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## Beyond Empathy: Examining the Emerging Field of Literature and Human Rights

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Beyond Empathy: An Examination into the Emerging Field of Literature and Human Rights

Senior Project Submitted to  
The Division of Languages and Literature  
of Bard College

by  
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Annandale-on-Hudson, New York

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## Introduction

The field of human rights has a literature problem. Or, to be more precise, while the contemporary human rights regime would like to believe that it has a comprehensive handle on literature's usefulness to its ever-expanding project, literature is left to languish, defanged, in the proverbial corner. The contemporary human rights regime, emblemized by organizations like the United Nations and Amnesty International, understands literature primarily as a tool for spawning empathy, and in so doing, overlooks entirely the foundational ways in which literature has been both a co-conspirator and a sculptor of human rights as they are understood and operate today. I am far from the first to grapple with this instrumentalization, given that as the contemporary human rights regime has become increasingly concretized, the field of literature and human rights has grown rather astronomically in kind. The intersecting field of literature and human rights, which as the literature professor James Dawes writes, is in an almost absurdly nascent stage,<sup>1</sup> nevertheless has amassed a significant community of scholars in recent years, and as is true of any rapidly growing institution, the field itself has begun to manifest some core tenets of approach. It is these tenets, or tendencies, that this project is concerned with, especially given the creeping predominance of the empathy model into not just the human rights regime but also the field of literature and human rights. The dangers of supporting the empathy model extend beyond just a misunderstanding of literature's role in creating human rights; the devaluing of literature's true nature as a space for alternate states of being is the most concerning victim. This project examines the leading texts in the burgeoning field of literature and human rights to seek alternative methods of understanding the relationship between its two parts.

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<sup>1</sup> "It was with seemingly sudden clarity that literature and human rights emerged as a named field of literary studies in 2006–2007, with the publication of a special issue of PMLA on human rights in the humanities and four simultaneous monographs that mapped out the historical and ethical parameters of the interdisciplinary." Dawes, "Human Rights in Literary Studies."

## Chapter One

### Empathy

Empathy is, admittedly, such a frequently and liberally used term that an attempt to foreground it in any specific field could rather easily elide any meaning or matter at all; I suspect that this possibility is made nearly doubly probable by the fact that even amongst the almost familiarly cozy field of human rights and literature, there are a varied number of terms used to more or less describe the same phenomenon that I am attempting to explore. Similarly present in my attempt to use a sort of catch-all term that may very well be acting more like a sieve is the previously noted familiarity of the emerging field of human rights and literature, which because of its relative minuteness and current existence in a nascent stage is almost presciently attuned to any recently published additions, and so seems wary of settling on a field-specific vocabulary this early in the development of said field. But the necessity of grappling with the reasons and ways in which empathy, or something similar to it, became the commonly accepted love child produced by the clashing of human rights and literature is made clear in the fact that empathy is often where the mind halts when attempting to understand the ways the literature matters to human rights, and vice versa. Believing in and facilitating the suspect assumption that literature's *raison d'être* in the contemporary human rights regime is to create empathy through replicating the experience of the other for the masses has a multitude of nearly dangerous results, from cementing an untrue narrative to creating the literary theorist Joseph Slaughter's "literary humanitarianism," which scholar Alexandra Schultheis Moore helpfully describes as the phenomenon in which "readers feel as though they have accomplished human rights work by reading sympathetically."<sup>2</sup>

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<sup>2</sup> Hatch, "An Interview with the Editors of Teaching Human Rights in Literary and Cultural Studies – Bookish."



Given especially that the field of human rights is significantly more front-facing and public-relations-minded than the academic field of literature, it is rather easy to identify the party line, as it were, of contemporary human rights on the subject of literature's usefulness to its project. While a website homepage is of course not inherently reflective of the entirety of a field's general approach, the decisions an organization such as Amnesty International UK makes in designing their website are indicative of the current climate of literature in human rights. On Amnesty International UK's aptly titled "Literature and Human Rights" web page, the question of what "do novels, poems and picture books have to do with our human rights?" is promptly answered by an Archbishop Desmond Tutu quote that responds "They are all bound up with this wonderful talent we humans have: to empathise with others. If, by reading...we are enabled to step, for one moment, into another person's shoes, to get right under their skin, then that is already a great achievement. Through empathy we overcome prejudice, develop tolerance and ultimately understand love. Stories can bring understanding, healing, reconciliation and unity."<sup>3</sup> While I would certainly be remiss to question the Archbishop Tutu's authority on the tangible rendering and application of human rights work, his belief that literature, and even more broadly, stories, act solely as heart-widening keys which swing open the doors of justice-based enlightenment speaks to the winnowing of literature's role in the very creation of contemporary human rights. I again preface my next quote with a healthy helping of acknowledgement that an organization's website does not a legally, or even seriously, binding document make, and indeed Amnesty International UK's summarizing of literature's place in the human rights regime is so stunningly on the nose that to take umbrage with it is probably a fairly cheap shot. Nevertheless, the shot is getting taken, because the website continues on to say that "Reading fiction develops our empathy and social understanding. Empathy helps us stand up to prejudice and

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<sup>3</sup> Amnesty.org.uk "Literature and human rights"

discrimination...That is why we take literature seriously. As a tool for empathy, for education and for awareness-raising it is almost unrivalled." <sup>4</sup> Particularly telling is the sentence "That is why we take literature seriously," not only for the short work it makes of clearly delineating a "we" of human rights workers apparently entirely separate from the field of literature, but also because it so blatantly states that literature is only useful to and taken seriously by the human rights regime so long as it fulfills its purpose as a tool for empathy. The shameless commodification of an entire artistic field notwithstanding, this short sentence exemplifies both the notion of empathy's stranglehold on the human rights and literature field and the resulting unfamiliarity of the human rights regime with foundational work accomplished by literary theorists like Slaughter and Moyns which formulates human rights as indebted to and reliant on literature.

The other gaping hole that Amnesty International UK's webpage both creates and helps identify is the process through which the consumption of literature inspires an empathy that then, in turn, ostensibly spurs action. The literature and human rights professor James Dawes, in a tacked-on acknowledgement of potential disagreement to his overview of Sentimentalism providing a framework for contemporary human rights, writes that "some have criticized such arguments for relying upon, without fully developing, a theory about how literary works perform a cultural labor that can bring about broad perceptual shifts." <sup>5</sup> Much more robust in her suspicion of the field's somewhat staggering reliance on metaphor is the literary theorist Lyndsey Stonebridge, whose ire appears to have been so roused by these theoretical leaps that she takes care to preface *Writing and Righting* thusly:

There are inspiring books that show how the greats of literature teach us about the love and compassion we need to create societies of human rights. This is not one of those books. We often hear the argument that what is urgently required just now is more

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<sup>4</sup> Amnesty.org.uk "Literature and human rights"

<sup>5</sup> Dawes "Human Rights in Literary Studies," in *Human Rights Quarterly*, May, 2009, Vol. 31, No. 2 (May, 2009), Pg. 397

empathy. Literature is a particularly good thing in this regard, it is said, because reading generates the empathetic feelings required to develop the kinds of moral imagination that can connect us with the suffering of others. <sup>6</sup>

It is not particularly difficult to take the paint-by-numbers steps of positing Stonebridge's primary intended target in this paragraph as human rights organizations like Amnesty International UK, but her positioning of her own work as something decidedly apart of an already established semi-canon, in such a deliberately forthright stance, requires a thorough examination of the literature which Stonebridge evidently regards as common and widely-read enough to act as the popular girls to her coolly rebellious outcast. While Stonebridge admittedly only directly addresses Lynn Hunt a select few times throughout *Writing and Righting*, most regularly in the service of neatly framing an angle of analysis or argument that Stonebridge will in short order go on to label as suspiciously lacking in nuance, the immediacy with which Stonebridge in the above quote refers to "inspiring books" and then introduces the concept of empathy highly suggests, at least to this reader, that Hunt's *Inventing Human Rights* and belief in the ability of Sentimental literature to have essentially rewired our collective brains into ready receptacles for the experience of the other is circling closely around Stonebridge's argument. <sup>7</sup> To gain some measure of understanding about Stonebridge's reticence to align herself with the "inspiring books that show how the greats of literature teach us about the love and compassion we need to create societies of human rights," the backdrop she splashes her work against must be properly dealt with.

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<sup>6</sup> Stonebridge, Lyndsey. *Writing and Righting: Literature in the Age of Human Rights*. New York: Oxford University Press, 2020. PG vi

<sup>7</sup> "My argument depends on the notion that reading accounts of torture or epistolary novels had physical effects that translated into brain changes and came back out as new concepts about the organization of social and political life."

Hunt, Lynn. *Inventing Human Rights: A History* (p. 31). W. W. Norton & Company. Kindle Edition.

Empathy is perhaps the most commonly cited and deeply explored mode of understanding the role that literature has played in human rights, a concept so readily on the tip of the field's collective tongue that its invocation can read as mere stultifying sappiness to those who fancy themselves a bit more wary of the human rights project and literature's complicity in it. But the idea that, as James Dawes perhaps rather magnanimously puts it, "one of the tenets of literary studies is that storytelling is essential to how we come to be who we are. We make sense of ourselves and our lives, individually and collectively, by telling stories," is in its broadest application a rousingly generous approach to the work of following through on the hunch that the contemporary human rights regime was quite literally constructed through literature and literary studies.<sup>8</sup> Given that only the most disillusioned shy away from at the very least acknowledging the narrative of literature creating the blueprint of empathy that human rights followed as maps, the role of empathy has been dissected a number of ways, and makes up a hefty portion of the field of literary studies in human rights, from Lynn Hunt's almost-beyond-seminal theories in *Inventing Human Rights*, which Dawes places in the context of other Sentimental literary theorists, to Stonebridge's war-weary educationalists. This chapter will attempt to explore the multiple iterations of the exalting of empathy as a product and facilitator of human rights and literature as well as the root of the field's general buy-in to the concept of empathy.

"We read books," Stonebridge writes, "because they give us blueprints for the ways in which it might be possible to live with others in the world."<sup>9</sup> In the midst of an otherwise forthrightly skeptical debriefing of the current state of literature in the contemporary human rights regime and human rights discourse, this unprotected open heartedness rings a dissonant note of belief, tentative though it certainly might be, which invites repeated listenings. To be fair,

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<sup>8</sup> Dawes, 395.

<sup>9</sup> Stonebridge, 1.

Stonebridge's introduction to her book *Writing and Righting* is a somewhat wily display of her ability to diagnose the tenor of the conversations about responsibility and worthwhileness currently occurring in the human rights field while actively participating in those very discussions; there are moments in *Writing and Righting* where the lines between Stonebridge as an observer and Stonebridge as a player are complicated, making it rather difficult to attribute sweeping statements directly to her. Nevertheless, this dissonant note sounds at multiple moments throughout the text, manifesting in lines such as "Educationalists in countries struggling daily with the realities and cross-generational legacies of war, mass displacement, and trauma, such as Palestine and Rwanda, argue strongly (and, given the scant resources available, usually vainly) for arts and humanities to be taught because they understand the intimate connections between imagination, memory, hope and social and political justice."<sup>10</sup> These "intimate connections" that Stonebridge not only identifies but places as the perhaps ultimate motivating force generating the human rights regime, what remains at the mitochondrial level of necessity after all that messy imperialism and colonialism that became inextricably linked to the human rights project someday gets routed, seem to be another, or a more specific, phrase for what I will simply term empathy.

