CRYSTAL PARIKH

# Introduction

In 1948, the United Nations adopted the Universal Declaration of Human Rights (UDHR), which advanced the remarkable proposition that all human beings are, despite other social differences, equal with respect to rights and thus have equal claims to those rights. The international human rights regime that the UDHR instituted understands those rights to be natural, not contingent upon the whims of political authority, and that any government's legitimacy depends upon its ability to secure these rights for its subjects. Jurists, human rights activists and practitioners, scholars, and numerous others have since then striven to hold various political actors accountable to human rights norms and to make human rights efficacious "on the ground." More recently, political scientists, historians, and social theorists in the past few decades have gone to great lengths to assert (or to disprove) human rights as moral conventions and essential facts, rooted in the essence of humanity, world religions, progressive history, or some combination thereof. Likewise, a veritable explosion of scholarship in the humanities about human rights as a social movement, as a legal regime, and as a political discourse has, at turns, endorsed or disavowed human rights as a universal project.

*The Cambridge Companion to Human Rights and Literature* offers an introduction to the literary study of human rights. The work of literature has been instrumental since at least the early modern era in shaping the notions of human personhood, good life, moral responsibility, and forms of freedom that rights claims seek to address. From tracts of political philosophy, slave narratives, the world novel, and *testimonios* (to name only a few key examples) the development of the concept of rights has involved the literary imagination over the course of centuries and was vital to their current iterations. At the same time, freedom of expression has been regularly affirmed as a crucial human right, and writers and artists have often been at the center of human rights campaigns, whether as prisoners of conscience, activists, or witnesses to political and state violence. Moreover,



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as Jacques Derrida suggests about literature as an institution, it has "in principle the power to say everything," of a piece with the radical democracy that for theorists like Derrida, never quite materializes in the present, but nevertheless constitutes the necessary fictions by which emancipatory struggles and political transformation take place.[1]

The contributors to this volume investigate literature from diverse historical periods and national and regional canons to ask what new possibilities, in theory and in practice, are opened at the crossroads of human rights and literature. The *Companion* explores the historical and institutional contexts, theoretical concepts, generic formulations, and disciplinary specificities that inform the emergence of this vital field of scholarship. At the same time, the contributors engage the imaginative, performative, aesthetic, and often expressly fictional aspects of human rights, as well as the normative and regulatory dimensions of the literary enterprise. To this end, *The Cambridge Companion to Human Rights and Literature* is as much concerned with what the notional existence of human rights *does* in the world – how, in other words, the very concept of human rights has meaningful ideological and material effects – as it is in whether human rights *exist* as such. As the *Companion*'s authors consistently demonstrate, literature's relationship to human rights is never simply one of "humanizing" others nor of "raising awareness" by representing violations of human rights. Instead, literature has given shape to what we understand those rights to be, to whom and how they should be distributed, the geographies by which that distribution occurs, and critiques of the ideological systems that govern human rights discourses and politics.

At the same time, our literary forms, genres, and institutions have been extensively forged through rights discourses. The legal and political precepts that determine who counts as fully human, what rights they can claim as inherent and properly belonging to human personhood, and the institutions that protect and foster the lives, words, and creative efforts of human beings continually impinge upon the "anything" that might be said in literature. The *Companion* explores this spirited and mutually constitutive bond between human rights and literature. The stories, discourses, and texts by which human rights arrived as a type of global lingua franca and political commonsense by the end of the twentieth century illuminate why the concept of universal human rights remains such a deeply contested one.

Part I of *The Cambridge Companion to Human Rights and Literature*, "Genealogies and Contexts," considers how telling the history of human rights necessarily involves multiple points of departure and heterogeneous literary archives. Political philosophers and historians had for some time maintained that the concept of universal human rights came into existence



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with the American and French revolutions, founded on natural law and an incipient liberal personhood, as well as the possibility of empathetic identification by which individuals recognized one another's autonomous selfhood. More recently, however, intellectual historians have challenged this prevailing notion, by studying how discursive communities, political struggles, and emergent networks of meaning forged during multiple watershed moments elaborated, and transformed, "the rights of man" in relation to positive law, sovereign power, and relations of property. The normative concepts – for example, that of human dignity or humanitarianism – to which natural rights are tethered have themselves complex and varied histories, which require us to read, interpret, and put them into practice with critical care. Precisely because the contemporary human rights regime took shape through such heterogeneous contexts, jurists and practitioners who seek to render human rights justiciable face formidable theoretical and practical challenges. Part I considers how the histories of settler colonialism, empire, slavery, the Cold War, postcolonialism, and global capitalism, as well as diverse political struggles and social movements shaped the political ideals, aesthetic possibilities, and literary and expressive cultures by which human rights came to be legible and consequential across the world.

