engagement on the part of scholars engaged with the ethics of representation in the context of human rights.

Importantly, work on trauma and representation over the past two decades has broadened analysis from the paradigmatic case of the Nazi
Elizabeth Swanson Goldberg and Alexandra Schultheis Moore

holocaust. Kali Tal, in Worlds of Hurt (1995), addresses the Nazi holocaust in her first chapter, and then analyzes narratives about the Vietnam War and about sexual trauma (domestic violence and incest) suffered by women. Laura Tanner’s Intimate Violence: Reading Rape and Torture in Twentieth Century Fiction (1994) addressed literary inscriptions of violence against women at precisely the moment that Julie Stone Peters and Andrea Wolper were assembling their foundational collection Women's Rights, Human Rights: International Feminist Perspectives (1995), and as preparations were underway for the United Nations World Conference on Women, Beijing, 1995, in which “women’s rights as human rights” were formally articulated in the Beijing Declaration and Platform for Action. Each of these works pushes at the limits of how different experiences of trauma and suffering may be articulated within and against a human rights framework originally set up through the paradigm of the Nazi holocaust and the limited definition of rights violations perpetrated by government agents working in an official capacity in the public sphere, with the rights-bearing subject constructed as an individual male.

The significance of witnessing and testifying to egregious human wrongs suffered by a broad range of people and groups is taken up by literary critics Kay Schaffer and Sidonie Smith in Human Rights and Narrated Lives: The Ethics of Recognition (2004), a study of human rights claims articulated in testimonials and narratives in the multiple spaces of the courtroom, community, and literary production. Smith and Shaffer’s work reveals the testimonial and the closely related literary genres of autobiography and memoir as ripe forms of overlap between literature and human rights. Beyond finding language sufficient to the telling of the experience of atrocity, the primary question haunting modern testimonials has to do with veracity. Is what the survivor relays “true” in the sense that it happened to her exactly in the way that she has claimed? As scholars working in both literary and human rights studies have shown, such prioritization of factual veracity occurs within the epistemological tenets of individualist western notions, contexts, and applications of truth value. Indeed, some of the most important recent rights work has occurred in legal, psychoanalytic, and literary testimonial forums in which such limits to the forms and contexts of legitimated “truth-telling,” including truth and reconciliation commissions, have been challenged. In the literary context, Leigh Gilmore has explored the potential of autobiographical literary forms to provide a broader archive of the testimonial than the one currently bound within the juridical model. In addition, recent scholarship in human rights and literature has emphasized that the literary form and the testimonial it produces depends on the model of subjectivity that underwrites it: the terms, relationships, contexts, epistemologies, and experiences through which the self is made present to itself. A feminist contribution to this body of scholarly work from Susan J. Brison considers the necessity of crossing boundaries between self and other, developing a conception of a relational self, in order
to explain how trauma alters the terms through which the subject formerly knew and now must learn to know herself. Contributions by scholars in the field of trauma studies, such as Cathy Caruth, Shoshanna Felman, Dori Laub, and E. Ann Kaplan, also consider the theoretical possibility of representing the traumatic experience on both historic and individual levels from a psychoanalytic perspective.

Moving out from the relative truth value of and subjectivity constructed through individual survivor testimonials, the larger problem of representability emerges when artists, writers, and filmmakers who were not present at the historical event, who are not survivors, and who may well be removed by time or distance from the event attempt its representation in historical or artistic terms. The problem here has an ethical cast which Goldberg explores in her book, *Beyond Terror: Gender, Narrative, Human Rights* (2007), which considers problems of representing grave violations of human rights in literature and film: how to do justice to the memory of those who suffered, or who were lost to, the event? How not to do further violence to these humans, their loved ones, or their descendants by spectacularizing, eroticizing, or exploiting the representation of pain inflicted in a grave violation of human rights? How to create cultural images that will not perpetuate cycles of violence and revenge? Goldberg also argues for a critical examination of the warrant, often left unexamined, that narrativizing atrocity in the form of novel, testimonial, or film is in some way an effective means of creating a deeper consciousness in viewers about the event, and even of encouraging viewers to act in a way that would contribute to efforts to decrease the occurrence of such events in future. This subject is taken up by James Dawes, whose 2007 book, *That the World May Know: Bearing Witness to Atrocity*, combines analyses of literary texts with assessments from human rights and humanitarian aid workers in order to consider questions about who has the authority to speak on behalf of victims and survivors of atrocity, and about the uses to which such stories and testimonies are put.

Implicit in all of this scholarship is a need to respond to the critique Makau Mutua makes in *Human Rights: A Political and Cultural Critique* (2002; 2008) of a “grand narrative” of human rights literature based on the metaphor of “savages-victims-saviors” (SVS). This paradigm, as Mutua argues, authorizes witness testimony over other forms of narration and, in its valorization of the hero-function, is often culturally coded to legitimize “western” humanitarian intervention. Drawn from the shared history of human rights and literature in the imperialist European eighteenth century, the SVS narrative, like that of political modernity, relegates those of the Global South to the “waiting-room” of History (which itself is constructed as a progressive narrative inseparable from the development of the nation-state and global capitalism). Significantly, many literary scholars working in human rights and literature, including some represented in this volume, specialize in postcolonial studies and have grappled over time with the terms of Mutua’s anti-imperialist critique of human rights. One response to
this problem, in the spirit of “provincializing Europe,” is to read for articulations of human rights in local and transnational contexts that uncover or produce alternative modernities, narratives, and ways of articulating political, economic, cultural, and social justice claims that fall outside the national-legal spheres of institutionalized human rights.

Reading literarily for narrative claims to human rights and to social justice raises the question of the speaking and embodied subject of narration. Literary scholars have brought diverse theories of subjectivity to bear on contemporary human rights discourses in response to the urgent need to grasp the characteristics that constitute the bearer of rights and how she is recognizable (to herself and others) discursively, philosophically, corporeally, ethically, and politically. Philosophers such as Agamben, Levinas, and Butler interrogate the limits of human freedom within and from the space of the political, as well as the problems of ethical interdependence and responsibility beyond the self. Here we quote from Judith Butler, who powerfully asks us all to acknowledge the extent to which we are “as much constituted by those [we] do grieve for as by those whose deaths [we] disavow, whose nameless and faceless deaths form the melancholic background for [our] social world, if not [our] First Worldism.” As Joseph R. Slaughter reminds us in his Foreword to this volume, the personal story holds the center of human rights work, and the personal story rendered literarily can illuminate the names and faces of those whom we cannot know, but with whom we are imbricated in the Levinasian sense, while also providing a site for the imaginative reflection of variously-constituted subjectivities. It also can help us to name productively our own complex subject positions with their relative powers and privileges in relation to others without succumbing to the paralyzing force of negative identity politics, seeking instead an ethical position from which to forge solidarity across difference.

Crucial to a human rights–oriented literary criticism is the insight that in Levinas’s theory, we are not only constructed through but are also responsible to the other, in much the same way that as readers we are called by the text and the other worlds it represents. This responsibility may be reciprocal, in the sense that we are all constructed in this way and thus have this same responsibility—before acting on our own will—of responding to the call of the other; however, it is also unreciprocal, asymmetrical, because the call is not a kind of quid pro quo, a “do unto others.” Instead, one has this responsibility for the other even if the other does not reciprocate. In Witnessing: Beyond Recognition (2001), Kelly Oliver offers another approach to this process through a resignification of witnessing, comprised of “address-ability and “response-ability” untethered from the antagonistic dichotomy of self and other, as “the basis for all subjectivity.” It is thus in the critical interpretative methodologies and theories through which we read literature, rather than in literature itself as a romanticized realm apart from the real, that we might begin to parse the implications of subjectivity as a political problem for human rights.
An ongoing challenge to the theorization of subjectivity and its relationship to discursive practice is the need to account for the embodiment and performativity of specific subject positions. This need becomes all the more telling when human rights violations themselves correspond to the particularities of the subject’s race, gender, religion, class position, and other markers of identity. Theories of specific subjectivities, which must themselves be rendered contingent and fluid, rather than static, deepen our understanding of the relationship between literary forms—in their ability to envision and inscribe such complex identity formations—and the poetics of and political responses to suffering. Such theories must account for the problem of narrative temporalities required to tell both individual stories and complex social histories in the context of traumatic events marked as rights violations. Narrative strategies such as magical realist or postmodern jumps and juxtaposition of times/spaces/places/persons, or lyrical meditations upon the repetitious nature of traumatic experience, can help to make intelligible the ineffable nature of time as it is haunted by individual and historical violence and suffering. In a sense, temporality becomes another boundary to be negotiated in theorizing the responsibilities that attend the ethics of recognition of suffering across times and places.