When Lynn Hunt's *Inventing Human Rights: A History* was published in 2007, it was received with near-universal acclaim and impressively immediate canonization from major mainstream newspaper reviewers, often conducted, as is general literature reviewing practice, by Hunt's tangentially related academic colleagues. The historian and Pulitzer Prize recipient Gordon S. Wood, writing in the *New York Times*, termed Hunt's "remarkable little book" a "tour de force of compression" while exulting the clarity and speed with which Hunt conducts a full

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<sup>10</sup> Stonebridge, 10.

body examination of her subject.<sup>11</sup> In *The New Republic*, Gary J. Bass stamped the book as "splendid" and wrote that "although [Hunt] clearly believes in moral progress even unto her own day, she does not allow herself the smug luxury of assuming the superiority of the current age."<sup>12</sup> Though Bass's review is telling of the opening Hunt's work gives to those suspicious of a more social justice, digitally-based arm of human rights, it is also useful for its representative indicativeness of how utterly secure *Inventing Human Rights* was in its place as a touchstone for the fledgling field of literature and human rights essentially since its publishing. The language that these contemporary reviews planted the seeds of grew into the almost-shorthand in which fellow scholars like Dawes and Stonebridge seemingly almost compulsively refer to Hunt and her work; in *Writing and Righting* Stonebridge introduces Hunt by referring to her work as "influential"<sup>13</sup> and Dawes refers to *Inventing Human Rights* as making up a part of "the deep history of literature and human rights."<sup>14</sup> While of course Hunt is not the sole occupant of this corner of the field, her work, and more specifically *Inventing Human Rights*, seem to never be far from either the minds or the pens of those engaged in the study of human rights and literature, either as a bursting ripe touchstone of the field's scrunched up developmental timeline able to be snatched easily from the vine or as a suspiciously dominating theory of which one should be wary.

Due to Hunt's deftness at weaning away the convoluted syntactical trappings of general academia, coupled with the apparent full-throatedness with which she trusts in her hypothesis, Hunt's position on the empathy-creating ability of novels as it is unrolled in *Inventing Human Rights* is relatively easy to discern. After providing an overview of the recorded rapture that

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<sup>11</sup> "Natural, Equal, Universal" Gordon S. Wood April 8 2007 NYTimes

<sup>12</sup> "Everybody Everywhere" Gary J. Bass May 7 2007 TNR

<sup>13</sup> Stonebridge, 4.

<sup>14</sup> Dawes, 396.

Rousseau's novel *Julie* held the general reading public of 1761 in, she writes that "novels made the point that all people are fundamentally similar because of their inner feelings, and many novels showcased in particular the desire for autonomy. In this way, reading novels created a sense of equality and empathy through passionate involvement in the narrative."<sup>15</sup> While Hunt's presenting of her theory is straightforwardly uncomplicated in such a way as to recall Amnesty International UK's understanding of the importance of literature to the human rights regime, her foundational thesis is admittedly intent on conquering a drastically more significant place for literature in this ongoing conversation; Sentimental novels are in her opinion not only tools of human rights but for all intents and purposes are directly responsible for their current existence. Unlike the diminishing work that, for instance, a humanitarian organization accomplishes by relegating literature's place in the human rights regime as simply and only inspiring empathy as a building block towards creating workable fellow-feelings, Hunt certainly bestows upon literature an almost impossibly heavy crown of significance. Although Hunt peppers throughout her text nearly-instantly aborted plays at tempering the enormity of her claim,<sup>16</sup> her deification of the brain-rewiring capabilities of the 18th century novel is made obvious through entreaties such as this paragraph, in which she asks "Can it be coincidental that the three greatest novels of psychological identification of the eighteenth century—Richardson's *Pamela* (1740) and *Clarissa* (1747–48) and Rousseau's *Julie* (1761)—were all published in the period that immediately preceded the appearance of the concept of "the rights of man"?"<sup>17</sup> Due to her purposeful brushing aside of the fact that correlation is not causation, Hunt's approach attributes

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<sup>15</sup> Hunt, 39.

<sup>16</sup> "Needless to say, empathy was not invented in the eighteenth century. The capacity for empathy is universal because it is rooted in the biology of the brain; it depends on a biologically based ability to understand the subjectivity of other people and to be able to imagine that their inner experiences are like one's own." Hunt, 39.

<sup>17</sup> Hunt, 39.

an almost mythical quality to literature's direct impact and charitable abilities on empathy, a sort of solidarity with the field's importance that even self-professed skeptics like Stonebridge should hypothetically accept as more genuinely respectful of literature's place in human rights than the brush off literature only being taken seriously as "a tool for empathy, for education, and for awareness-raising."<sup>18</sup> But Stonebridge's reticence to align with Hunt in her own text, and with the theory and acceptance of empathy that Hunt's work tends to function as a synecdoche for, becomes something of a motif throughout *Writing and Righting*. Stonebridge places Hunt's work resolutely within the realm of an almost conservative cohort when directly referencing her; after a section in which she traces a brief history of narrative's impact on Enlightenment ideals of empathy, equality, and justice by referencing *Inventing Human Rights*, Olaudah Equiano, and Frederick Douglass, Stonebridge is swift to counter by beginning the following paragraph with "But the road to rights was more jagged than this up-beat history of the rise of sympathetic passions suggests. The route from narrative to the hearts of men might look direct in terms of feelings, but in truth, the byways of literary humanitarianism have always been complex and circuitous."<sup>19</sup> It is Stonebridge's summative categorizing of the texts that scaffold the general narrative of the novel's uniquely piercing powers as "up-beat" that I believe gives way, when tugged at just a bit, to a stance that seeps through not just Stonebridge's book but much of the contemporary field of human rights and literature.

Stonebridge's direct tussles with Hunt's work in her book are pointedly fixated on portraying Hunt, and the wider field of empathy-endorsing writers and texts, as perhaps lacking just a smidge of necessary nuance, as too unconcerned with material realities, as being, at their

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<sup>18</sup> Amnesty.org.uk "Literature and human rights"

<sup>19</sup> Stonebridge, 26.



core, just a little bit *uncool*.<sup>20</sup> I have previously touched on Stonebridge's bracingly self-aware posturing at something of an outsider role, a perspective which the preface immediately adopts to welcome the reader, but this seemingly intentional tone and wary attitude towards canonized sections of the field sets the stage for the genuine surprise of the dissonant note of hope that Stonebridge ultimately rings. My earlier-stated concern about the squishiness of solely using the term empathy in this discussion comes particularly strongly into play here, when attempting to dissect the tension that inherently arises from Stonebridge's sustained suspicion of empathy contrasted with her ultimate solidarity with a project that places significant stock in the view that literature creates access to those unlike ourselves; given that Stonebridge's version of dealing with this apparent contradiction involves invoking Hannah Arendt's distinction between empathy and moral judgement, I do not want to muddle the dictionary that Stonebridge herself is working from.<sup>21</sup> But because this move, something of a tonal bait-and-switch, is so ripe with apparent convolutions, and perhaps even more importantly, because it is a move occurring frequently enough in the field of human rights and literature as to have become semi-predictable, I will continue to use the term "empathy" as an umbrella for what Stonebridge and other writers stigmatize but more often than not admit to being swayed or even driven by, recognizing that much of this identified tension exists in writers' hesitance to employ specific vocabulary. This-for admitted lack of a previously-crafted and more specific term- move that continuously sneaks into discourse on literature and human rights seems propelled by a field-wide understanding, exemplified by Stonebridge's casting of Hunt's narrative empathy theory as the square teacher's pet of the class, that it is almost *passee* to whole-heartedly endorse or explore empathy as either

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<sup>20</sup> "A more sceptical view embraces the idea that literature was—and is—a strong co-creator in ideas about rights and justice, but argues for a bumpier, and possibly in the end more creative, understanding of how human rights get to be imagined" Stonebridge, 5.

<sup>21</sup>Stonebridge, ix.

the direct product of literature or as the most salient lens through which to advocate for literature's place in the human rights regime. The aforementioned coziness and resulting internal alertness to trends of the emerging field of human rights and literature has seemingly primed scholars to disavow the path of empathy, or at minimum to engage highly stridently with critiques of the empathy approach, as a requirement for proving one's awareness of the field's current temperature. This safeguarding would be notable even if the caboose of admitting to being unable to completely disavow empathy was not so often hitched to the rear; as it is, this double agent play, rather predictably, makes the move doubly notable.

A particularly concise consolidation of this move in *Writing and Righting* comes towards the winding down of the book's preface, which, as previously established, wastes little time in making its calculated distance from "inspiring books that show how the greats of literature teach us about the love and compassion we need to create societies of human rights" abundantly clear.<sup>22</sup> Stonebridge attributes her approach's roots to students in a specific course on literature and human rights that she co-taught in the 2010's with the eighteenth century literature scholar Ross Wilson, students who she characterizes as having chosen to take the course due to "an intuition that literature lived in the world: that it had something to do with us being here together, with right and wrong, with human dignity and human complexity."<sup>23</sup> These students, Stonebridge writes, shaped her desire and ability to "very interestedly affirm the critical human rights work that writing does," and in the explication of the pedagogical framework apparently necessitated by this goal, Stonebridge deploys the move which seems so inherently tangled up in itself. She writes

Literature re-creates the experience of the powerless as well as of history's makers—that is another reason why Arendt insisted that her political science students read fiction,

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<sup>22</sup> Stonebridge, vi.

<sup>23</sup> Stonebridge, X.

poems, and memoirs. We can respond to that powerlessness with pity, and we can measure our democracies' humanism by our capacities for compassion and sympathy. Or we can truly attempt to look upon the world from the perspective of the powerless. The latter is infinitely more difficult because it means acknowledging both that the inequalities and injustices of the world are, in fact, intolerable, and that most of us are implicated in them. To create literary forms in which it is possible to bear this knowledge is a step towards reclaiming human dignity. Acting on that knowledge is another.<sup>24</sup>

Here Stonebridge again constructs very specifically the backdrop which she aims to throw herself in contrast against; a literary approach that ostensibly isolates the inherently privileged self, primed to condescend to the powerless by a discourse that short-circuits at establishing empathy as literature's greatest contribution to human rights. But Stonebridge's fleshing out of her position, clearly intended to be smoothly received as obviously contradictory to this self-centered pity- cleanly demarcated as the two are by a seriously-strained "Or"- reads eerily like the Hunt-outlined model of empathy that she is so careful to place her approach in opposition to. Does "we can truly attempt to look upon the world from the perspective of the powerless" as a mission statement for utilizing and responding to literature in the service of human rights genuinely look unrecognizable to a reader accustomed to the "up-beat history of the rise of sympathetic passions," as appears to be Stonebridge's intended-upon result?<sup>25</sup> The border between pity and inhabiting the perspective of the powerless is fraught with the ease with which strolling around in the shoes of the other can lead to trampling over the path that was previously being taken. Even as she prioritizes her approach's implication of "most of us" in the injustices of the world, Stonebridge implicitly assumes some measure of actionable emotion-based growth able to be achieved on the part of the reader through the process of reading literature about or written by "the powerless." It would be irresponsible, if not blatantly unfair, to treat Stonebridge's move here as one committed under a guise of obliviousness; she is

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<sup>24</sup> Stonebridge, X-Xi.