From the eighteenth century onwards, perhaps the most deeply embedded contradiction that concerns the purported universality of human rights is that they remain largely under the jurisdiction of, and are expected to be fostered within, an international world system in which nation-states retain ultimate sovereignty. As Hannah Arendt so cogently perceived in 1951: "No paradox of contemporary politics is filled with a more poignant irony than the discrepancy between the efforts of well-meaning idealists who stubbornly insist on regarding as 'inalienable' those human rights, which are enjoyed only by citizens of the most prosperous and civilized countries, and the situation of the rightless themselves."[2] Membership in a political community (i.e., the modern nation-state) secures the "right to have rights," such that "the calamity of the rightless is not that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion … but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them."[3]

For both those "displaced persons" who find themselves outside their own national states, and for those populations stripped of legal standing within a national community, any freedoms or protections enjoyed are matters of charity, and they are guaranteed no justice for the abuses they suffer. The United Nations and other international organizations have therefore been largely ineffective in practically regulating human rights, or in



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preventing or redressing violations. Especially as they obtain in the United Nations and in international law, sovereign states are expected to supply and protect human rights through their own governmental and juridical operations, but it is through transnational organizations and advocacy that human rights have been widely disseminated and promoted. As political theorist Michael Freeman has written, "In this situation, the UN stood in an ambiguous position. On the one hand, it was the author and guardian of international human rights standards; on the other hand, it was an association of governments that were often serious human rights violators."[4]

The globalization of capitalism after the end of the Cold War has generated some of the most profound challenges to the international state system; all sorts of subjects and objects – people, money, media, culture, commodities, and discourses – began circulating across borders with ever-increasing speed and frequency. While in the early 1990s, neoliberal pundits in the West optimistically proclaimed these developments as signaling the "end of history," the ensuing decades have demonstrated that globalization has hardly provided enduring solutions to political violence, virulent warfare, economic injustices, environmental disasters, and ever-deepening social inequities. Nor has it eroded states' ability to inflict harm upon their own citizens and the others, such as national aliens, undocumented migrants, and indigenous peoples, over whom it wields power. Human rights thus continue to exist in an extremely ambivalent relation to the international state system in the current moment.

Moreover, in ways that correspond and intersect with the rise of world and postcolonial literatures, human rights can readily appear to carry imperial and neocolonial implications with them, not least because accusations regarding human rights violations are so often directed at states in the Global South. But, as with the global expansion of capitalism – which is itself one of the objects of critique at which human rights can take aim – human rights are also often adopted and adapted in local contexts and deployed by various grassroots movements in inventive and unexpected ways. The animation of international human rights in and through such local engagements and the articulation of vernacular conceptions of rights to international audiences require vital acts of imagination, interpretation, translation, and comparison, all of which literary methodologies can make visible.

Purely legalistic methods to human rights thus prove profoundly limited in their capacity to prevent or redress violations of human rights or to foster "good life" for most human beings across the planet. Structural and ideological limits have also too often informed the academic study of human rights when pursued along strict disciplinary lines. Indeed, the field of



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human rights and literature has emerged in conversation with, and has thus been thoroughly shaped by several *other* interdisciplinary projects and fields of critical inquiry. Part II of the *Companion*, "Fashioning Methods," is especially concerned with how the emergence of such other interdisciplinary fields – namely those of law and literature, media studies, memory studies, and cultural studies – has indelibly shaped the study of human rights and literature. Part II considers how other disciplinary methodologies, including the assumptions, conventions, and pitfalls inherent to them, inform the literary study of the subject, even as its emphasizes how focusing on questions of form, aesthetics, performance, and style makes a unique difference to these other perspectives.