In *Politics Out of History* (2001), another attempt to rethink the fundamental tenets of liberal political theory and subjectivity, Wendy Brown addresses this problem of transhistorical responsibility in her reading, through Derrida, of Walter Benjamin’s angel of history:

> This is how one pictures the angel of history. His face is turned toward the past. Where we perceive a chain of events, he sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.25

Where is the scholar of human rights and literature, or the reader of human rights discourses, in this tableau? As the history of the interdiscipline and the more contemporary critiques of its imperializing tendency make clear, the notion of History as progress potentially blinds us, as “inheritors of a radically disenchanted universe,”26 to the need to rethink the terms of our political futures. “Justice,” Brown argues through Derrida, “demands that we locate our political identity between what we can only imagine and the histories that constrain and shape that imagination.”27 If, as Chakrabarty writes, “it may legitimately be argued that the administration of justice by modern institutions requires us to imagine the world through the languages of the social sciences, that is, as disenchanted,”28 how can literatures of
human rights enable the possibility of enchantment, yet remain strictly attentive to the potential for political violence? It is again at this nexus of imagination and incorporation, of idealism and realpolitik, that the interdiscipline can do its best work.

Alternatives to the liberal individual subject and its attendant discourses of history, progress, and modernity are also evident in some non-western literary, cultural, philosophical, and religious textual and non-textual practices. From the perspective of our interdiscipline, as the “world republic of letters” and human rights discourses expand, they demand great leaps of both literacy and translation to facilitate the share-ability of and thus response-ability to suffering. In his contribution to this volume, Gregory Price Grieve provides a trenchant example of the kind of translation skills required in his reading of diverse literary forms through a Buddhist approach to the (no-)self. In contradistinction to the liberal subject at the heart of normative human rights discourses, Grieve posits the samsaric subject who is ever-changing yet anchored in the present through compassion and duty. Grieve’s reading of the samsaric subject’s translation of human rights concerns into and from other registers provides an example of how “story telling” across literary and philosophical traditions may expand the foundation of human rights beyond individual entitlement.

This ideal of translatable, shared discourses and practices, gesturing as it does toward solidarity, must in fact provide the foundation for an ethical politics of human rights, including the representational politics of human dignity and rights claims in multiple media. Facing the urgencies of millennial contexts—wars and disenfranchisement, environmental crisis, poverty and deprivation—while always keeping in mind the possibilities of radical political actions and solidarities, we conclude with a note on possible futures for the interdiscipline. In The Future of Human Rights (2006), legal theorist Upendra Baxi argues similarly for the (re)generation of human rights discourses to give voice, and thus the potential for legal standing, to those whose suffering remains unacknowledged or unanswered. Advocating interdisciplinary approaches to complex problems and possibilities, we note emerging work in a number of areas that build upon the theoretical foundations outlined in this volume.

As Sophia A. McClennen and Joseph Slaughter noted recently, “human rights everywhere are on the move,” and this movement presents concomitant challenges to our reading practices, necessitating careful work in translation across disciplinary, linguistic, and formal borders. Human rights in literature transgresses boundaries between English and Comparative Literary Studies, and thus can benefit from the developments in theories of translation that have shifted the focus from questions of authenticity and veracity to the ways in which translation opens up new “circuits of connection” among both readers and texts without losing local specificity. The globalization of literary studies in the context of human rights asks us to attend to different ways of being in the world, without sacrificing
the possibility for shared ethics and political solidarities. This work will require the kind of situated translation of other conceptions of the subject as bearer of rights and duties of care as we see in Grieve’s essay in this volume, as well as the approach McClennen outlines, that we “dispel and defer our focus on the self and its formation, in order to substitute the object/subject of human rights with attention to developing an ethically just comparative method.”

The challenge of negotiating these comparisons was made visible in discussion and voting on the United Nations’ most recent major human rights document, the Declaration on the Rights of Indigenous Peoples, which was adopted in 2007 over the objections of Canada, Australia, New Zealand, and the United States. That it was four former settler colonies that still have fraught relations with their indigenous populations that voted in opposition to the Declaration speaks also to future directions in postcolonial theory. The Preamble of the Declaration notes “the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,” and the Declaration includes repeated acknowledgment of indigenous peoples’ collective standing, rights to alternative forms of development, and rights which invoke multiple temporalities. Scholars working in the relatively new field of postcolonial ecocriticism address the forms, literary and otherwise, through which rights to environmental cultural resources and practices and other so-called third-generation or solidarity rights are expressed and represented, keeping in mind the danger of sublimating the particularities of indigenous claims to a broad notion of “Green Romanticism.”

Postcolonial ecocriticism and the interdiscipline of human rights and literature already share awareness of the paradoxes of ethnocentrism and the problem of enmeshment within global capitalism as ways to account for the inherent biases in their own structures. Moreover, when competition over scarce resources, ongoing effects of climate change, and the ravages of war underscore our eco-social connections, scholars working in areas typically devoted to social justice need increasingly to examine potential alliances between movements for social and environmental justice. Here we might follow the lead of writers such as Ken Saro Wiwa, Mahesweta Devi, Leslie Marmon Silko, and Alexis Wright, who have tackled these issues in their fiction and in their political activism.

A further area of inquiry that has generated recent scholarly work concerns the nominatively opposite end of the spectrum of human rights: those of the new world order and emergent technologies of disembodiment and re-embodiment that both generate the “posthuman” and necessitate changing conceptions and discourses of rights. In Human Rights in a Posthuman World: Critical Essays (2007), Upendra Baxi takes up this “problematic of rightlessness”—which Arendt first noted in her critique of the Universal
Declaration of Human Rights—as it emerges through environmental, technological, and economic challenges to the sovereignty of human bodies, reason, and the state.

These evolving areas of inquiry also raise new questions about the relationship between humanitarianism and human rights, with an emphasis upon the function of “narratives of suffering” in both discourses. In their Introduction to *Humanitarianism and Suffering: The Mobilization of Empathy* (2008), Richard Ashby Wilson and Richard D. Brown trace the common origins of humanitarianism and human rights in natural law and the notion of inherent human dignity; however, they also make note of the divergence of the two discourses inasmuch as human rights is bounded as a juridical discourse, while humanitarianism remains a moral one. Thus, the humanitarian actor can imagine action based upon moral exigency, while the human rights activist must remain within the parameters of existing legal frameworks or seek to expand or change those parameters before taking action.

Fertile areas for research at the interdiscipline of human rights and the humanities, then, is the ethos shared by these discourses; the subjectivities (of both advocates for and subjects of human rights law or humanitarian aid) brought into being through their operations in the world; the narratives used to tell the tales that precipitate engagement and action; and the power relations or solidarities generated in the process. And, we would argue, it is incumbent upon scholars to continue to train their critical eyes upon the discourses of humanitarianism and human rights, considering the relations between these and alternative discourses—such as “the political” or “justice”—and making note of the ways in which dominant rights and aid discourses can crowd out other forms of solidarity and action, as Wendy Brown eloquently demonstrates in her essay, “The Most We Can Hope For: Human Rights and the Politics of Fatalism.” In this sense, reading in the humanities—reading that attends both to literature’s invitation to imagine other worlds and other ways of being and that interrogates its own suppositions—remains a crucial balance for the pragmatic work of honoring and protecting the lives of all human beings.

**MAPPING THIS VOLUME**

There is no singular way to map the theoretical territory of the interdiscipline of human rights and literature, given its complex historical antecedents as well as the pressures—political, intellectual, aesthetic—of the present. We have not aimed to cover the globe nor the vast spectrum of human rights violations nor every literary form; rather, we have encouraged contributions and organized this volume in three main categories of theoretical scholarship in the field: the shared histories, philosophies, structures, and paradoxes of rights and literary imagination; the potential and
limitations of literary language in writing rights; and, the problematics of defining the core bearer of rights, the subject. Our contributors work in different historical periods and literary genres as well as from different theoretical foundations. They share with us a desire to employ strategies of reading literarily to offer interpretations and critiques of writing human rights without abandoning their still evolving potential. In that spirit, we hope this volume serves as an invitation to further developments in the interdisciplinary of human rights and literature.