<sup>25</sup> Stonebridge, 26.

almost hyper-cognizant of the stickiness that her endorsement of inhabiting the powerless's perspective wades into, and as a consequence, underlines the differences in her approach particularly boldly. But there is also a slightly underscored winking admittance to a sort of forward-thinking hope, that Stonebridge insists would be inaccurate to term idealism, flitting through the latter part of the book's preface that veers towards, against all odds, the up-beat.<sup>26</sup>

Due mostly to Stonebridge being explicitly and perhaps essentially ensnared in the swamp that is negotiating an evolved version of sharply self-conscious empathy, any attempt to catch her out, as it were, in the process of performing this sleight of hand requires a measure of trust in the distinction that she draws between responding to the literary experience of the powerless "with pity" and looking "upon the world from the perspective of the powerless."<sup>27</sup> Attuned as she is to the inaction that she deems the natural twin of the sort of empathy theory that Hunt espouses, Stonebridge encases her alignment with empathy in the action-oriented language of civic personhood, a trapping that helpfully does the work of placing her version of empathy within a slightly more legal, and therefore more actionable, sphere simply by mere inherent connotation. Stonebridge's central demonstration of her ostensibly crucially matured approach to literary empathy is contained within *Writing and Righting's* fifth chapter, "Words of Fire: Creative Citizenship," in which the Classical Iranian poet Saadi's verse becomes the temporally universal framework upon which the testimony of Grenfell Tower survivors is mapped. Recounting a 2017 event, which she viewed on a digital livestream, Stonebridge writes

On 19 July 2017, one month after the Grenfell Tower fire, the Royal Borough of Kensington and Chelsea Council held its first meeting. The public gallery was packed to capacity. People, including residents of the Tower, friends and relatives of the dead and injured, queued outside. The elected officials sat on their benches, individual chilled bottles of water before them. After the Mayor's Special Announcements, and before debate turned to matters concerning the appointment and duties of the electoral returns

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<sup>26</sup> Stonebridge, X.

<sup>27</sup> Stonebridge, X-Xi.

officer, those who had been ‘involved in the Grenfell Fire Tragedy’ were invited to ‘come forward and speak’. What followed was an outpouring of fiercely eloquent grief and rage.<sup>28</sup>

Stonebridge is unevasive about her admiration for the survivors and, more specifically, their testimony; although a conception of literature that reduces it to mere narrative testimony runs the risk of deflating literature of its true capabilities, there is a kernel of an impressively brave optimism in this chapter. What enchants and emboldens Stonebridge in the Grenfell survivors' testimonies and poetry is an apparent collective disregard for the faulty "listening" of those in power. She writes that the London councillors were under the mistaken impression that "to ‘allow’ people to tell their stories was somehow interpreted as doing enough to at least be seen to be acknowledging their rights," but the survivors soldiered on with their remarks, embodying a poetics that "refuses to perform traumatized victimhood in exchange for legal or political recognition."<sup>29</sup>

The move that Stonebridge pulls by stigmatizing and then understatedly aligning with some element of the importance of literature's empathy-generating capabilities is one mirrored, if often in a slightly Alice-through-the-looking-glass-way, repeatedly by her fellow contemporary human rights and literature scholars. The feint is of course not enacted under identical circumstances nor is it always used as the means to a single established end, but its repeated presence across vastly disparate (con)texts suggests a field-wide recognition that at the very least, acknowledging the issues with an empathy-driven approach makes one appear appropriately tuned-in, and perhaps just a hair jaded. In the previously-referenced Modern Language Association (MLA) interview with the joint editors of the MLA volume *Teaching Human Rights in Literary and Cultural Studies*, the scholars and editors Alexandra Schultheis

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<sup>28</sup> Stonebridge, 64.

<sup>29</sup> Stonebridge, 69.

Moore and Elizabeth Swanson Goldberg remain obligingly true to their positions as the facilitators of opinions on the growing field, and offer, on the whole, an impressively balanced overview of their volume without dipping too deep into partialism. When the MLA interviewer poses the question: "Concepts like empathy, sympathy, and identification, as well as justice and equality, must arise in classroom discussions about human rights and literature. Is there an assumed literary theory or theory of reading at work in such discussions?" an echo of Stonebridge's hesitance bounces around the walls of Moore's response, in which she says "I wouldn't want to say that there is any single theory or approach to these questions...I do think Joey Slaughter's warning against fostering a kind of "literary humanitarianism," in which readers feel as though they have accomplished human rights work by reading sympathetically, is consistently important."<sup>30</sup> It is both telling and understandable that Moore's apparent instinct when faced with the topic of empathy is to introduce Slaughter's work into the conversation, and provides some semblance of a potential hypothesis for at least part of the growing ubiquitousness of disavowing empathy. Slaughter's 2007 book *Human Rights Inc.: The World Novel, Narrative Form, and International Law* has in the years since its publication become, primarily in the academic community, nearly as dominantly synonymous with its focus as Hunt has with the concept of novel-created empathy. While Slaughter's text remains rooted throughout its 436 pages in its excavation of the bildungsroman's relationship to and responsibility for international law's creation of a specific human personality, to attempt even an overview of the text's entire project would be a bit absurd, and so I will place myself within the considerably more comfortable few pages in which Slaughter trademarks and expounds on the referenced "literary humanitarianism." In this section of his book's fifth chapter, "Clefs à Roman," Slaughter does not explicitly name empathy as the doorway through which literary humanitarianism walks, but

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<sup>30</sup>"An Interview with the Editors of *Teaching Human Rights in Literary and Cultural Studies*"

Moore's co-editor Goldberg provides a helpful translation for the version of empathy that Slaughter seems to be in conversation with when she cites "simple consciousness raising" as an approach that their MLA volume strives to avoid as well as the approach that leads, in Slaughter's text, to literary humanitarianism.<sup>31</sup> From within a corporatization-minded framework, Slaughter relies on Jacques Ranciere's conception of humanitarianism as human rights transfigured into hand-me-downs for the non-Western other to graft his mapping of the bildungsroman onto. Ranciere's theory, as related by Slaughter, renders human rights "empty" and treats them as becoming "purely tautological—declarations of rights for those who already enjoy such rights."<sup>32</sup> For the purposes of those grappling with not just human rights but the intersection of human rights and literature, Slaughter mutates Ranciere's theory into a suggestion that the field's traditionally-relied upon narrative forms have been so exhausted of their fruitfulness in the Western world that the sole natural option was for these forms, like the bildungsroman, to be given to the globally disenfranchised, spurring a "Western desire for Bildungsromane of the non-Western."<sup>33</sup>

It is notable that Slaughter remains fastidiously concentrated on the bildungsroman as comprising the necessary aspects of his conception of literary humanitarianism, given the swiftness with which many of his colleagues in the field of human rights and literary studies appear to have adopted the term as a general warning with ambiguous open-ended applicatory abilities.<sup>34</sup> Neither Moore's nor Goldberg's allusions to Slaughter's work in the MLA interview mention the bildungsroman as the planet which *Human Rights Inc.* dutifully revolves around;

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<sup>31</sup> "An Interview with the Editors of *Teaching Human Rights in Literary and Cultural Studies*"

<sup>32</sup> Slaughter, Joseph R. *Human Rights, Inc.: The World Novel, Narrative Form, and International Law*. 1st ed. New York: Fordham University Press, 2007 Pg. 314

<sup>33</sup> Slaughter, 314.

<sup>34</sup>"What we might call the new literary humanitarianism—the Western desire for Bildungsromane of the non-Western other that is enacted through book markets" Slaughter, 314.

while of course a certain measure of streamlining is to be expected in any interview, and especially one which doubles as an advertisement, this exclusion in the service of making the term applicable to the entire field of literature again highlights the readiness with which it seems much of the field internalized Slaughter's theory. This readiness to adopt and generalize the concept of literary humanitarianism as the quicksand dotting the field of literature and human rights suggests an acknowledgement on the part of theorists and academics that Slaughter's critique could, perhaps fairly, be aimed at their own work as well. Goldberg's preface to an anecdote about students routinely being surprised by finding that rights violations previously only encountered in literature also occur in the real world ("as much as the instructors represented in our book attempt to work against the grain of simple "consciousness raising...") is a useful example of this forward-looking warding off.<sup>35</sup> Because of course Slaughter is far from the lone voice defining the slippery slope offered by inextricably handcuffing literature to empathy, other occurrences of a carefully considered involvement with or disavowing of empathy do not always directly involve his work or literary humanitarianism, though shades of Moore and Goldberg's treatment of the term as a spectre influencing their own writings reappear even without being named as such.

Exemplifying particularly well how a heightened consciousness of trends in the field of human rights and literature contributes to a ready wariness of empathy is the literary theorist James Dawes' 2013 essay for the Harvard University Press Blog titled, in a perhaps less on the nose and more on the entire face manner, "Is Empathy Bad?" The essay is structured as a response to a New Yorker article by the psychologist Paul Bloom, "The Case Against Empathy" and while it does not engage directly with literary humanitarianism, it contains a version of Stonebridge's feint so inflated by Dawes' achingly personal identification with the subject that

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<sup>35</sup>An Interview with the Editors of *Teaching Human Rights in Literary and Cultural Studies*"



the result becomes almost tailor-made for my purposes. Dawes summarizes Bloom's driving argument as the belief that "empathy—our ability to feel for others—is at the heart of what it means to be a human, and empathy is bad."<sup>36</sup> In a full-throttle continuation of Stonebridge, Moore, and Goldberg's respective scholarly anecdotes contextualizing where their treatments of empathy arise from, Dawes lays bare his quotidian experiences of empathy by writing

My empathy for my children morally improves me as a father. This is a good thing, but it gets better: the moral improvement of fatherhood leads to other moral improvements. My capacity to extend my empathy to other people's children—by making them real in my imagination, by showing myself that they are like my children—emotionally prepares me to sacrifice my own family's interests for other families' interests. Again: a good thing. And again: it gets better. My experience of empathy for my children gives meaning to my life. Next to that feeling of connection, everything else feels like vanity and baubles.<sup>37</sup>

The starkness with which Dawes' seemingly un-self-conscious personalization of empathy stands out against the hesitance of his colleagues most likely does not need to be remarked upon to be noted, but given that this initial openness acts for all intents and purposes as a red herring, it is important to parse through. When Dawes slides into an analysis of the more salient bits of Bloom's argument and then treats them as the kiddie pool of criticizing empathy while he dives into the deep end, it initially appears to be the fairly startling inverse of a response to Stonebridge's move of disavowal followed by eventual admittance. In a seemingly intentionally taunting smirk of a paragraph, Dawes writes that "Bloom's case against empathy is made at the broadest social level; he worries about what we might call our "aggregate empathy." In this article, at least, he is not worried about empathy at the level of individual personal relationships. I think he should be. I think the case against empathy goes, so to speak, all the way down."<sup>38</sup> Apparently unconcerned with the civility which Stonebridge deploys in her angling away from

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<sup>36</sup> "Is Empathy Bad?" Harvard University Press Blog. "Is Empathy Bad?" [https://harvardpress.typepad.com/hup\\_publicity/2013/06/james-dawes-on-empathy.html](https://harvardpress.typepad.com/hup_publicity/2013/06/james-dawes-on-empathy.html).