The study of human rights and literature thus draws from and complicates the practices of these interdisciplines. For example, a human rights perspective to the study of law and literature underscores the dynamic relationship between the law's procedural character and literature's imaginative one. Likewise – media communications, including mainstream print and broadcast news, alternative media outlets, and social and digital media – have been crucial to the formation of a "human rights culture." Insofar as news outlets and media-savvy non-governmental organizations (NGOs) and advocacy organizations have influenced the reception of human rights through their narrative framing of different cases, they share much with literary and other cultural efforts to generate humanitarian responses, affect, and action. In other words, both the law and the media can obscure their own role in making the subjects, norms, and violations of human rights appear, posing them instead as if they can be easily identified and straightforwardly treated through policy, charity, punishment, or other practical measures. On the other hand, although literature is by definition self-conscious about its acts of creation, its effects can nevertheless appear detached or ephemeral with regards to "the real world." Adjoining literature to legal or media studies hence requires careful attention to how language, medium, and technology generate the common sense of the courtroom, national culture, political speech, and the myriad other locations where we assume to share knowledge with others as to the kinds of speech and action that are possible.

In contrast, the field of memory studies draws on psychoanalytic theories of loss and reparations to understand the social and cultural processes by which individuals and collectivities grapple with and respond to the genocidal violence and mass murder that has unfortunately remained an all too common technology of modern warfare, states' security operations, and international geopolitics. Post-conflict mechanisms, such as truth and reconciliation commissions, seek to facilitate transitional justice and national



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reconciliation in societies emerging from what are often characterized as "unspeakable" trauma and horror. Literature participates in "memory work," generating new cultural forms and extra-judicial procedures, intended to secure peace and justice for the victims of crimes against humanity, which are in turn often absorbed into national and global rights cultures. And, in what might appear to be located at the opposite end of the spectrum of cultural politics, the turn of the twenty-first century saw a shift in human rights discourses toward the "pluralizing" of human rights norms and the subjects whom they address. A proliferation of human rights treaties that addressed the needs of specific subjects, such as women, LGBT individuals, and migrants, corresponded to the rise of multiculturalism in many Western national cultures, as well as increasingly sophisticated analyses of social identities in academic cultural studies. If normative concepts of identity, autonomy, and agency underwrite mainstream representations of human rights, such critical perspectives can train our attention on subjectivities as relational and conditional, in turn making legible the causes of precarity and violence and conditions of belonging that compel the invocation of human rights in the first place.

Literary studies take as a fundamental tenet that the forms in which representation takes place are as essential, if not even more so, than the themes, plots, and content of those representations. In other words, for scholars and critics of literature, *how* something is said shapes and transforms *what* is being said; form and content together produce meaning. Part III of the *Companion*, "Generic Representations," turns to the most significant literary genres in which human rights have come to obtain meaning and significance. The different genres under consideration – narrative prose and life-writing, drama, poetry, reportage, and graphic narratives – and the subgenres that in turn constitute those genres, convey different senses of time and place, and thus of the critical urgency, immediacy, or distance from the human rights subjects they represent. For example, the liberal hero of the modern novel (in particular, the *bildungsroman*, or the novel of "development") has served as a ready figure of the ideal national citizen, and thus for identifying the proper subject of contemporary human rights. As a quintessential genre for witnessing human rights abuses, the *testimonio* would seem to stand in stark contrast to the fictional novel, with its laser-focus on how political violence deprives subjects of voice altogether. The distinctions between what might be narrated, what remains unnarrated, and what is considered unnarratable in the novel and other forms of life-writing disclose the social and political norms by which suffering and violence, on the one hand, and the distribution of social goods (e.g., security, pleasure, comfort) are imagined and justified. Likewise, from classical Greek dramas



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to contemporary political satire, dramatists, playwrights, and performance artists have long honed their craft to serve as vehicles for moral and social commentary. At the same time, theatricality continually informs and characterizes the operations of law, politics, and the modern state (i.e., "political theater" or "security theater"). While live drama might face practical obstacles as to the scope and size of audiences for and reception of individual performances, it also conveys the temporal urgency of public assembly and personal embodiment on which human rights have also been centered.

In 1949, Theodor Adorno declared, "There can be no poetry after Auschwitz," expressing the shock that made literature seem inadequate for dealing with the scale of human injustice revealed by the Holocaust. And yet, poetry has long borne witness to history, to violence, and to the violation of human rights. Poets have sought redress through the symbolic action of poetry, serving as reminders to humanity of what renders one human and humane in the first place. In contrast to the markedly subjective character of much poetry, traditional investigative journalism maintains a commitment to neutral objectivity. The literary genre of reportage likewise often enjoys the documentary authority of the first-person observer; creative nonfiction, in which writers are deeply immersed in and often eyewitnesses to complex and rapidly shifting social and political conditions, has turned out to be one of the most durable forms of human rights literature. In these cases, the intensely personal relationship of the writer to his or her subject also entails vexed questions of how the author represents the experiences of human rights subjects, the usually uneven structural relations of power between the writer and subject, and the ethical good or harms enacted by the representations themselves. First-person documentary prose thus has many appeals but also poses considerable difficulties for representing human rights victims, survivors, and struggles. The rising interest in human rights, humanitarianism, and the humanities has also coincided with the arrival of graphic novels and narratives as objects of serious attention in literary studies. To notable effect, comics and graphic narrative have taken human rights crises as a central thematic concern. Indeed, Art Spiegelman's *Maus* has been considered a paradigmatic text for both the study of human rights as well as graphic narratives. Subsequent works have brought international attention to the violence of war, colonial occupation, and political corruption. By conjoining visual, narrative, and textual representations, this genre takes up both documentary and advocacy functions in regards to human rights.