NOTES


McClennen, “Human Rights, the Humanities, and the Comparative Imagination,” 8 (19).


Part I

Histories, Imaginaries, and Paradoxes of Literature and Human Rights
1  “Literature,” the “Rights of Man,” and Narratives of Atrocity
Historical Backgrounds to the Culture of Testimony

Julie Stone Peters

“In récit? Non, pas de récit, plus jamais[]”
—Maurice Blanchot, La folie du jour

In response to the horrifying state-sponsored atrocities of the past decades, our era has seen the rise of what is essentially a new phenomenon, quasi-judicial, quasi-political, quasi-theatrical in nature: the truth commission and other national and international venues in which victims may bear witness to what they have suffered, and in which the narration of atrocity may serve at once as testimony, redress, and public catharsis. In addition to truth commissions, there are international and national post-atrocity tribunals of various sorts, personal testimonials in public venues, televised confessionals, documentary films, internet sites featuring human rights victims telling their stories, all devoted to giving voice to those who have suffered. While the truth commissions differ in significant ways from the international tribunals and these differ from victim testimony in more general media outlets, they (and other public displays of post-atrocity narrative) share an underlying aspiration to redress through storytelling. Narrative has come to be used instead of (or alongside) punishment or victim compensation: not as evidence (even where it is also used as evidence) but as a form of remedy, in and of itself. That is, narrative in human rights has come to have an independent legal-political function.

We are told that—even if they offer no other form of redress—truth commissions and other testimonial venues are necessary because trauma victims must tell their stories, that through narrative they create a memorial to suffering, that confession can redeem even the perpetrators. We are told that storytelling can bind the community, and thus serve as a force for healing, moving us past atrocity and into a healthy future. Institutions in which victims can speak “affirm the value of ‘narrative’ as well as of ‘forensic’ forms of truth.” “Narrative truth” contributes to “the process of reconciliation by giving voice to individual subjective experiences.”
Victims have a “right” to “tell their own stories,” the “right of framing them from their own perspectives and being recognized as legitimate sources of truth with claims to rights and justice.” Allowing victims to tell their own stories offers them relief, we are told, even in the absence of other forms of redress. Thomas Buergenthal, a judge on the International Court of Justice and former member of the El Salvador Truth Commission, describes the victims’ “silence and pent-up anger” before “finally, someone listened to them.” Their testimony produced “a record of what they had endured.” But “the mere act of telling what had happened was [also] a healing emotional release.”

If the healing power of testimony seems to offer narrative closure for victims, it also offers narrative closure for society as a whole. Through “‘narrative’ . . . truth,” nations can achieve “reconciliation, national healing, and moral reconstruction.” Indeed, Homi Bhabha argues, such narrative is not only an individual human right, whose exercise is necessary to the prevention of further atrocity, but essential to our more general humanity:

The right to narrate is . . . a metaphor for the fundamental human interest in freedom itself, the right to be heard, to be recognized and represented. . . . When you fail to protect the right to narrate you are in danger of filling the silence with sirens, megaphones, hectoring voices carried by loudspeakers from podiums of great height over people who shrink into indistinguishable masses. Once we have allowed such “walls of silence” to be built in our midsts and our minds, . . . we are compelled to return to the silent killing fields of the past and the present—be it Colonisation, Apartheid, the Holocaust, or Vietnam, Palestine, Afghanistan, South Africa, Rwanda, Kosovo—to try and give voice to those who were silenced.

What lies behind claims about the value of post-atrocity narration are a set of views influenced by ancient religious ideas about redemption through confession and memorial, more modern political discourses of rights and medical discourses of healing, as well as a view—borrowed from literary and narrative theory of the past decades—that narrative (“subjective”) truth has a special value. These views were promulgated most directly by what became known in the 1980s as the “law and literature movement,” with its 1990s offshoot, the “legal storytelling movement.” These movements entered into dialogue with less narrowly legal and more global sub-disciplines and theoretical movements: holocaust studies, with its discussion of the nature and limits of the representation of atrocity and the paradoxes of memorial; feminist criticism and critical race theory, with their discussion of the liberating force of counter-hegemonic narrative; Latin American “testimonio” and trauma studies, with their discussion of the importance of bearing witness and the curative power of truth. Under this optic, not only could victim narratives be viewed as potentially subject to the interpretive
tools of literary criticism, but the narration of atrocity could also be seen as a good in itself, offering its own special form of redress through catharsis and of rectification through the truths of storytelling. There are many reasons for the proliferation of testimonial venues, not least the institutionalization of human rights in the late twentieth century. But this proliferation also owes something to the conversion of studies of legal and witness testimony into a storytelling imperative.

How we got here can be best understood by stepping back for a moment and looking at the intertwined histories of modern literature and modern rights, histories that are (as I will suggest) inextricably linked from the eighteenth century onward. Understanding these linked histories may help us not only to contextualize contemporary claims about the function of narrative in the representation of human rights abuses, but also to look critically at some of their strongest assumptions. I offer what follows not as a final word, but more in the spirit of a theory or set of hypotheses: a template for further exploration of, first, the mutually imbricated histories of literature and human rights and, second, the past decades’ focus on narrative as a kind of post-atrocity remedy—the exercise of a fundamental right in the service of memory, truth, and healing.

THE EMERGENCE OF “LITERATURE” AND “RIGHTS”

Historiographic work of the past few decades has given us a better understanding of the genealogy of the modern concept of literature, which arguably achieved a recognizable modern shape only in the later eighteenth century. While the distinction between poetry (the making of imaginary stories) and history (the making of true stories) reaches back, of course, to the ancients, there was, until the later eighteenth century, as yet no inclusive class of works of imaginative literature distinct from other kinds of works. For sixteenth- or seventeenth-century writers, the term “literature” meant either the quality of being well-read (something like what we mean by “learning”), the capacity to read well (something like what we mean by “literacy”), or the collection of works representing learning—a broadly inclusive category comprehending, essentially, all human knowledge in written form. Jean de La Bruyère, for instance (writing c.1688), praises those who have “wit and pleasing literature.” Sir Francis Bacon lauds James I for being “learned in all literature and erudition, divine and human,” possessing a conjunction as much of “divine and sacred literature as of profane and human.”

By some time in the eighteenth century, however, the term had come to refer to a narrower category of “polite letters,” privileging classical texts (and those modeled on them) and segregating works worthy of preservation from the mass of cheap ephemera being circulated by the popular press: “literature” was opposed to the “whole heaps of trash” to be found in
the ordinary booksellers’ shops.\textsuperscript{11} By the turn of the eighteenth century, the modern usage had (largely) emerged, in which fictionality takes a central place. The histories of literature produced in the last decades of the eighteenth century (\textit{Les Siècles de littérature française} [1772], \textit{Storia della letteratura italiana} [1772], Herder’s \textit{Über die neuere deutsche Literatur} [1767]) treat poetry, drama, and (notably) novels as a unique class—the works that define the national spirit.\textsuperscript{12} “Literature” had become, primarily, the worthiest works of the vernacular imagination. Like art, literature was an object of “aesthetics” (a term first emerging during this period): to be set apart from the more prosaic works of science and of the popular press. Simultaneously (and, in a sense, constitutively), literary criticism was born in the coffeehouses and the news press, confirming the identity of “literature,” legitimizing such new (or relatively new) genres as the novel, creating doctrines of literary judgment, and establishing the canon of works through which a national literature could recognize itself. From the vernacular criticism of the coffeehouse and news press, professional literary study was to emerge in the nineteenth century.