<sup>37</sup> "Is Empathy Bad?" Harvard University Press Blog.

<sup>38</sup> "Is Empathy Bad?" Harvard University Press Blog.

Hunt's theory, Dawes continues to use his unabashedly personal perspective on empathy to uncover increasingly serious issues inherent in relying on empathy as self-congratulating action. He frames one such trap around his experience with interviewing war criminals from the Second Sino-Japanese war, during which he recognized empathetic compulsions towards the war criminals in himself, and suggests that these impulses were ultimately harmful blinders preventing a consideration of the men's victims. Dawes also seems to gesture to Slaughter's literary humanitarianism, or at least the generalized version of the concept that was disseminated throughout the field, when he writes

Another worry is that the empathy isn't empathy at all. The feeling for others that we call empathy might often be a thin disguise for narcissism and even voyeurism. We think we are drawn to and captivated by stories of other people's trauma because we are caring creatures, because empathy compels us. But perhaps we are drawn to stories of suffering because we feel an insecure need to display to ourselves, through our performed empathetic response, our moral worth.<sup>39</sup>

There are quite a significant number of thorny concerns one could conceivably sit with for some time presented in this section, which display a refreshing willingness to treat the ugliness of the self as the primary culprit in many of empathy's complications; that Dawes does not in fact pause after running through this section initially telegraphs only the promise of even more uncomfortable topics to be found in his pressing on. There are whispers of Stonebridge's project of "looking upon the world from the perspective of the powerless" in Dawes' overturning of empathy taken for its declared self; he writes "If we don't get close enough to the other, our empathy is thin and superficial. We under-identify. But if we get too close, we over-identify. Our empathy can erase the other; we can find ourselves emotionally standing-in for the other."<sup>40</sup> This brief section, too, contains unilaterally weighty concerns, and the almost-breeziness with which Dawes flits from one to the next does little to lessen the apparent blow that each lands on the

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<sup>39</sup> "Is Empathy Bad?" Harvard University Press Blog.

<sup>40</sup> "Is Empathy Bad?" Harvard University Press Blog.

empathy industrial complex. Again hinting that literary humanitarianism is lurking unnamed in the margins of the essay, Dawes enlists Jean-Jacques Rousseau to expand on his identified possibility that empathy "uses up our energy for action," and quotes Rousseau's suspicion that an empathy able to be transferred to and diminished by fictional characters is a wobbly base for any ideology or movement.<sup>41</sup> This increasingly dire roll call of empathy's pitfalls serves, understandably and perhaps obviously, to work the reader into an assumption that Dawes is using this essay as an opportunity to deliberately separate his approach towards empathy from that of his colleagues in the field; coming after a bracing investigation, which Dawes himself facilitated unprompted, turned up increasingly glaring warning signs, a deployment of the bait and switch move of an eleventh hour warning to empathy's usefulness would appear utterly hollow. But in a rather stunning slamming of the proverbial brakes, Dawes makes precisely the same move, amplified so as to be almost comical. After quoting Rousseau, Dawes eases back into his earlier language of recounting empathy's many iterations in his personal life, writing "Empathy—our ability to feel for others—is at the heart of what it means to be a human. Empathy morally improves me. Empathy gives meaning to my life. Empathy is the driver of historical progress and our best hope for the future."<sup>42</sup> And then, essentially and confoundingly, he continues " I believe all of this. I really do. But I also think the case against empathy is strong. And I think it is useful. To be satisfied with empathy is the easiest thing in the world. To get critical distance from it is hard, but necessary."<sup>43</sup> Here Dawes both almost knocks himself down rushing to realign with

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<sup>41</sup>"In giving our tears to these fictions, we have satisfied all the rights of humanity without having to give anything more of ourselves; whereas unfortunate people in person would require attention from us, relief, consolation, and work, which would involve us in their pains and would require at least the sacrifice of our indolence, from all of which we are quite content to be exempt. It could be said that our heart closes itself for fear of being touched at our expense." (Rousseau) "Is Empathy Bad?" Harvard University Press Blog.

<sup>42</sup> "Is Empathy Bad?" Harvard University Press Blog.

<sup>43</sup> "Is Empathy Bad?" Harvard University Press Blog.

literature-created empathy's role in human rights, and simultaneously continues to affirm the validity of critiques against the very same position. Given how severe and seemingly deflating Dawes' string of worries is, the reveal that the essay is apparently intended to be used as a sort of empathy-strengthening debate partner in the goal of eventually birthing a "sharper, more weather-beaten and scrappy" form of empathy results in a flatlining of empathy on the whole. In a rather similar button-up to the closing of *Writing and Righting's* preface, in which Stonebridge sounds a call to arms by writing that "acting on" the knowledge of our collective implication in the world's injustices is "a step towards reclaiming human dignity,"<sup>44</sup> Dawes writes of this hoped-for matured form of empathy: "That kind of empathy, we believe, really might help change the world." Without the support of a succeeding book with which to shore up his argument, Dawes leaves the reader with a sense of a thoroughly scooped-out empathy, too enfeebled to transform into a more honest version of itself. Regardless of one's personal commitment to valuing empathy as literature's avatar in the world of human rights, Dawes' essay begs the question of why a concept so apparently riddled with fault lines should not be at least considered as ready for the trash pile. More than the stigmatizing of empathy that is endemic to this move as exemplified by Stonebridge, Dawes appears to make an attempt at obliterating empathy completely, making the reveal that he wholeheartedly still endorses a version of empathy particularly troubling.

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<sup>44</sup> Stonebridge, xi.

## Chapter Two

### Declarations of Rights

The space left wanting in the field of human rights and literature by empathy's apparent blunted steamrolling of its competitors for the most easily reached mode of understanding human rights' and literature's relationship as co-conspirators has not remained entirely, or even mostly, fallow. It may, though, be slightly more difficult to discern the evidence of the scholarship that slips through and around empathy's cracks, as it tends not to be as readily accompanied by cheerful illustrations on NGO's websites as its more celebrated cousin is. In an approach that demonstrates and perhaps even relies upon an unblinkingly serious estimation of literature's capabilities, and indeed, its historical role in providing the DNA of the contemporary human rights regime, several scholars of the field have, in service of their attempts to argue that the human rights regime is composed of and mediated through literature, seamlessly slotted declarations of rights into literature's embrace and continued on accordingly. Neatly sidestepping a more genial camp which neutralizes literature by palatably packaging it as "storytelling," as James Dawes is wont to do, scholars of human rights and literature who set their focus on declarations of rights as legitimate places in which to ground their corner of the emerging field juggle an altogether different set of exigencies.<sup>45</sup> There is a more resolute and perhaps almost clinically straightforward air wafting around academic engagement with rights declarations; especially from the vantage point of a literary perspective, arguing for the centering of the most basic tentpoles of the contemporary human rights chronology understandably appears staidly predictable.

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<sup>45</sup> "One of the tenets of literary studies is that storytelling is essential to how we come to be who we are. We make sense of ourselves and our lives, individually and collectively, by telling stories." Dawes, 395. *Human Rights in Literary Studies*

The aforementioned dominance of the literary critic Joseph Slaughter over certain staked-out realms of the field of human rights and literature is particularly strongly at play here, due to Slaughter's journey-to-the-center-of-the-earth-and-back-again approach to analyzing both the 1776 American Declaration of Independence and the Universal Declaration of Human Rights (UDHR) in *Human Rights Inc.* While *Human Rights Inc.*'s marked influence on the field is most easily spottable in Slaughter's colleagues' ever-growing awareness of the spectre of literary humanitarianism, Slaughter's laser-pointed unpeeling of the Declaration of Independence and the UDHR have apparently undergone a rather similar transformation into shorthand touchstones which are utilized as concentratedly representative of the the entire topic of rights declarations. James Dawes paraphrases *Human Rights Inc.* in this manner in his essay "Human Rights in Literary Studies" citing Slaughter's unearthing of the literary-sculpted debates over the drafting of the UDHR<sup>46</sup>; Lyndsey Stonebridge similarly cedes the floor to Slaughter's earlier critiques in *Writing and Righting's* section on the drafting of the UDHR, in which she writes that Slaughter "first observed" that "the novel form proved itself peculiarly well-suited to expressing how it is we can be made (up) and free at the same time."<sup>47</sup> This acknowledgement of Slaughter's seemingly predominant partnership with the subject of rights declarations is not a foolish attempt on my part to argue that any further scholarship would be participating in a game whose buzzer had already been rung, nor indeed to suggest that Slaughter is at all the only writer to have engaged with rights declarations as literature's most honest avatar in the human rights regime. Indeed, Jacques Derrida's foundational essay "Declarations of Independence" is proof positive that although Slaughter's work will be tied to the subject of rights declarations for the foreseeable

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<sup>46</sup> "In *Human Rights, Inc.*, literary critic Joseph Slaughter analyzes UN debates over the proposed Universal Declaration of Human Rights, giving particular focus to the arguments generated around Article 29: 'Everyone has duties to the community in which alone the free and full development of his personality is possible.'" Dawes 401

<sup>47</sup> Stonebridge, 37.

future, other literary theorists have found the subject equally as fruitful. Given, as has been perhaps exhaustively stated previously, the size-fomented self-awareness of the literature and human rights field, it is possible, if not simple, to view *Human Rights Inc.* as the sole flagpole in the cratered ground of the subject of rights declarations, but the fact that Slaughter's work is frequently referenced as groundbreaking means only that plenty of other writers have since picked up the chisel as well, continuing to hack away at the field.

The deceptively entreating trap of literary humanitarianism that Slaughter first named and popularized as a warning to the field of literature and human rights might understandably prime the reader to place texts which place stock in rights declarations, like *Human Rights Inc.*, as directly and diametrically opposed to those texts which are swayed, either staunchly or more ashamedly, by literature's empathy-generating capabilities. While the positions of the many writers who have dealt with rights declarations as the genuine literature of the human rights regime run the gamut regarding the strength of their respective suspicions towards human rights, as is evidenced by Lynn Hunt's thorough piecing through of both the American Declaration of Independence and the drama of its drafting in *Inventing Human Rights*, the act of centering rights declarations in texts that are explicitly borne of the intersection between human rights and literature, which in certain cases figuratively comprise the bedrock of the field, inherently argue for the immediacy of literature in the human rights regime.<sup>48</sup> Unlike the field of contemporary human rights, to whom literature is a tool for creating empathy, writers who treat declarations of rights as one of the obvious nexuses of the intersecting fields consider the primacy of literature in shaping the contemporary human rights regime, and while of course this treatment often implicates literature in the imperialism and corporatization of human rights, it is predicated on facing literature as an equal. Engaging with rights declarations as the literature of human rights,

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<sup>48</sup> Lynn Hunt, *Inventing Human Rights*

in addition to inviting considerations of the new form of personhood that is constituted at the moment of signing, allows for investigations into the literariness that drafting a rights declaration so frequently incurred, which particularly in the case of *Human Rights Inc.* uncovers the ways in which drafter's conceptions of human rights were inextricably stretched over a blueprint of Western literature. This chapter attempts to take the temperature of the field of literature and human right's approaches to rights declarations as regime-creating literature, and to plumb the possibilities arising from this approach.