The final section of the *Companion*, "Writing Human Rights," takes stock of the specific variables, impacts, and outcomes of literature's engagement with human rights. It considers central *topoi* that have organized human



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rights law and practices on the ground – namely, questions regarding subjectivity, responsibility, affectivity, and vulnerability – through the specific lens of literary production, reception, and interpretation. In so doing, the contributors demonstrate how the very elements that constitute human rights might be reconceived and differently apprehended by way of the literary imagination. For example, most legal and juridical proceedings depend upon a set of fixed subject positions with regards to human rights claims, especially where violations of rights are concerned: victims, perpetrators, and witnesses, as well as, although to a lesser extent, beneficiaries. However, the social and political realities in which rights are embedded usually prove much murkier. Those who carry out atrocities one minute, might find themselves the object of state violence the next; witnesses who receive reparations or are able to sell their stories might seem like less innocent beneficiaries of the events of which they have given accounts, and, to the extent that often larger populations benefit indirectly from the economic or social order that human rights violations might acquire, a much broader notion of culpability calls into question the function or efficaciousness of identifying individual perpetrators. Literature can be especially well suited for evincing and elaborating such ambiguities and contradictions that inhere in the history and politics of human rights. In a related vein, human rights advocates and liberal humanitarianism have long relied on a certain set of stock emotions to convey the exigency of their endeavors. From the sentimental pathos by which NGOs often publicize humanitarian campaigns, deep anger and melancholy that saturate testimonies from human rights victims and survivors, and the gallows humor by which prisoners might manage to survive their embattled positions, negotiating human rights has been as much a matter of the heart and of feeling, as it is of the head. Literary expression can shore up but also disrupt the affective registers of human rights in unpredictable ways.

Ultimately, if human rights are the rights one has by virtue of being human, the definition of what it means to be human is of paramount concern. Social theorists and political philosophers have accordingly moved away from conceptions of the human grounded in various capacities, for example, to reason or to labor, and instead emphasized embodied vulnerability as the primary definition of human being. But vulnerability theory carries its own risks, insofar as precarious social and political structures can render vulnerable embodiment into abject victimhood, in opposition to, and in need of protection by, state power. Although literature can certainly reinforce the normative arrangements of biopower and the security state, it also imagines alternate possibilities for vulnerability and security as well as the types of political community by which they are generated.



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This *Companion* focuses primarily on literatures written in (or translated into) English, even as it seeks to address human rights principles and the question of literary activity as a global phenomenon. This incongruity is at once a contingency of the field, which has been taken up most enthusiastically, at least initially, by scholars of English, American, and Anglophone literatures. But it also corresponds to the vagaries of the place of international rights movements in the context of empire, the Cold War, and globalization. The question of human rights and literature has nevertheless had remit in postcolonial studies, critical race and ethnic studies, as well as comparative and world literature. Moreover, while certain landmark or especially innovative literary works have become critical touchstones for scholars working in this field – for instance, Joe Sacco's *Palestine* or *I, Rigoberta Menchú* – the contributors here do not argue for a particular canon of "human rights literature." Rather, *The Cambridge Companion to Human Rights and Literature* means to pose a range of questions that open dialogue across national borders and histories as much as provide any definitive survey of a field. Sharing a profound concern as to how subjects become legible or not as human persons, and how human life flourishes or is unmade, both human rights discourses and the literary imagination provide us important opportunities for thinking culture and society with rigor, care, and passion.

## NOTES

1 Jacques Derrida, *Acts of Literature*, edited by Derek Attridge (New York: Routledge, 1992), 36.
2 Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 1951), 355.
3 Ibid., 375.
4 Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity Press, 2002), 9.



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