At the same time, the concept of “rights” was becoming central to political discourse. “Natural rights” in European political and legal theory can be traced back at least to the twelfth century, when various theorists began to develop the idea out of Roman natural law principles.\textsuperscript{13} And modern notions of subjective natural and inalienable rights were, in a sense, fully formed in seventeenth-century political theory (for instance in Grotius, Hobbes, and Locke). But until the later eighteenth century, “rights” still tended to refer to specific privileges (for instance those specified in the \textit{Magna Carta} or the English Bill of Rights). For Samuel Johnson, a “right” is a “just claim,” “Property,” “interest,” “Power,” “prerogative” (i.e. powers specifically granted by law).\textsuperscript{14}

That the modern concept of rights—rights possessed innately by virtue of one’s humanity, inhering in the individual, grounded in reason and nature, neither granted by nor capable of obliteration by any earthly power—emerged in the late eighteenth century is, of course, a familiar story: usually told through such major political manifestos and programs as the Declaration of the Rights of Man and Citizen or the American Bill of Rights, or philosophical works like Thomas Paine’s \textit{The Rights of Man}. However, in the absence of a discursive history of rights—a history tracing the language of rights and its vicissitudes in the byways of the popular press and imaginative literature—it is hard to see fully the political, ethical, and—at the same time—personal purchase that rights talk gained in the last decades of the eighteenth century. “Say to yourself often,” commanded the \textit{Encyclopédie} article on “Natural Right”: “I am a man, and I have no other truly inalienable natural rights than those of humanity.”\textsuperscript{15} The discourse of rights certainly did not displace the various other political vocabularies available to eighteenth-century writers and orators (duty, virtue, obligation to the public good). But its cultural force can be gauged
by such parodies as Thomas Taylor’s *Vindication of the Rights of Brutes* (1792) (a sign of the conventionality of the genre). (“The next stage of that irradiation which our enlighteners are pouring in upon us,” wrote Hannah More derisively, “will produce grave descants on the rights of children.”)16

As important, the discourse of rights was transformed, in the late eighteenth century, by its fusion with various doctrines of humanitarianism. Humanitarianism as a philosophical doctrine had been developing since the late seventeenth century, in arguments for the natural benevolence of humankind—as a humanist counter-discourse to Hobbesian arguments about the depravity of human nature. But, like rights, it became a part of popular discourse only in the later eighteenth century, with the absorption of moral theories of natural benevolence (propounded by such thinkers as the Earl of Shaftesbury and Francis Hutcheson), in reaction, in part, to various mechanistic theories of power as right, which accompanied the beginnings of industrialization.17 Human beings were naturally driven by “irresistible compassion” to relieve the suffering of others. Natural human compassion gave rise to an equally natural human moral obligation: a duty to aid those whom one perceived to be in distress. “Nature hath implanted in our breasts a love of others,” wrote Thomas Jefferson, “a sense of duty to them, a moral instinct, in short, which prompts us irresistibly to feel and to succor their distresses.”18

The grounding of humanitarian principles in rights, and of rights in humanitarian principles, fused the sentimental with a political program. “The rights of man” were humane principles, entailing not just claims but obligations, and these not only toward the ordinary run of humanity but toward slaves, the poor, the young, primitives, eventually criminals, and various and sundry other downtrodden persons. Reading through Thomas Paine’s *The Rights of Man* (1791–1792) or Mary Wollstonecraft’s *Vindication of the Rights of Woman* (1792) suggests the extent to which humanitarian language—the language of compassion, pity, the succor of distress—inflected rights discourse. Rights and the humanitarian duty to aid were, in a sense, two sides of the very definition of what it was to be human: one had rights by virtue of one’s humanity (as the *Encyclopédie* article proclaimed); and it was one’s sense of obligation to another’s suffering that proved one human (“humane,” in the spelling that did not yet, in the eighteenth century, distinguish between species identity and moral identity).

The simultaneous emergence of the modern concept of “literature” and the modern concept of “rights” in popular discourse suggests a historical intersection between literature and human rights that I would like, here, to attempt to untangle. The most conventional account of this intersection might look at literary discourses as agents of rights talk, noting that certain texts we would consider “literary” were crucial vehicles for galvanizing the imagination of the newly constituted “public” in the eighteenth century, thus coming to serve as a foundation for modern rights claims (as well as proving
symptomatic of tensions in the era’s notion of rights). Another approach might focus on the political writings most central to the formulation of “rights” in the eighteenth century (rights treatises, public speeches, and the pamphlet literature that ultimately disseminated and normalized the rhetoric of rights), noting the extent to which the discourse developed in political writings was re-imagined through literary aesthetics and narrative. In the late eighteenth century, of course, the literary had not yet been segregated from the “scientific”: the aesthetic was mingled with the political, the narrative with the discursive, fiction with non-fiction. Rights treatises could be indistinguishable from what we would think of as literary genres: Simon-Nicolas-Henri Linguet’s Mémoires sur la Bastille (1783) or Count Mirabeau’s Des Lettres de cachet et des prisons d’Etat (1778) or the scandalous Les Fastes de Louis XV (1782). Scripture, history, and literary sources could all serve as evidence. In The Social Contract: Or Principles of Political Right (1762), for instance, Rousseau can cite Genesis, The Odyssey, and Robinson Crusoe, all within a few sentences of one another, as authorities on the nature of sovereignty. In her Vindication of the Rights of Woman, Wollstonecraft can argue with Milton, Pope, Rousseau’s portrait of Sophia in Émile, and “Moses’ poetical story” of Adam and Eve over the capacity of women (as rational creatures) to be proper rights-bearers. The critical analysis of narrative embedded in political treatises on rights was inseparable from the political claims of those treatises. It has often been noted that literary and legal rhetoric were once inseparable (see, e.g., Ferguson), and the same can be said for the rhetoric of rights. But “literature” and “rights” (unlike law) were also bound through their simultaneous modern institutional crystallization. It is on this relationship that I would like to focus.

EMPOWERING AND TRANSCENDING BOURGEOIS COMMERCE

Raymond Williams speculatively identified the transformation of the concept of “literature” with several concomitant material and institutional transformations: the passing of aristocratic authority and the rise of the bourgeoisie; the growth of print capitalism; changes in literacy; the development of ideologies of the nation (and hence of national literatures); and the professionalization of criticism. He argued that the creation of the modern category “literature” (imaginative, creative, and above all human) was a reaction to the specialization and mechanization of modern conditions of wage labor in industrial capitalism. Literature came to represent “truth” and “beauty” by way of negative contrast with “science” and “society,” technical skill, “discursive” and “factual” writing, “popular” writing, and “mass” culture. Criticism became the central “human” activity.

Williams’s brief speculation on the production of “literature” as a modern category has been taken up and vigorously examined, over the past decade or so, in various studies of literary culture in the eighteenth and nineteenth
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centuries. While some of these studies refine his claims or challenge particular points, his broader speculations essentially stand. These have been extended into various explorations of the relationship between the conceptual transformation of “literature” and a number of phenomena (largely situated in the eighteenth century): the production of the commercial system of letters; the development of the modern system of authors and readers (and the transformation, in the eighteenth century, of the concept of the “author” itself through the development of author copyright); the development of the modern vernacular literary canon as the “cultural capital of the bourgeoisie”; the increased prominence and power of women writers and readers; the rise of the bourgeois “public sphere”; the final centralization of national vernaculars and vernacular literatures and their use in the production of ideologies of the nation; the rise of journalistic and (eventually) professional literary criticism; and the institutionalization of vernacular literary study (all of these, of course, crucial to understanding the historical identity of contemporary literary study).

While there is an extensive critical literature on the development of the concept of rights in seventeenth- and eighteenth-century political theory, only recently has attention been paid to the underlying ideological framework of rights in the eighteenth century and its broader cultural valence: its relation to other cultural and ideological developments during the period; its discursive and rhetorical trajectories; its historical unconscious. There are, however, certain recurrent themes that emerge from discussions of the modern idea of “rights” and that identify the discourse of rights with a set of related values and phenomena (controversially, in some cases, but nonetheless with a good deal of consistency): the new-found political power of the bourgeoisie; the rise of the “bourgeois public sphere” and of Enlightenment public culture; the concomitant modern separation of public from private; the increased role of ideologies of individual freedom (often accompanied by a liberal, contractarian paradigm); the development of liberal political and economic institutions, accompanying the development of mercantilism into laissez-faire industrial capitalism; the development of ideologies of benevolence based in the cult of “sympathy”; philosophical universalism accompanied (paradoxically) by political nationalism.