Given both chronological appropriateness and theoretical importance, it is hardly surprising that many human rights texts which analyze declarations of rights first set their sights on the American Declaration of Independence. In conjunction with its slightly younger cousin document, the Declaration of the Rights of Man and Citizen, the Declaration of Independence is commonly viewed as the literal legal inception of what would develop into the contemporary human rights regime.<sup>49</sup> In the introduction to *Inventing Human Rights: A History*, Lynn Hunt neatly pinpoints what may very well be the central and generative problem apparently inherent to all existing formal declarations of rights. She writes of the Declaration of Independence and the French 1789 Declaration of the Rights of Man and Citizen,

Despite their differences in language, the two eighteenth-century declarations both rested on a claim of self-evidence. Jefferson made this explicit when he wrote, 'We hold these truths to be self-evident.' The French Declaration stated categorically that 'ignorance, neglect or contempt of the rights of man are the sole causes of public misfortunes and governmental corruption.' Not much had changed in this regard by 1948.<sup>50</sup>

After stretching out this parallel paradox to include the UDHR's usage of the term "Whereas" as a slightly evolved version of Jefferson' self-evidence, Hunt plainly follows this identified

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<sup>49</sup> In a slightly on-the-nose support of this view, Hunt writes "The equality, universality, and naturalness of rights gained direct political expression for the first time in the American Declaration of Independence of 1776." Hunt, 21.

<sup>50</sup> Hunt, 19.



entanglement to its seemingly natural barrage of questions, writing "if equality of rights is so self-evident, then why did this assertion have to be made and why was it only made in specific times and places? How can human rights be universal if they are not universally recognized?"<sup>51</sup> Because Hunt's human rights work is filtered through her background and primary profession as a historian, and perhaps due a bit to her previously established openness to accounts of the formulation of human rights which wholeheartedly endorse the transformative power of intangible inner spheres, the core equation that Hunt attempts to unravel is shifted slightly from the hall-of-mirrors thorny ouroboros that writers like Slaughter and Jacques Derrida tease out of the inherent self-evident paradox; Hunt is fixated primarily on the question of how "it is astounding that men such as Jefferson, a slave owner, and Lafayette, an aristocrat, could speak as they did of the self-evident, inalienable rights of all men."<sup>52</sup> (Although she does dutifully formulate this contradiction as primarily a matter of rapid language development, it is worth noting that the rampant prejudice of the Framers, taken as fact by most modern human rights scholars, is carefully couched by Hunt as the suggestions of other, separate scholars who "have even questioned whether the declarations had any real emancipatory meaning." This tendency towards conservatism is further highlighted by Hunt's writing that "the founders, framers, and declarers have been judged elitist, racist, and misogynist for their inability to consider everyone truly equal in rights;" she very carefully distinguishes herself from those passing judgement.)<sup>53</sup> Hunt's helpfully straightforward enunciation of the questions raised by the self-evident paradox provide a plainspoken streamlining of the seeming impossibility which other writers seize on as the nut that, once cracked, springs out a multitude of beguiling avenues of exploration.

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<sup>51</sup> Hunt, 19.

<sup>52</sup> Hunt, 18.

<sup>53</sup> Hunt, 18.

The literary theorist and philosopher Jacques Derrida, while admittedly not a part of the cohort of contemporary actors in the field of literature and human rights, due partially to his being an academic star in such a manner that is unavailable to academics working in the 21st century, and due partially to his being deceased, nevertheless has an outsize presence on the field of human rights and more specifically on the subject of rights declarations; his 1976 speech-turned-essay, uncomplicatedly titled "Declarations of Independence" provides the blueprint for sparring with the paradox inherent in rights declarations. Derrida makes short work of anyone suspicious of the literary nature of rights declarations by, to put it simply, turning the full might of his significant literary deconstructionist prowess on to the subject of rights declarations,<sup>54</sup> identifying his own self-assigned task as answering the question: "*who signs, and with what so-called proper name, the declarative act that founds an institution?*"<sup>55</sup> Derrida's initial impulse is to insistently reimagine and then argue for an understanding of rights declarations as dually inherently constative and performative; even beyond the audience implied by the act of announcing, or declaring, his formulation insists that declarations of rights contain and so are a performance in the very act of their necessary signatures. He writes of Thomas Jefferson's role in ostensibly creating the Declaration of Independence,

Take, for example, Jefferson...No one would take him for the true signer of the Declaration. *By right*, he writes but he does not sign. Jefferson represents the representatives who have delegated to him the task of drawing up what they knew *they* wanted to say. He was not responsible for writing, in the productive or initiating sense of the term, only for drawing up, as one says of a secretary that he or she draws up a letter, of which the spirit has been breathed into him or her, or even the content dictated. Moreover, after having thus drawn up a project or draft, a sketch, Jefferson had to submit

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<sup>54</sup> "In honoring me with his invitation, Roger Shattuck proposed I try (here of all places) a "textual" analysis, at once philosophical and literary, of the Declaration of Independence and the Declaration of the Rights of Man. In short, an exercise in comparative literature, one that would treat unusual objects for specialized departments in this improbable discipline of 'comparative literature'" Derrida, Jacques "Declarations of Independence" in *Negotiations*, 46.

<sup>55</sup> Derrida, 47.

it to those whom, for a time, he *represented* and who are themselves *representatives*, namely "the representatives of the United States in General Congress assembled."<sup>56</sup>

To put it lightly, there is quite a significant amount of somewhat self-indulgent wordplay occurring in this passage, but beyond the mild humour which hums through the essay and causes moments of apparent astonishment at how Derrida's own personal journey allowed him the opportunity to pontificate on declarations to a room of Americans lies the core contradiction of rights declarations, as the literature and human rights field observes it, a contradiction which can only be fully and properly dealt with by exhausting words of their illusory properties. Derrida makes in this passage the somewhat extraordinary claim that writing with the expectations and voices of others as the wind in one's proverbial sails is in fact a self-nullifying gesture, rendering what may initially appear to be writing little more than "drawing up." This claim is made more particularly startling for the fact that it is stated using Jefferson as its primary example; as Derrida himself acknowledges, Jefferson was rather single-mindedly obsessed with the preciseness of his own language in the Declaration, as well as with his hoped-for enduring legacy as its creator.<sup>57</sup> But Derrida in this passage thoroughly routs any sense of vaulted responsibility Jefferson might have attempted to lay claim to by arguing that Jefferson simultaneously "writes but does not sign" nor was he apparently "responsible for writing." Derrida's own contradiction here serves to introduce the chasm of uncertain responsibility into which he floods the merry-go-round of inherent self-creation that he argues is the defining feature of rights declarations.<sup>58</sup> He writes, after defanging Jefferson: "as for the 'representatives' themselves, they

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<sup>56</sup> Derrida, 48.

<sup>57</sup> "Does it really matter that Jefferson's rough draft went through eighty-six alterations made by himself, the Committee of Five, or Congress? Jefferson and Adams clearly thought so, since they were still arguing about who contributed what in the 1820s, in the last decade of their long and eventful lives." Hunt, Lynn. *Inventing Human Rights: A History* (p. 18). W. W. Norton & Company. Kindle Edition.

<sup>58</sup> "We have not finished following the chain of these representatives of representatives and doing so further complicates this necessary undecidability." Derrida, 49.

do not sign, either. In principle at least, because the right is divided here. In fact, they sign; by right, they sign for themselves but also 'for' others."<sup>59</sup> As reflexively complicated as this argument is, unraveling it results in the more easily digestible tidbit of awareness that the American colonial state representatives present at the official signing of the Declaration are rendered hollow by the same mechanic that Jefferson is; by questioning the truthfulness of quantifying as writing what was created under the awareness of one's own representative status, Derrida appears to be checking off the perfunctory boxes on the path towards making an argument that clarifies the people whom both Jefferson and his fellow representatives are acting in and under the interest of. "But," writes Derrida, "these people do *not* exist. They do *not* exist as an entity, the entity does not exist *before* this declaration, not *as such*."<sup>60</sup> Having apparently exhausted the entire rolodex of possibilities for the entity both literally and performatively responsible for the content of the Declaration, Derrida then essentially puts the whole of the genre of rights declarations on trial for being riddled with contradictions, asking of the purpose signified by rights declarations outlining the parameters of their newly imagined futures: "is it that the good people have already freed themselves in fact and are already stating the fact of this emancipation in the Declaration? Or is it rather that they free themselves at the instant of and by the signature of this Declaration?"<sup>61</sup> Hunt's identified paradox of the Declaration's self-evidence bounce off the walls of Derrida's questions here; is the drafting and subsequent ratification through signing of rights declarations the revolutionary world-making act, or do rights declarations simply codify that self-emancipation which earlier occurred through non-written action? Not content to sit and sift through this complication on the merits of its theoretical importance alone, Derrida writes

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<sup>59</sup> Derrida, 48.

<sup>60</sup> Derrida, 49.

<sup>61</sup> Derrida, 49.

It is not a question here of an obscurity or of a difficulty of interpretation, of a problematic on the way to its (re)solution. It is not a question of a difficult analysis that would fail in the face of the structure of the acts involved and the overdetermined temporality of the events. This obscurity, this undecidability between, let us say, a performative structure and a constative structure, is *required* to produce the sought-after effect. It is essential to the very positing or position of a right as such, whether one is speaking here of hypocrisy, of equivocation, of undecidability, or of fiction. I would even go so far as to say that every signature finds itself affected.<sup>62</sup>

This "required" Janus-faced instigating obscurity is not, Derrida argues, relegated solely to rights declarations, precisely because it is also the origin story of "fiction," and by extension literature, writ large. Writing, Derrida believes, is the act of performatively declaring oneself autonomously capable of and justified in stating what is being written, while acknowledging that the only actual justification is the writing being produced at that moment. Here too the project of treating literature as a co-creator of the contemporary human rights regime finds particular purchase, as Derrida extends what would seem to be the boundaries of his essay's implications to snatch up in its grasp the rather vast realm of signatures. Throughout "Declarations of Independence," Derrida is almost amusingly forthcoming about his reluctance to be both the poser of and the respondent to the questions that he argues are the natural evolution of the inherent contradictions of rights declarations,<sup>63</sup> but his reluctance is relatively redundant, given that to provide a conclusive answer to the twisty problem of rights declarations constituting a people who by nature cannot exist prior to their signing of themselves into existence would be to, in an ironically self-reflexive way, erase what is essential in the declaration of rights.

Derrida's central plumbing of the depths of rights declarations' paradoxes is adopted and retrofitted by Joseph Slaughter in *Human Rights Inc. The World Novel, the Narrative Form, and International Law* to similarly prod at the necessary creation myth of the Universal Declaration

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<sup>62</sup>Derrida, 49.