Identified with all of these, “literature” and “rights,” at the same time, contributed importantly to each other’s institutional evolution. The development of the idea of rights liberated writers from either aristocratic patronage or the market. Authors became the “natural proprietors” of their works (in the words of Jean-François de La Harpe, addressing the French National Assembly in 1790), with “natural” and “exclusive” rights in them. At the same time, it liberated readers: for the concept of rights led to vernacular education for the working classes. Both author copyright and the spread of vernacular reading were essential to the reconstitution of “literature” as a category. At the same time, the development of the genres that became “literature” (and of a self-conscious “literary” public) created
both the material and ideological conditions necessary to the discourse of rights, through the simultaneous stimulation of the print trade that disseminated the rights treatises and the development of a bourgeois reading public receptive to (and capable of financing) them.

If literature and rights were each essential to each other’s institutional foundation, they also shared an ideological framework and a set of social functions that kept them bound in less obvious but no less important ways. The French Revolution (framed as a “rights” revolution) was explicitly a project for the liberation of the bourgeoisie from aristocratic tyranny, but rights discourse generally directed itself toward the political and social empowerment of an already commercially empowered population. At the same time, rights discourse helped internalize bourgeois commercial values, casting as innate those powers most necessary to a thriving market, unfettered by aristocratic or government privilege: the right to property; freedom from searches and seizures (necessary to the protection of property); freedom of religion (long associated, in Britain, with the merchant dissenters); equality of political representation; and equality under the law (equality, that is, by reference to the aristocracy, though not the un-propertied, slaves, or women). Rights were allied with commerce: Thomas Paine sang the virtues of commerce and understood the necessity of rights to what he saw as a properly functioning market. The conception of freedom embedded in rights discourse (freedom from encroachment by the state) served the constitution of a power base independent of the feudal allocation of political, material, and cultural goods: freedom meant freedom to construct an alternative, non-aristocratic, commercial sphere of political and cultural control.

The burgeoning ideology of rights, however, not only drew on and served the liberation of the marketplace. At the same time, paradoxically, it depended for its legitimation (and hence the legitimation of the bourgeois rights-bearer) on ideas of aristocratic virtue, ostensibly autonomous from market values. “Rights,” then, at once promised liberation from aristocratic privilege and cast a mantle of aristocratic dignity over their beneficiaries. Rights were “inalienable” and “sacred,” essential to human dignity. Rhetorically (though not actually) liberated from property in the American context, rights served the “pursuit of happiness”—a goal apparently dissociated from the pursuit of riches and uniting the private and the public good. Eminence could be achieved through merit rather than birth, but was also (officially, at least) to be dissociated from commercial power. At the same time, rights served as a stay against the numerical power of the rabble. They granted their bearers freedom from the tyranny of the dangerous democratic majority (who might otherwise vote away the commercial freedoms and property privileges that protected that aristocratic dignity).

“Literature,” similarly, as a modern formation, found its origin in the transfer of power and authority from the aristocracy to the commercial sphere, while at the same time suppressing its commercial foundations. In
the literary sphere, the growth of bourgeois literacy and the concomitant development of print capitalism helped contribute to the displacement of aristocratic patronage by market-based public patronage. According to Williams and those who have followed him, the birth of modern “literature” (along with the birth of “art” in the modern sense) thus represented a bourgeois encroachment on aristocratic institutions, constituting a domain for non-aristocratic cultural production, cultural consumption, and cultural judgment.

As with “rights,” however, the new aesthetic ideologies depended not only on the subjection of literature to the marketplace but also on the idea that it was autonomous from the market. The institutions through which literature secured its place reinforced this idea: literary criticism, the anthologizing of vernacular classics, and vernacular literary study all embraced a set of regulatory norms (“taste” and “judgment”) that protected them from identification with the marketplace alone. This attempt to save literature from the taint of the marketplace produced the distinction between the productions of Grub Street (the imaginary territory of the new class of commercial literary hacks and other writers for hire) and “polite letters” (the territory of the bourgeoisie, aspiring to nobility as a way of distinguishing itself from Grub Street). The right to determine what constituted “polite letters” was an aristocratic-style privilege possessed not by the pamphlet-reading masses but by those of taste and judgment.

In this sense, literature was parallel to rights in its conceptual work: at once liberating culture from the monopoly of the aristocratic classes and allowing literature’s new possessors to aspire to the aristocratic dignity and privileges associated with the realm of polite letters. Constructed in the capitalist culture market, “literature” emerged as a reaction to the degradations of that market. To draw on Pierre Bourdieu’s framework, literature was created out of the opposition between exchange value and aesthetic value: “literature” as a category created a “field of restricted cultural production” opposing itself to “the field of large-scale cultural production” in order to create a new form of capital—cultural capital—autonomous from mass buying power. This cultural capital depended on an ideology of non-commercial merit similar to that in the sphere of rights. The modern “author” was, by definition, one who rose to prominence solely on his or (increasingly, her) own worth. The author could be rewarded by literary property for being a “genius” above the concerns of property.

THE TRANSCENDENT HUMAN: BEYOND UTILITY AND HISTORY

If print capitalism and bourgeois literacy were, in part, responsible for the creation of the modern category “literature,” they also helped disseminate ideas about rights. It is by now a commonplace that the eighteenth century
gave birth to a newly commercial bourgeois “public sphere” whose aesthetic judgment expressed itself both in such collective spaces as the coffeehouse and the news press and through the market. Here, “rights” and “literature” converged. Whether or not we are to believe Jürgen Habermas’s claim that print and literacy were crucial to the rise of a newly “public” form of discourse with a particular set of political consequences, both “literature” and “rights” found their home in the treatises and pamphlets and imaginative genres that addressed themselves to “the public.” Addressing this “public,” theorists of rights cast themselves as serving “the public good” and identified themselves with a set of values insistently reiterated in the “public-minded” literature of the period: rationality, impartiality, politeness, public transparency, merit-based judgment. At the same time, “literature” identified itself with the discursive values of “public-minded” letters. Like rights, literature provided for polite, rational discourse. It was the product of merit-based participation, a vehicle for the (normatively male) writer’s public visibility through his very invisibility (his autonomy from the trappings of rank and artificial power). It was a basis for an imaginary community of like-minded readers. As Jonathan Kramnick writes, the literary “public” stood for “the polite stratum of educated readers hovering above the toiling masses of vulgar illiterates,” even if, in actuality, the consumers of “literature” and of pamphlet material on rights were often neither particularly literate nor particularly polite.

Both “literature” and “rights,” then, were stimulated by the concept of the “public”: created simultaneously in the coffeehouses, clubs, and pamphlet literature (where the canon of letters was being constructed and the new ideology of rights propagated). But they were also to be consumed in private—ideally, in the private spaces of the bourgeois home—and to reproduce the intimate experiences of the private individual. Both rights and literature were associational (crucial to serving and constituting the idea of a collective public). And they were things that permitted the rights-bearer, literary producer, and literary consumer autonomy from a coercive collective sphere. Both “literature” and “rights” as concepts held to the belief in the liberating and redemptive power of public language (in the form of great works and revolutionary declarations)—a belief learned from the experience of print-based fame and print-produced revolution. But they also drew on and shaped crucial notions of freedom, autonomy, and privacy. For both literature and rights, national identity was founded, paradoxically, on the universality of the human. The universalist French Declaration of the Rights of Man and Citizen grounded national sovereignty (centered in “the Nation”) in the “natural, inalienable, and sacred rights of man” (Les declarations 11), just as eighteenth-century anthologies and literary histories grounded claims for the coherence and superiority of a national literature in the “Universal Genius” of its greatest writers.

At the same time, while contributing to crucial ideas about nation, empire, and universal humanity, the shared anti-utilitarian ideology of
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literature and rights meant that both could be seen as transcending politics in the vulgar sense. Literary content might be explicitly political, offering (for instance) a committedly partisan account of the French Revolution or the Napoleonic wars. But, as the concept of literature took shape—identifying enduring works of the human imagination as its normative product (with poetry, that most abstract and airy and distinctly un-useful form of humane pleasure, at its center)—it began to be seen as necessarily transcending the politics of the present for a more abstract and enduring kind of ethics, largely indistinguishable from the precepts of humanitarianism. “Polite letters” was, at the same time, “humane letters.”

Literature was, in this sense, representative of the aesthetic sphere more generally, ideally autonomous and (in Kant’s crucial formulation) disinterested, even while it played a central role in shaping public attitudes toward political questions. Schiller’s Letters on the Aesthetic Education of Man is, arguably, paradigmatic here. For Schiller, precisely because art is disinterested (autonomous from the world of getting and spending), it is the thing that allows one to realize one’s humanity—one’s connection to a higher and more universal humanity than that of the everyday (commercial) world. Art redeems one from modern means–end utilitarianism, relieving one from the burden of competition and the praxis of life and preserving, in their ideal forms, such things as joy, truth, solidarity, and humanity. As Peter Bürger puts it, “The citizen who, in everyday life has been reduced to a partial function (means–ends activity) can be discovered in art as ‘human being.’”

Paradoxically, rights too began to be seen as distinct from the interestedness of politics, in the nineteenth century increasingly taking both their philosophical and legal character from their opposition to utilitarian policy arguments (as they continue to do today). They were fundamental, neutral, general, disinterested, non-means-driven, autonomous from the particularities of exchange. They allowed you to realize your humanity—a higher and more universal humanity than that of the particular political sphere. As with art (for Schiller), it was through “the rights of man” that the citizen could become a “human being,” without being thrust into the exigencies of the public sphere. It is from this division that the claim arose (common until perhaps the end of the twentieth century) that rights were not political, and indeed that their essential identity was their distinctness from politics. In this sense, while rights came to represent a variety of institutionalized legal norms—fought over in the political sphere—they also represented something of the aesthetic end of the legal: they were the beautiful truths (truths higher than the ordinary particulars of history) toward which politics might strive but which politics could never perfectly achieve.

To live in literature, or to experience oneself as the bearer of rights, then, was to rediscover one’s humanity, apart from the world of commerce and politics. The language of the “human” embedded in both “literature” and “rights” helped to reinforce this universalist humanism, as well as
to distance both domains still further from mechanistic notions of competition in the political, economic, or cultural spheres. Literature was to become the crowning discipline of the “humanities.” “Rights” were “the rights of man,” on their way to becoming “human rights.” What distinguished literature from other kinds of writing was that literature could unite one with the rest of humanity, teaching not the particular but the higher and more universal human values embedded in natural sentiment, far from the brutalities of the market. What distinguished rights from other kinds of political claims is that they were based in universal human nature, not in political particulars, and could thus draw on moral claims cognizable through natural reason and sentiment.

Central to the humanist ideology underwriting both literature and rights were the explicitly “humanitarian” discourses that (as we have seen) were beginning to emerge at the end of the eighteenth century. These brought literary narrative into the service of rights claims and, in a sense, also brought rights into the service of literature by extending literature’s humanizing role. Humanitarianism was grounded not only in a theory of natural human goodness, but also in theories of compassion that relied on a model of individual human sympathy through identification with the sufferer. This was an idea imported from aesthetics and literary theory, most particularly eighteenth-century interpretations of Aristotelian catharsis as a theory not of emotional purgation but of emotion-based social union through narrative identification. Pity, generated by narrative, was to serve as a mechanism for uniting humanity and stimulating charitable action through the sentimental bond. As Thomas Laqueur has shown (in his suggestive exploration of the “humanitarian narrative” of the late eighteenth century), humanitarianism was founded in notions of the narrative power of the suffering human body as the basis for moral response.

The discourse of rights, accompanied by the language of moral obligation, served as an imperative version of the lessons of sympathy that literature taught. Writing in 1772, Benjamin Franklin expressed the idea that narrative demands sympathetic response, referring to the “natural compassion to . . . Fellow-Creatures” that brings “Tears at the Sight of an Object of Charity, who by a bear [sic] Relation of his Circumstances” seems “to demand the Assistance of those about him.” Sympathetic identification was understood to be responsive to images, but still more to stories of suffering, that is, to visual, but still more to narrative stimuli, the kind of narrative stimuli that eighteenth-century culture produced in abundance: in the autopsy reports that Laqueur describes (unlike their predecessors, expanded into pathos-rendering narrative); in non-fiction narrative accounts of the period; but above all in “literature.” That is, humanitarianism was a fundamentally narrative, or literary, ideology: the narratives of suffering central to literature taught one how to be human, and ultimately to rise above the dehumanizing forces of modernity.
The transformation of “natural rights” and “the rights of man” into “human rights” over the course of the nineteenth century merely confirmed what was implicit in the development of late eighteenth-century rights discourse: rights were, in a world of commodity exchange, a desperate protection of the sacredness of the human. The conjoined discourse of rights and humanitarianism, then, continued to serve a function similar to that of literature. As a number of critics have argued, what dominated both the popular idea of literature and its institutional identity throughout the nineteenth century were grand visions of its humanizing role—very much a moral role, but a role that understood literature as a vehicle for uniting the classes in the harmonies of a shared culture. As a result, literature (and its “true-narrative” offshoots) became the central vehicle for the great humanitarian and rights movements of the nineteenth century (one need only think of Les Misérables or Uncle Tom’s Cabin). This was in part because its pleasure-value suited it to the task of popularizing humanitarian ideas, but also because its institutional ideology was harmonious with that of nineteenth-century humanitarian and rights talk: aiming to transcend both law and politics with an ideal form of justice, and sheltered from the depredations of utility or the degradations of mass culture.

THE SUFFERER’S VOICE AND THE CULTURE OF TESTIMONY

Humane letters and human rights effectively preserved this core identity throughout the nineteenth and twentieth centuries, despite what was arguably an eclipse of the rights paradigm by a social engineering paradigm in the twentieth century, and despite the defiantly engagé stance of literary theory in much of the second half of the twentieth century. What is striking is the fact that, in the past few decades, the unconscious of this parallel formation has become manifest in the many claims for the power of narrative in the service of rights. Rights and literature grew up together, serving similar functions and united by a shared ideology. Now—in claims for the necessity of witness storytelling in public venues—the humanist literary can underwrite the human in human rights, overriding narratives of power struggle with narratives of suffering.

While one would not wish to draw too artificial a link between the conjoined ideological development of literature and rights and the contemporary deployment of narrative in the service of rights, there are distinct echoes. In today’s truth commissions and tribunals, we have a reiteration of the belief in the rationality of the public sphere and its ability to transcend the chaos and violence of the rabble. We have a reiteration of the notion that private and individual traumatic experience must be brought into the public light. We have a reiteration of the view that the authentic narrative voice of the victim both allows the victim the relief of being heard and
creates moral demands, which, speaking to the natural compassion of the audience, can bring about a general societal conversion. We have a belief that the victim’s voice can be deployed in the service of a kind of ongoing catharsis that might restore social harmony. As in the eighteenth century, narrative is seen as the foundation for responsive action and social union that can transcend the alienation of modernity and return us to the human. Shared suffering, understood through narrative, reminds us of our common humanity and thus can redeem us from social trauma.

The tribunals and commissions are largely anti-utilitarian: treating the individual as more sacred than the good of the greatest number; less about what they can achieve than about the human dignity for which they stand. As in the eighteenth century, the redemptive humanism of narrative here is, like human beings themselves, an end in itself. Narratives of suffering are thus seen as sufficient to the righting of wrongs, whatever their consequences. In the aristocratic rejection of the eye-for-an-eye exchange entailed in punishment, given up for a kind of noblesse oblige grace (if you tell the truth, we may pardon you), there is a subtle reiteration of the counter-commercial, pseudo-aristocratic paradigms of eighteenth-century literature and rights, even while the institutions that offer such grace are technocratic machines offering their products (narratives of atrocity) to the consumers of sensationalist media.

Why now? It has been suggested that the proliferation of truth commissions and tribunals is a response to a moment of crisis for the law, produced by a sense of law’s groundlessness, its radical contingency, especially when translated into the sphere of the super-state, with its never-fully-legitimized authority. In this context, the victim is responsible for providing an unquestionable ground for the exercise of legal power, and that ground is located in the performance of suffering. Suffering serves to authenticate a set of newly created and still-somewhat-tenuous legal claims in the domain of human rights (tenuous because difficult to legitimize, difficult to prove, and difficult to redress). The truth commissions and tribunals share a desire for a form of authenticity represented through the human voice: the voice of the victim offers a kind of truth that documentary evidence, reports, legal determinations cannot provide. Human rights creates a memorial—a sort of Church built on the “Word”—out of speech and the voice (with distinctly religious overtones: the law offers grace through a penitential ritual).