<sup>63</sup> "Did he succeed? I will not venture to decide." "I will not, in spite of my promise, engage myself on this path today." Derrida, 53.

of Human Rights, and is utilized by Slaughter as a springboard to take contention with the God that Derrida discovers as the sort of ghost in the machine of rights declarations. As mentioned in the previous chapter, *Human Rights Inc.* is impressively fixated on its interest in the bildungsroman as the literary genre which most accurately informs and mirrors the development of the contemporary human rights regime, but the book's first chapter, "Novel Subjects and Enabling Fictions: The Formal Articulation of International Human Rights Law," takes a starting breath to go scrupulously toe-to-toe with the "the paradoxical incoherence of human rights" encapsulated and enshrined by the UDHR.<sup>64</sup> While it is to be expected that Slaughter, with an entire book's worth of pages to meticulously turn over each iota of the UDHR would take advantage of that breadth of space to pave new avenues for measuring the impact of rights declarations, the nearly exhaustive extent to which he is committed to covering bases that only he has the foresight to imagine can create an impression for the reader of being brained over the head with a legal brief on literature and human rights. Despite, or perhaps emboldened by, this apparent level of preparedness, Slaughter's approach to analyzing rights declaration as literature thrums with an elasticity that is mirrored in the language of the UDHR which he slides under the microscope, primarily in the service of arguing that the UDHR eradicated the concept and form of the person in favor of creating the tenuous "human personality." In order to justify this somewhat world-rearranging claim, Slaughter nuclearly hyper-focuses on the specific "Whereas" that opens the preamble of the UDHR<sup>65</sup> and enacts a sort of anthropological journey into "the competing canonical stories about the genesis and genealogy of the UDHR," demarcating clean hereditary lines from the Declarations of Independence and the Rights of Man and Citizen into

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<sup>64</sup> Slaughter, 65.

<sup>65</sup> "Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people . . ." UDHR by way of (Slaughter, 66.)

the construction of the UDHR. "<sup>66</sup> But probing the Declaration of Independence and the UDHR in a vein similar to Derrida finds Slaughter playing in the same field of inherent paradoxes, performing on the UDHR a kind of turbo-fuelled close reading that rides the waves of Derrida's assertion that "there was no signer, by right, before the text of the Declaration, which itself remains the producer and guarantor of its own signature" into a grappling with the Godless void created by the language of the UDHR.

In "Declarations of Independence" Derrida indeed adopts an almost rapturous tone, threaded through with a seemingly fervent appreciation for the absurdity and concurrent capabilities of language, when he arrives at his own conclusion about the "signer" most accurately responsible for the ratification and writing of the Declaration of Independence. Having established that neither Jefferson, the colonial representatives, or the all-important People who both represent are able to genuinely be identified as the signer of the Declaration, Derrida demonstrates the temporal waviness that the legitimization of the Declaration rests on: "In signing, the people say- and do what they say they do, but they do so by differing or deferring themselves through the intervention of their representatives, whose representivity is fully legitimated only by their signature, thus after the fact or belatedly- henceforth, I have the right to sign, in truth I will already have had it since I was able to give it to myself."<sup>67</sup> In essence, he argues that by producing a document which can be signed into ratification only by the fully incorporated people who ostensibly do not exist up to and until the very moment of the signing of the Declaration, "a signature gives itself a name," <sup>68</sup> and, in a manner, the people produce through the rights declaration a projected future version of themselves who in an impossible and yet necessary turn, take a page from Marty McFly's book and create their own past self,

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<sup>66</sup> Slaughter, 64.

<sup>67</sup> Derrida, 50.

<sup>68</sup> Derrida, 50.

illuminating the creative paradox in the most blinding of ways. Slaughter taps further in to this rights declarations-creating temporal impossibility, writing of the UDHR's most publicly noted and recognizable drafter,

While the eventual adoption of the UDHR was still in doubt, Eleanor Roosevelt defended the document against fears about its potential threat to U.S. sovereignty by eloquently summarizing this improbable, figurative temporality in Foreign Affairs: "If the Declaration is accepted by the Assembly, it will mean that all the nations accepting hope that the day will come when these rights are considered inherent rights belonging to every human being."<sup>69</sup>

Slaughter terms Roosevelt's probably unintentional but handily expressed example of this temporal oddness an "inherency-in-becoming" and writes that "the legal tautology of inherency assumes the activity of a transitive verb, converting the human personality and its dignity from a condition or quality into a project."<sup>70</sup> While this analysis of a trimmed-down statement is admittedly laden with unabashedly academic language, Slaughter's approach to what is inarguably a fairly bonkers contingency for the world's foremost human rights organization to have staked a claim on grounds the paradox conversation back into its birthplace of literature, luxuriating as it does in the grammatical project of the UDHR. As the identified inherency "assumes the activity of a transitive verb," Slaughter asserts, it in response gains the ability to muscle both the written and literal construct of the human personality into something tangible, malleable, and therefore a touch more sinister.

Both Slaughter and Derrida, through their textual analysis of the UDHR and the Declaration of Independence, respectively, dig themselves into the aforementioned Godless void created by the rights declarations of the contemporary human rights regime, although interestingly, the conclusions each arrives at are staggered along different points of the same theoretical spectrum, with Slaughter hitching a ride on Derrida's cart only to take command and

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<sup>69</sup> Slaughter, 80.

<sup>70</sup> Slaughter, 80.



barrel past Derrida's text. In his own attempted wrangling of rights declarations, Derrida again returns to the site of the moment of ratification, identifying a previously-unremarked upon party present and culpable as the Declaration, and its creators, are signed into being. He writes "It is still "in the name of" that the "good people" of America call *themselves* and declare *themselves* independent at the moment at which they invent (for) themselves a signing identity. They sign in the name of the laws of Nature and in the name of God."<sup>71</sup> Here Derrida maintains a slight air of security that Slaughter will go on to obliterate in his own dissection of the UDHR, as Derrida still identifies the presence of a supreme judgment, and therefore the presence of natural law, influencing and blanketing the Declaration of Independence. As Slaughter helpfully explains in a (again thoroughly academically-entrenched) crash course, "According to natural law, the personality that animates the person of human rights is a mysterious force that exists prior to the individual's incorporation into society," while "positive legal theory, on the other hand, views the human personality as the product of a legal fiction."<sup>72</sup> In the language of the Declaration Derrida senses that God is still present, as the being who both grants the People the ability to recognize and endorse their own independence, as well as the sort of balm for the scratchy edges of the self-creating paradox, utilized as the very literal *deus ex machina* in the place of a more uncomfortable reckoning with the implications of a People writing and then signing themselves into being entirely on the merits of their own power. Derrida erases all posturings at metaphor with his analysis of the following section of the Declaration: "We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the Name and by authority of the good People of these Colonies solemnly *publish* and *declare*, that these united Colonies are, and

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<sup>71</sup> Derrida, 51.

<sup>72</sup> Slaughter, 62.

of right ought to be *free and independent states*." In this concise manifestation of the temporal paradox inherent to rights declarations, in which the American colonies both already are and yet still ought to be autonomously self-governing states, Derrida calmly assigns the purpose and identity of Providence to a seemingly simple coordinating conjunction as he writes "*And* is God: at once creator of nature and judge, supreme judge of what is (the state of the world) and of what relates to what ought to be (the rectitude of our intentions)."<sup>73</sup> Given that throughout "Declarations of Independence" Derrida preventatively bats off any possible requests for conclusive answers to the problems he sketches out, it is not particularly surprising that even though he is willing and able to weigh down that "*And*" with omnipotent responsibility, he refrains from venturing into a discursive realm which questions if the Declaration of Independence and other rights declarations fully punch through the wall where God had previously existed as the "ultimate signature."<sup>74</sup>

*Human Rights, Inc.* is similarly drawn to a single word in the UDHR, which Slaughter argues is indicative of the evolution demonstrated by the contemporary human rights regime since its declarative inception in the Declarations of Independence and the Rights of Man and Citizen. Slaughter samples the section of the UDHR which transitions the declaration from preamble to articles:

Now, Therefore, The General Assembly proclaims This universal declaration of human rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance . . .<sup>75</sup>

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<sup>73</sup> Derrida, 52.

<sup>74</sup> Derrida, 52.

<sup>75</sup> UDHR(Slaughter, 67.)

Like Derrida's "*And*," Slaughter imbues this fragment's "therefore" with significant implications, arguing that the word is tasked with transitioning previous rights declarations' reliance on natural law into an age of positive law while simultaneously "[coming] to occupy the offices vacated by gods."<sup>76</sup> Essentially, Slaughter finds that while the UDHR is orientated towards wrapping itself around the skeleton of natural law and so is fitted with the language and tone of God acting in the role of the "ultimate signature," the actual text of the declaration erases all reference to Providence; here Slaughter comes to the cliff of Derrida's "last instance" and leaps over, landing at the conclusion that by leaving the void of God unfilled, the UDHR and its signers resigned themselves to defending the UDHR ad nauseam.<sup>77</sup> By unfussedly treating the act of rights declarations as essentially literary, both Derrida and Slaughter remain rooted in the expansive work that the text of rights declarations have accomplished, making the case that the evolution of the "ultimate signature" during moments of written independence mirrors the evolution of international law.

There is something notably theatrical about the aspects of rights declarations that scholars of human rights and literature are drawn to; beyond even the reflexive meta-ness of Derrida's endless stream of representatives lies a repeated engagement with the actors involved in creating declarations of rights. *Human Rights Inc.* is perhaps cited for the section wherein Slaughter fully revels in the theatricality of writing rights declarations with a frequency only exceeded by its citations for coining the concept of literary humanitarianism; the text's examination of the UDHR drafting committee's almost comically on-the-nose integration of Daniel Defoe's novel *Robinson Crusoe* into their debates about both the individual words and the content of the UDHR got radio

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<sup>76</sup> Slaughter, 70.

<sup>77</sup> "Without warrant or sanction, without the premise of Nature or the dictum of an executor, contemporary human rights law is enthymematic, requiring that what is taken for granted be— therefore and thereafter—obsessively recited and rearticulated, as the past sixty years of “frenetic legislative activity” at the UN seems to confirm." Slaughter, 71.

play in the literature and human rights field almost immediately upon publication, and still continues to. By shifting his attention to the backdrop of the UDHR's inception, Slaughter finds an uniquely explicit example of how literature, and more specifically the novel, have been since the dawning of the contemporary human rights regime both an encyclopedia of how to be in the world and a vessel for translating international law into the more easily consumed novelistic language of "subject formation and of the endurance and legitimacy of Enlightenment principles of (European) civilization."<sup>78</sup> To fully relay the entirety of the *Robinson Crusoe* section of the text would probably be most successfully achieved only through a fully plagiarized (if admittedly mildly tempting) multiple page copy-and-paste, so I will settle for establishing that Slaughter's bid for restructuring the narrative myth of the UDHR's birth centers around Alan Watt, the "Australian delegate to the Third Social and Humanitarian Committee of the United Nations" and reviser of the final version of the UDHR, who, in his consideration of Article 29, directly invoked *Robinson Crusoe* as the most aptly suited playing field in which to hash out the problem of the "human personality."<sup>79</sup> Slaughter minutely details the contours of this debate and the various shifting delegate endorsements involved, arguing that the drafters eventually subsumed their readings of *Robinson Crusoe* into the completed text of the UDHR, interlinking the novel and the rights declaration in a symbiotic relationship.<sup>80</sup> Slaughter's treatment of this footnote in the narrative of the UDHR's drafting frames the novel "as an enabling fiction—a shared cultural product of human industry and society, salvaged from the shipwreck of Western civilization, enlisted in their own efforts to found a new world on universal recognition of “the [inherent] dignity and worth of the human person” and “of the equal and inalienable rights of all

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<sup>78</sup> Slaughter, 53.

<sup>79</sup> "As drafted, the article [29] declared that “Everyone has duties to the community which enables him freely to develop his personality.” Slaughter, 46.