However, one might instead argue that, paradoxically, narratives of suffering also seem to offer renewed legitimacy to both literature and rights as institutions. Arguably, both literature and rights were, by the late twentieth century, in crisis, in part because the paradigms that originally defined them seemed exhausted. For literary study, one might see the crisis as arising from the obsolescence of the central historical function of literature: the maintenance of cultural legitimation independent of the aristocracy but unsullied by commerce. The essentially nation-based definition of culture (culture as national, public property, built on individual intellectual
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property) began to dissolve. “Culture,” rather than serving as locale of conservationist consensus, could become a high-profile site of conflict—in, for instance, the “canon wars.” The very definition of “literature” (as aesthetic, primarily imaginative writing) came under siege, as literary critics looked to “non-literary” texts (primarily philosophy and “social texts” in the 1970s and 1980s, primarily political, cultural, and legal texts in the 1990s and beyond). The aesthetic itself came under attack. In this context, turning toward non-literary texts was paradoxically an attempt to revitalize literature as a discipline by reaching past its decadence toward its foundations. Embracing rights—the most successful global moral discourse of the last half century—it could reassert its special role as protector of the human against the depredations of the utilitarian calculus.

As for human rights, its historical autonomy from mechanisms of exchange was challenged by its very institutional success in the late twentieth century. Rights became part of the technologies of the modern administrative state and super-state, not merely pure principles through which we recognize our humanity, or even general constitutional provisions or items of political exchange, but autonomous institutional machines (with staffs, big budgets, and acronyms): the UN Human Rights Council, the Human Rights Committee, Human Rights Watch (and so on). One might think of late twentieth-century rights culture, then, as recapitulating the original double move of eighteenth-century rights culture. On the one hand, in its labor- and capital-intensive institutionalization, it fully developed the latent promise of its free-trade, capitalist origins. On the other hand, in reaction to the dehumanizing features of such a development, it attempted to recapture the original humanitarian paradigm on which it was founded in the eighteenth century by reclaiming a narrative morality based in compassion, pity, and an aesthetics of suffering. The more technologized the institution of rights became, the more its proponents had to call on narrative and aesthetic values, recalling the “human” that would otherwise seem to be slipping away. The spectacularization of atrocity through the narration of suffering became a mechanism whereby rights culture could distance itself from its very institutional success and reclaim its humane origins. Thus, strangely, the culture of rights picked up some of the discarded humanism and aestheticism of literary study—a humanist aestheticism that was, paradoxically, underwritten by literary criticism’s interventions into human rights narrative.

In this sense, however different the reasons for the narrative turn in human rights and the turn toward human rights in literary study, they are both institutionally redemptive projects. By channeling rights culture, literary critics not only give voice to the silenced victims of atrocity. They also reclaim literary study’s foundering political role and thus redeem themselves from the terrors of insignificance. While human rights is busy redeeming the injustices of violence and history, it can, at the same time, redeem literary criticism from the guilt of aesthetic detachment. By channeling literary
discourses, human rights theorists and institutional actors not only oppose the blunt machinery of the law (designed to camouflage its in-built injustices) with the truths of the victims’ stories. They also reclaim the aesthetic-humanist heritage of rights and thus redeem themselves from the taint of technocratic trade.

There are many forms of idealization at work in the culture of testimony in which both literature and rights participate: idealization of victimhood, of “narrative” or “story” and its healing powers, and—above all—of the sufferer’s individuated voice. In his *L’humanité perdue (In the Name of Humanity)* (1996), for instance, the French philosopher Alain Finkielkraut offers a critique of late-twentieth-century humanitarian projects and a plea for attending to the individual narrative of suffering. In Finkielkraut’s view, the (Marxist and Fascist) ideological critique of sentimental individualism ended up producing the horrors of the twentieth century. Large-scale humanitarianism is an attempt at compensation: “It was in the name of ideology that we once refused to be taken in by suffering. It is in opposition to suffering and all the misery in the world that we now refuse to be taken in by ideology.” But the humanitarian embrace of the task of combating suffering merely recapitulates the early twentieth-century ideological depersonalization of the human: “[The humanitarian generation] continues to think ideologically. [It] does not like men—they are too disconcerting—but enjoys taking care of them.”

Drawing on Hannah Arendt’s critique of the anti-humanistic legal technologies of the modern state (in *The Origins of Totalitarianism* and *Eichmann in Jerusalem*), Finkielkraut denounces the dangerous generalization inherent in humanitarianism, founded on a sentimental idea of the unified “cry” of the suffering: “the rescuer without borders embraces all silent calls of distress, subjecting them to no preliminary cross-examination.” In the first half of the twentieth century, “historical reason was used to stifle sentimental reason,” explains Finkielkraut. “Now the heart, not history, guides the way, giving emotions their rights once again.” “Victims call out in a single voice,” he writes derisively, “and that voice does not lie.” While he repudiates, then, the simultaneously sentimental and impersonal technologies of twentieth-century humanitarian aid, Finkielkraut also takes an ironic stance toward the eighteenth-century culture of pity, quoting sympathetically Goethe’s mocking description of humanitarianism (in 1787): “I must admit that I too consider it true that humanity will finally be victorious, but I also fear that the world will turn into a vast hospital and each of us will become the other’s human nurse.” He notes Rousseau’s sardonic comment on the fact that, while we give in to pity when we see our neighbors’ throats cut under our windows, “man has only to put his hands to his ears and argue a little with himself, to prevent nature, which he has shocked within him, from identifying itself with the unfortunate sufferer.”

And yet Finkielkraut diverges from Arendt’s arguments about the limits of compassion in ways that seem symptomatic of the present culture of
testimony. For Arendt, one of the central lessons of the French Revolution was that pity, or the “sentiments of the heart,” compelled by the representation of suffering, could inspire only a dangerously lawless humanitarianism. For her, the narrowness of compassion lies precisely in its fixation on the individual story—its inability to see the whole. Compassion (the moral drive behind humanitarianism), she writes in On Revolution, “by its very nature, cannot be touched off by the sufferings of a whole class or a people, or, least of all, mankind as a whole.” To deal with large-scale suffering, one needs politics rather than narratively induced and individually directed compassion:

Because compassion abolishes the distance, the worldly space between men where political matters, the whole realm of human affairs, are located, it remains, politically speaking, irrelevant and without consequence. . . . As a rule, it is not compassion which sets out to change worldly conditions in order to ease human suffering, but if it does, it will shun the drawn-out wearisome processes of persuasion, negotiation, and compromise, which are the processes of law and politics, and lend its voice to the suffering itself.

For Finkielkraut, on the other hand, what is dangerous in humanitarian action is its response to a whole class or people. For Finkielkraut, to respond to the class subordinates actual men to abstract humanity: “‘Water! Water!’—this primitive cry is what passes for logos today, the cry of an undifferentiated mass of humanity.” “This generation has turned off the sound on the cries of misery. . . . No need to listen, for the will to live is simple.” In other words, rather than worrying (as Arendt does) that compassion produced by individual humanitarian narrative blinds one to the suffering of an entire class, Finkielkraut worries that the large-scale, technologically sophisticated response to the suffering of an entire class blinds one to the particular suffering of the individual. What is wrong, for instance, with the doctors who work for Médecins sans frontières is that they are busy trying to save lives:

The global doctor . . . does not . . . car[e] very much . . . about who the suffering individual is—about his being or his reason for being, the world he wants to build, the causes of his persecution and suffering, the meaning he gives to his history and perhaps to his death. Save lives: that is the global mission of the global doctor. Attending to anonymous people in desperate situations, the humanitarian generation is motivated by principles of caution, not brotherly love.