<sup>80</sup> "As the books are to Crusoe, so Robinson Crusoe is to the UN delegates in their articulation of an international legal Robinsonade for a new world order." Slaughter, 54.

members of the human family” (UDHR).”<sup>81</sup> Slaughter's unearthing of the UDHR drafters' instrumentalization of *Robinson Crusoe* gives unprecedented weight to both his own and Derrida's insistence that rights declarations are inherently literary, and suggests that the new form of person constated by rights declarations may even be inherently novelistic.

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<sup>81</sup> Slaughter, 48.

## Chapter Three

### Genre

In order to properly inundate this project with as thorough an awareness as possible of the field in which it is attempting to submerge itself, I am for the final time re-establishing the relative closeness of the recently-cracked field of human rights and literature, a closeness which has a significant hand in molding both the direction and the highly alert self-awareness of many of the texts vying for a projected designation of foundationality. As I have referenced previously, James Dawes' work in the subject possesses a particularly canny adeptness at conveying to the reader both how the freshness of the field necessitates that its most frequent scholarly output remains for now snugly ensconced in the diagnostic realm and also that Dawes' own work is, notably often, at the front of the proverbial pack in this regard. The sort of academic worldbuilding that scholars of literature and human rights trot out, seemingly en masse, as signifiers of their respective awareness of the constantly-engorging terrain of the field are naturally on the precipice of tipping over into myth; an overly conscious sense of a text's groundbreaking nature can easily become navel-gazing legacy building as opposed to a matter-of-fact acknowledgement that any new text published in a field hardly old enough to buy itself a drink inherently steps a bit further out into uncharted territory. But the sentiment that seemingly allows Dawes to write self-serious sentences like "scholars, writers, and readers alike have found it useful to conceptually group literary works narratively organized around human rights concerns. But until now nobody has attempted to clearly name and articulate the novel of human rights as a contemporary subgenre" in regards to his own work is not simply nor only a hyperbolic embalming of oneself at the site of the inception of a new academic field.<sup>82</sup> This nearly ubiquitous self-aware sentiment partially grows out of sheer fact, and partially out of an

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<sup>82</sup> James Dawes "The Novel of Human Rights" Pg. 130-131

apparent desire on the part of many literature and human rights scholars to acknowledge the spectre of responsibility that wafts around and through their work. The weight of this responsibility, when supported evenly by mass-agreed upon narrative tenets such as empathy, appears as integral a part of the project of creating the field of literature and human rights as a roof appears to be integral to a finished house; it in most cases does not even merit remark. But the strains of bearing this weight of responsibility tend to become starker when the foundation is less four sturdy walls and a bit more reminiscent of a hastily pitched three pronged tent; the cracks in the field's foundation grow increasingly evident, in ways that invite genuinely exciting interpretations of both the field's current temperature and its possible futures.

When literature's place in the current human rights regime is considered as more than or something separate entirely from its ostensible usefulness as an empathy-creating engine, the space left by empathy's extrication from the situation opens up other avenues of classification and exploration which are all the more enticing for not being supported by bureaucratic NGO's or buttressed by the majority of the field. Treating rights declarations as literary paradigms, or as the most rational manifestation of the colliding of literature and human rights, like both Slaughter and Derrida do, results in a valuing of literature's capabilities and its centrality to the development of the contemporary human rights regime in a manner that, while convincing on its own strengths, still retains an aura of theoretical cohesion amongst its proponents. Taking genre as one's avenue for exploration, like Dawes does in the aforementioned quoted essay, inherently involves striking out on one's own, due to both the nebulosity of the field's still-hardening borders and the radically dissimilar products that different interpretations of the term genre lead to. Unlike the concept of empathy, which in the field tends to prompt a near unanimous affected disavowal that eventually erodes away into subtle endorsement, scholars of literature and human

rights have yet to arrive upon an easily identifiable joint consensus on utilizing genre as the prism through which literature is refracted to become something like human rights. In his 2016 essay "The Novel of Human Rights" Dawes, consistent with the tone of his other texts in the field, keeps one authorial foot stretching unashamedly towards a future wherein the seeds of his work have fully blossomed into a codified framework; he cites the writer and literary theorist Claudio Guillén to make this case: "A genre is a descriptive statement, but, rather often, a declaration of faith as well. Looking toward the future, then, the conception of a particular genre may not only incite or make possible the writing of a new work; it may provoke, later on, the critic's search for the total form of the same work."<sup>83</sup> Dawes is unusually forthright about both his texts' delayed ambitions and the literalness with which he approaches genre as the most pertinent classifier of the relationship between literature and human rights, and as such his essay provides a helpful placebo against which to measure the inventiveness of other scholar's approaches.<sup>84</sup> "The Novel of Human Rights" identifies and fleshes out, obviously enough, an apparently emerging American genre of the novel of human rights, while other texts melding literature and human rights utilize genre as their foundations in a more tangential manner, highlighting the multitude of interpretations that are able to be culled from an admittedly rather broad term. As with my exploration in the first chapter of the way that literature-borne empathy is valorized, an analysis of the field's current experiments with genre as the meeting ground of literature and human rights necessitates an acknowledgement that the precise language used to describe what I am rather loosely terming genre is not identical across the borders of various texts, which is in fact a difference of approach out of which more interesting contradictions arise. Because the specific ways in which authors of literature and human rights texts utilize genre in

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<sup>83</sup> Dawes, 131. (Guillén)

<sup>84</sup> "I will identify the centers of aesthetic gravity that pull texts together into what I have come to think of as a subgenre of the contemporary American novel: namely, the novel of human rights." Dawes, 130.



attempts to most accurately explore the inceptionary intersections of the field are still unshackled by convention, examining various author's usages of genre provides a catalogue of possible directions for the burgeoning field to follow.

Due both to his awareness of the newness of his work and the direct literalness of his project, Dawes' "The Novel of Human Rights" unwinds from an almost too-helpfully defined central goal which, as he writes, is to pinpoint "a range of new literary forms and narrative patterns that are beginning to cohere into unique generic stability, even as they develop from and draw on (like all subgenres) related subgenres like the contemporary expatriate novel and earlier traditions of justice writing, from slave narrative to Holocaust literature and even the war novel."<sup>85</sup> Dawes' essay is predicated on his enthusiasm for the ostensibly cohesing form of the "subgenre" of the novel of human rights, which he constructs as an uniquely and contemporarily American subgenre.<sup>86</sup> Interestingly, in their joint 2015 MLA interview, the editors of the anthology *Teaching Human Rights in Literary and Cultural Studies* are careful to note their suspicion of an easily definable "literature of human rights," couching their hesitation in a reference to Dawes' then-unpublished essay.<sup>87</sup> In response to the question "Is there such a thing as a literature of human rights?" Alexandra Schultheis Moore makes no pretensions about batting around any bush, writing "For me, the answer is no. I'm less invested in trying to define a category of human rights literature than in thinking about how an approach that foregrounds normative human rights and their alternatives can help us to analyze literary and cultural production in new ways."<sup>88</sup> Her co-editor Elizabeth Swanson Goldberg continues

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<sup>85</sup> Dawes, 132.

<sup>86</sup> Dawes, 130.

<sup>87</sup> "That said, James Dawes argues in a forthcoming article in *American Literature* that there is a human rights literature subgenre of the contemporary US novel. We'll need to talk about this question again after Jim's article comes out in March!" "An Interview With the Editors of *Teaching Human Rights in Literary and Cultural Studies*"

<sup>88</sup> "An Interview With the Editors of *Teaching Human Rights in Literary and Cultural Studies*"

I agree that it is very difficult to identify a literature of human rights without falling into the potential traps of gauging the level of suffering or gauging the nature of subject matter that would “rise to the level” of a generic classification. As several of the contributors to this volume have shown, the tools of human rights–oriented literary criticism can be used as a responsible reading practice for virtually any text, examining the manifestation of human dignity, the building (or destruction) of cultures of human rights, and the exigencies of legal, cultural, political, and historic contexts in . . . plots and settings that take up questions of relations between individuals or groups and states and nonstate actors.<sup>89</sup>

Dawes telegraphs a knowledge of this general hesitance in the field to argue for a genre or literature of human rights by foregrounding his essay in an insistence that the newly-defined subgenre "embodies the paradoxes of the hemispheric in American studies no less than the political work of human rights does itself," one of which includes the acknowledgement that "any perceived necessary localization is also always, to some degree, only a temporary construct."<sup>90</sup> While this statement should certainly not be considered mere posturing, the fact that Dawes previously invoked the staying power of genre-definers slips some measure of doubt into precisely how temporary he intends his text to be. Beyond questions of legacy, Dawes' introduction of the plentiful paradoxes he views as inherent in defining a genre of the American human rights novel are reflective of both the increasingly weighty conundrums that come part and parcel with such a project and his attempted genuine engagement with said conundrums. Instead of shying away from the messiness that other scholars interpret as warnings away from engaging with a genre of the human rights novel, Dawes reconfigures this messiness as perhaps the defining essential feature of his American human rights novel .

While sketching the broad characteristic strokes of the field (or "subfield," as Dawes refers to it) of literature and human rights, Dawes is careful to awash the reader in the sometimes "bewilderingly diverse" array of classifications and qualifications contained within the field, an

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<sup>89</sup> "An Interview With the Editors of Teaching Human Rights in Literary and Cultural Stories"

<sup>90</sup> Dawes, 133.

academic melting pot that he attributes partially to the fields' "diverse theoretical precursors."<sup>91</sup> Out of this microbiome of specializations Dawes is able to snag "one unifying fact about the subfield that can be asserted with clarity" which conveniently swings open a handy doorway of possible intervention: "literature and human rights as a subfield tends to be dominated today by scholars who do not self-identify as Americanists."<sup>92</sup> The lack of Americanist scholars in the fledgling field appears to Dawes particularly troubling precisely because his conception of literature and human rights is filtered through the possibility of the genre of the novel of human rights, a singularly American genre because "human rights as a rhetoric produced by and for US-based audiences must be understood in complicated relation (sometimes collaborative, sometimes antagonistic) not only to US civil rights movements but also to totalizing historical narratives of US exceptionalism, interventionism, and expansionism."<sup>93</sup> This singular attention on the U.S. human rights regime is borne partially out of the inarguable fact that "the concept of human rights signifies differently....depending on the primary nation-specific audience for which it is articulated" and partially out of Dawes' seizing on what he argues is rapidly become a diagnosable symptom of his human rights novel genre. The American human rights novel, according to Dawes, is "both inward and outward looking, taking not just atrocity abroad as its narrative focus but also atrocity at home."<sup>94</sup> The most fruitful reading of Dawes' essay is located in examining his full treatment of the "inward looking" aspect of the novel of human rights,

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<sup>91</sup> Dawes, 129.

<sup>92</sup> "For a minor but telling example: American Literary History's 2011 review article on human rights and literature consisted of four display cases. Notably, three were not works of literary criticism, the one literary-critical work was not Americanist, and the essay concluded by acknowledging the need for a broader canvassing of scholarship relevant to the ALH audience characterized by the "wholesale discrediting of human rights" (Mullins 2011, 226)." Dawes, 129.

<sup>93</sup> Dawes, 134.

<sup>94</sup> Dawes, 134.

which splinters out into reckonings with a sort of unrelentingly self-concerned American nature, giving shape to both the form and the filling of the American human rights novel genre.

It requires no excavation on the part of the reader to unearth Dawes' metrics for defining the American human rights novel as a genre, nor to understand his tactical approach; Dawes wastes no time with syntactical flourishes in favor of stating his "road map." He writes

I will focus on two primary narrative patterns in human rights novels as they relate to one primary ideological conflict in the human rights movement, and I will do so through close analysis of emblematic examples rather than through catalogs. First, I will organize my argument around the most fundamental division in contemporary novels that take human rights as an explicit and dominant concern—namely, that such novels overwhelmingly tend to model one of two basic plot structures, the escape plot or the justice plot.<sup>95</sup>

The novels that Dawes' turns his gaze on as case studies are John Edgar Wideman's *Philadelphia Fire*, Francisco Goldman's *The Long Night of White Chickens* and *The Ordinary Seaman*, and Blaine Harden's *Escape From Camp 14*, although it is certainly important to note that while the first two novels, the "justice plots," are afforded an almost luxurious amount of explanatory analysis, the latter couple of "escape plots" are relegated to the essay's final four pages, making it fairly obvious which plot Dawes views as the best evidence for his proposed genre. While by its very categorizing nature genre demands a relatively straightforward checklist of attributes, the sureness with which Dawes asserts the characteristics of the human rights novel is rather startling. He writes

Justice plot protagonists are estranged from the land they once inhabited and are returning to reconcile themselves to the past by investigating one crime that stands for systematic human rights abuses. Such protagonists are transitional figures for the reader, entering a place that is both alien and intimate, a place they must come to terms with and, finally, claim as their own in order to achieve their vision of justice.<sup>96</sup>

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<sup>95</sup> Dawes, 136-137.

<sup>96</sup> Dawes, 137.

Perhaps it is purely due to the stiffness endemic to first trying on a new subgenre of literature, but affirmative sentences like "justice plot protagonists are estranged from the land" and "such protagonists are transitional figures for the reader" reverberate with an almost prescriptive clang, in way that is particularly interesting for the assumption it makes of a reader's response to a given novel. Dawes does allow for some slight variation in regards to the nuances of the once-inhabited "land" that justice plot protagonists are haunted by- both internal exiles grappling with "a rural interior of the nation [they] never left" and forcefully state-created "outsiders" are accounted for- but the rigidity around the dual representational roles that justice plot protagonists apparently inhabit is the crux of Dawes' argument.<sup>97</sup>

In the figuration of "The Novel of Human Rights" justice plot protagonists are two-way mirrors, reflecting both the readers' projections and an entire unreachable homeland, but the representationality that Dawes marks as an essential element of the subgenre has an additional, more utilitarian purpose. While discussing the opportunities provided by the representational nature of justice plot protagonists, Dawes writes

Indeed, the recurring fictional device of the returnee-protagonist in the justice plot—the one who is both at home and away, who has authority and doesn't, whose motives are both pure and suspect—offers a way of thinking about the strategies of human rights and humanitarian organizations working in emergency zones around the world. As Rony Brauman (1993, 150) of *Doctors without Borders* explains of fieldwork practices: "There must be a mediator—a personality or a volunteer from a humanitarian organization—to 'authenticate' the victim, channel the emotion generated and provide both distance and a link between the spectator and the victim." Like the investigating protagonist of the justice plot, such mediating figures are always morally compromised.<sup>98</sup>

This section of the essay is somewhat of a treasure trove of revealing statements, rife as it is with a sort of blatant instrumentalization of literature that still manages to evade the predictable embrace of empathy which Dawes has elsewhere aligned his own work with. Here literature is

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<sup>97</sup> Dawes references both Isabelle Allende's *Of Love and Shadows* (1987) and Demetria Martínez's *Mother Tongue* (1994) as examples of slightly non-traditional human rights justice plots. Dawes, 137.

<sup>98</sup> Dawes, 138.

not immediately and fraughtfully equated with personal narrative, nor framed as an extension of one's imaginings of a better world, but is instead treated as a translator of notably uncomfortable "field work" behavior. Dawes formulates an understanding of human rights literature that allows for the emergent novel of human rights to operate as a reflective reckoning of one's capacity to contain genuinely unsavory states. Although Dawes is certainly not opposed wholesale to the machinations of human rights and humanitarian NGO's,<sup>99</sup> this framing of the human rights novel subgenre recognizes within literature opportunities far surpassing mere storytelling; the conception of human rights literature that Dawes advances here is untethered to his intentions for the section, moving as it does beyond its conventionally-boxed trappings to suggest that literature contains and reflects the oftentimes sinister capacities buried in all readers.

The "morally compromised" protagonists of justice plot novels who mirror the mediating figures of humanitarian intervention work are also simultaneously manifestations of the "inward looking" integral aspect of the subgenre, borne out of the human rights novel's formal replication of the inherent anxieties of the contemporary human rights regime. Dawes is explicitly concerned with the mimicking relationship between form and content both canon and external, and shores up the threads that he mines from the essay's four primary examples with sprinklings of additional novels to fully tease out the most interesting aspect of his argument.<sup>100</sup> In order to explore the "legitimacy crisis of the novel itself as a form," Dawes lightly touches on Julia Alvarez's *In The Time of Butterflies* as an example of a novel that "frames itself as an accusation against its own writing."<sup>101</sup> This crisis of identity and responsibility is in Dawes' formulation

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<sup>99</sup> Far from it, in fact: "as part of interviews I regularly conduct at human rights organizations, I've recently begun corresponding with a senior editor at Human Rights Watch (HRW) who is building a staff development program called Writes Watch." Dawes, 128.

<sup>100</sup> "How do its ethical pressures generate formal patterns and, in turn, how do its formal patterns generate ethical pressures?" Dawes, 131.

<sup>101</sup> The novel "tells the story of General Trujillo's brutal dictatorship in the Dominican Republic and his infamous murder of the dissident Mirabal sisters." Dawes, 138.

what ultimately defines the human rights novel genre, and is perhaps best exemplified in Wideman's *Philadelphia Fire*, of which Dawes writes "*Philadelphia Fire* is about what counts as a human right in US political discourse but also, quite self-consciously, about the way the novel's pressure toward individualization reaffirms what counts."<sup>102</sup> The tidy trifecta of novelistic references is completed with the inclusion of Goldman's *The Long Night of White Chickens*, a book that "is not only concerned about the pressures of the novel as a form. It is concerned about the narcissism of authorship itself, and the narcissism of the reader as a stand-in for those whose fantasies of moral self-affirmation include the work of rescue in any of its dramatic, individualizing forms."<sup>103</sup> The exorbitantly self-conscious and almost tortured through line that Dawes ties his case studies together with paints a portrait of the genre of American human rights novels as one that constantly and insistently rebels against its form, as dictated by the contradictions of both the novel and of the contemporary human rights regime. American human rights novels, Dawes seems to argue, are characterized by an almost fourth-wall-breaking tussling with their own limitations, and are viewed by both their authors and their protagonists as an opening to lay bare anxieties about one's culpability in the perforated project of human rights literature. Dawes takes an altogether nearly cheerful approach to this central tension, writing that "human rights work does not fail because it cannot resolve the problem of the universal and the particular. Human rights work is, in some ways, nothing more than an insistence on occupying that tension, an insistence on articulating in specific contexts the ever-present conflicts around varying conceptions of community."<sup>104</sup> While this analysis of the ethical concerns of a literature of human rights conveniently ensures a continuing proliferation of the genre of the human rights novel, given its framing of human rights as "nothing more" than occupying the tension inherent

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<sup>102</sup> Dawes, 141.

<sup>103</sup> Dawes, 148.

<sup>104</sup> Dawes 150.

to the novel form, it also articulates a somewhat murky ethics of human rights starkly dissimilar to Dawes' expressed alliance with the literature-as-empathy-conceiver model. Trying on genre as the best-fitting outfit to clothe the intersection of literature and human rights reconstitutes Dawes' sentimentalist tendencies into an approach that recognizes, although it steers away from endorsing, the potential untenability of the human rights regime.

As it takes pains to keep conscious in the reader's mind, "The Novel of Human Rights" is uniquely, and perhaps foundationally, straightforwardly explicit about its embrace of genre as a legitimate manner in which to probe the relationship between literature and human rights.<sup>105</sup> It is therefore fairly telling that a comparatively unadorned engagement with genre results in Dawes' making a roundabout case for literature as an uncomfortable mirror for the reader's negative capacities; this less-than-optimistic view is indicative of the still-experimental nature inherent in the usage of genre. Although less explicitly understood or enacted as an attempt at genre-defining, Lyndsey Stonebridge's third chapter in *Writing and Righting*, titled "Experimental Human Rights: Virginia Woolf's *Three Guineas*," provides another example of the fascinating breakages which occur when scholars of literature and human rights take up genre as their theoretical vessel, thereby pushing out from the constraints of mass scholarly consensus to navigate potential new spheres of the field. Self-evidently enough, "Experimental Human Rights" is nominally and primarily centered around Woolf's 1938 book-length essay,<sup>106</sup> which Stonebridge describes as "a devastating critique of the assumption that the same moral guardians that had given the world patriarchy, colonialism, capitalism, and nationalism were qualified to

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<sup>105</sup> "I write in response to the felt need among literary scholars for an articulation of the genre of human rights." Dawes, 131.

<sup>106</sup> "Practically her last non-fictional public statement on the state of the world as she found it, the essay is an indictment not only of patriarchy, capitalism, fascism, and militarism, but also of the progressive liberal internationalism of her own milieu and its squandering of opportunity in the first part of the twentieth century." Stonebridge, 45-46.



preach global pacifism," but the chapter is more than simply a trenchant analysis of a singular writer's political opinions, as it grafts Woolf's tactics in *Three Guineas* onto two other women writers, Simone Weil and Suzanne Césaire, to form a sort of relaxed genre. While Stonebridge would likely balk at the perhaps misguided responsibility that drives a writer like Dawes to attempt to lay the seeds of an entire genre, it is in fact precisely her intentional suspicions of the field which give heft to her grouping of these three writers, and to her analysis of what binds them together. Stonebridge writes of her loose genre's driving motivations

Restless, dissatisfied, refusing the world as it is, the writers who have put new ways of being human into the world rarely call themselves progressive because they know they are dealing with an incomplete and uncertain project, not least because the forms of human cruelty, like literary forms, change through time. These kinds of writers are necessary to human rights, not simply because they urge moral compassion, but because they create imaginative terms by which it is possible to see injustice—not simply to regret it, but to comprehend it...All three [Woolf, Weil, and Césaire] grasped a lesson that more recent human rights defenders have had to learn again recently: that grand and abstract concepts of humanity frequently serve the powerful more effectively than the powerless. For these women, only concrete political and historical struggles could produce the new terms for universal justice that the world so badly needed.<sup>107</sup>

There is something essential, I think, contained in Stonebridge's appropriately negative clarion call to her fellow literature and human rights scholars, an ethos of appreciating literature entirely contingent not on its ability to inspire empathy but instead on its molecular function of creating "imaginative terms." This ethos seemingly has minimal pretensions about human rights literature's assurance of a better, more just future, which makes Stonebridge's insistence that writers like those defined under her invented genre are quite simply "necessary to human rights" that much more persuasive.

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<sup>107</sup> Stonebridge, 15.

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