The humanitarian “is too busy feeding rice to hungry mouths to listen to what these mouths are saying. Words do not concern him. He turns his attention to murdered populations, not to eloquent voices.”
Eloquent voices are, of course, precisely what the various truth commissions and tribunals purport to offer their audiences: victims and perpetrators get an opportunity to tell their stories and undergo either healing or the purgation of sin; audiences get to experience the pleasure of sympathetic identification without a concomitant demand for action: the atrocity is over, and sympathy is all that is required. (It is a perplexing by-product of the commissions that, while it is their task precisely to distinguish victim from perpetrator, they tend to blur this line, in the manner of most confessional-conversion modes: when the perpetrator tells his story and undergoes conversion, declares his repentance, reveals his own suffering for what he has done, he can be made one with the victims.) Critics have often complained that the work of both commissions and war crimes tribunals are “merely symbolic” (in their failure to punish the large numbers of people responsible for the atrocities, in their singling out of an exemplary few). But their proponents at the same time claim their symbolic function as their central virtue. Individual narrative becomes, simultaneously, the “telling of one’s story” and humanitarian cultural memorial, answering to the recurrent post-holocaust call “never to forget” (in what, to my mind, is a significant undervaluation of forgetting).

Few would wish to stand against truth. And to create a space for victims to tell their stories seems, at the least, harmless enough, and potentially of supreme importance to the tellers. But whether or not post-atrocity narrative in fact serves truth or moral education is an open question. It is not my purpose, here, to reiterate the detailed critique of truth commissions and other testimonial venues that have found their way into the scholarly literature in recent years. But it is worth recalling not only that they can be a poor substitute for prosecution, but also that their performances may not always achieve the authenticity and efficacy they seem to promise. The “unique” narratives of the victims are produced, in part, by the conventions of the tribunal and the demands of performance. And there is no evidence that hearing testimony alters moral choices in the moment of trauma and crisis. Back in 1754, Rousseau recognized the limits of a sense of moral obligation based on narrative stimulus (“Man has only to put his hands to his ears and argue a little with himself.”). While elaborating the general arguments of eighteenth-century humanitarianism in his moral theory, Adam Smith (drawing on Hume) similarly saw how ephemeral were sentiments of humanity generated by narratives of catastrophe:

Let us suppose that the great empire of China, with all its myriads of inhabitants, was suddenly swallowed up by an earthquake, and let us consider how a man of humanity in Europe . . . would be affected upon receiving intelligence of this dreadful calamity. He would, I imagine, first of all, express very strongly his sorrow for the misfortune of that unhappy people . . . And when all this fine philosophy was over, when all these human sentiments had been once fairly expressed, he would
pursue his business or his pleasure, take his repose or his diversion, with the same ease and tranquility, as if no such accident had happened. . . . If he were to lose his little finger to-morrow, he would not sleep tonight; but . . . he will snore with the most profound security over the ruin of a hundred millions of his brethren.46

The epidemic of storytelling that has come to rights culture, and literary theory’s implicit claim that it can offer rights a narrative foundation, may indeed be a curative return, one that both mobilizes compassion and serves as an art of healing. But it may be one that—precisely by drawing on the suppressed paradigm at the origins of humanitarian rights—merely offers hysterical repression a ritual expression. It may be a way of focusing on our little fingers at the expense of the global corpus (with its dreary impersonality), or at the expense of getting down to the complicated technical business of saving lives. It may be a sentimental and eviscerated displacement of other kinds of work: the rebuilding of cities and farms; the fixing of broken bodies; the sad policing of still-unquiet violence.

NOTES

1. This essay was originally published in 2005 (in a longer and more extensively annotated version). I have not attempted, here, to incorporate relevant new scholarship (e.g. Lynn Hunt, Inventing Human Rights [New York: W.W. Norton, 2007] and Samuel Moyn, The Last Utopia: Human Rights in History [Cambridge, MA: Belknap Press, 2010]), or to address the reconsideration of the relationship between aesthetics and politics in recent theory (most notably that of Jacques Rancière: see the essays in Beth Hinderliter et al., eds., Communities of Sense: Rethinking Aesthetics and Politics (Durham, NC: Duke University Press, 2009), but hope to do so in further work on these issues.

2. Useful general discussions of truth commissions include Rotberg and Thompson, Hayner, and Phelps.


10. Francis Bacon, *The Philosophical Works of Francis Bacon*, ed. John Robert-
son (Freeport, NY: Libraries Press, 1905), 43.
1725), 1: xvi.
12. See Raymond Williams, *Keywords: Vocabulary of Culture and Society*, 2nd ed.
(New York: Oxford University Press, 1983), 183; and John Guillory, *Cul-
tural Capital: The Problem of Literary Canon Formation* (Chicago: Uni-
versity of Chicago Press, 1993) who outlines three stages (123): (1) roughly
the sixteenth through early eighteenth centuries, in which “literature” is a
general term privileging classical texts (with a special subset, “poetry,” for
imaginative literature; (2) much of the eighteenth century, when “literature”
means “polite letters” and now includes writing in the vernacular; and (3)
the turn of the eighteenth century, in which “literature” takes on a more
restricted sense, indicating (primarily) imaginative writing.
13. See Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights,
Natural Law, and Church Law, 1150–1625* (Atlanta: Scholars Press, 1997),
who argues for the twelfth-century origin of subjective, juridical, natural
rights; Michel Villey, *La formation de la pensée juridique modern* (Paris:
PUF, 2003), who discusses the origin of the idea in such thinkers as Jean
Gerson or William of Ockham; and Richard Tuck, *Natural Rights Theories:
Their Origin and Development* (Cambridge: Cambridge University Press,
1979), who identifies them as originating in the fourteenth century, and
offers a detailed discussion of their seventeenth-century articulation.
Knapton et al, 1755).
15. *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers*
16. Hannah More, *Strictures on the Modern System of Female Education* (Lon-
17. On eighteenth-century doctrines of humanitarianism, see Norman S. Fier-
ing, “Irresistible Compassion: An Aspect of Eighteenth-Century Sympathy
and Humanitarianism,” *Journal of the History of Ideas* 37, no. 2 (April–
of the Humanitarian Sensibility,” *American Historical Review* 90, no. 2 (April
1985): 339–61 (Part 1) and 90, no. 3 (June 1985): 547–566 (Part 2). Haskell
argues that the origins of the modern humanitarian sensibility lie in capitalist
market principles of agency and causation, stimulated by industrialization,
which laid a groundwork for humanitarian ideas of moral responsibility for
social ills.
and Albert Ellery Bergh (Washington, DC: Thomas Jefferson Memorial
Association, 1904), 14: 141.
19. See Robert Darnton, *The Literary Underground of the Old Regime* (Cam-
23. John Guillory, for instance, has explored the place of “literature” as the “cul-
tural capital of the bourgeoisie” in the broad history of literary canon for-
mation. Jonathan Brody Kramnick looks at the development of the English
canon, the turn from amateur to professional criticism, the origins of modern literary study in the rise of literary expertise, the rise of the national literary tradition, and the separation of commercial from aesthetic value, in the first three-quarters of the eighteenth century.


28. For the literary association of universality and nationhood, see, e.g., Catharine Trotter’s dedication to *The Unhappy Penitent* on Dryden as “The most Universal Genius this Nation ever bred.” And see the discussion in Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991).

29. See the discussion in Guillory, *Cultural Capital*, 117 (and generally his discussion of Grey’s “Elegy”).

30. According to the *Oxford English Dictionary*, the first use of the phrase “humane letters” in the modern sense is only in 1746, followed (in English usage) by the neo-Latin “litterae humaniores” in 1747 (both modeled after the somewhat earlier French *lettres humaines*).


35. Thomas Paine uses the phrase once in *The Rights of Man*, and it begins to be used occasionally in the nineteenth century in abolitionist, feminist, and economic contexts, but is used widely only in the 1940s (credit goes to Kenneth Cmiel for a helpful email on this history).

36. For the classic analysis along these lines, see Terry Eagleton, *Literary Theory: An Introduction* (Minneapolis: University of Minnesota Press, 1996).
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15–46. For one of several recent revisionist accounts, see Hinderliter et al., eds., Communities of Sense.


39. Finkielkraut, In the Name of Humanity, 91, 87.

40. Finkielkraut, In the Name of Humanity, 89.

41. Finkielkraut, In the Name of Humanity, 88.


44. Finkielkraut, In the Name of Humanity, 89, 91.
