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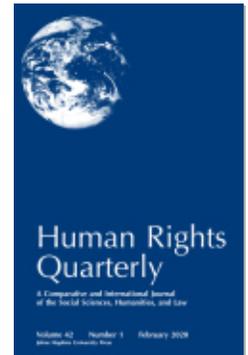
The Novel of Human Rights by James Dawes (review)

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or flight.”³⁴ After appearing before a judge, detainees must never be returned to police custody.

Countries must empower both domestic and international inspection committees to carry out unannounced visits—procedures authorized under the Optional Protocol to the Torture Convention,³⁵ which all countries should ratify. Torture must be defined as a stand-alone crime with significant penalties. Governments must create separate units to investigate torture, ill-treatment, and other violent crimes committed by security services, with the necessary independence to conduct such investigations effectively (the creation of anti-corruption units in several countries shows that this is a feasible undertaking).

Torture is interwoven with the violation of other human rights, including rights to due process, legal representation, fair trial, political participation, freedom of expression, and freedom from cruel or degrading punishment. Nowak calls torture “the de facto dehumanization of humans.”³⁶ It belongs to broader patterns of abuse and humiliation that arise when governments treat freedom of thought and expression as a threat to social order; when societies marginalize or stigmatize certain groups by virtue of their economic, racial, or ethnic status; and when countries adopt retribution and revenge as the guiding principles of criminal justice. Inhuman treatment is predictable when penal systems are not oriented to rehabilitation (contrary to Article 10 of the International Covenant on Civil and Political Rights).³⁷ There is

no reason why other countries cannot follow the example of Denmark, which has prevented torture because it insists that all detainees must be treated with respect and should be allowed, insofar as possible, to lead lives in prison that resemble life on the outside.³⁸ To end torture, we must build a culture of equality and human rights, one that brings prisoners and accused criminals into our circle of moral concern. In his remarkable book, Manfred Nowak has given us a map of contemporary torture and has shown us how we can leave torture behind.

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James Dawes, *The Novel of Human Rights* (Harvard University Press, 2018), ISBN 978-0-674-98644-2, 232 pages.

On the day that I began writing this review, the mercurial president of the United States announced, by way of social media, two abrupt shifts on policy decisions that held grave implications for thousands of people: a temporary delay on the mass raids of undocumented immigrant families by Immigration and Customs Enforcement officials in the United States and a hold on retaliatory airstrikes

34. *Id.* at 182.

35. *Id.*

36. *Id.* at 4.

37. International Covenant on Civil and Political Rights, *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., art. 10, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976).

38. NOWAK, *supra* note 1, at 185–86.

against the nation of Iran for its attack on a US military drone.¹ It would seem the American public, and possibly the rest of the world, has acclimated itself to the “new normal” of such dramatic swings, awaiting the next Twitter storm of abuse and outrage as the executive branch of the US government continues to rule with impunity garnered by way of its centralization of power, a process begun decades before the current administration came into office. Against such made-for-television spectacles created by the commercial news-entertainment complex and fed by the vast machinery of social media and other digital networks, the idea of human rights has never seemed more like a fiction. To even the most casual of observers, the proposition that every human being everywhere has an inherent claim to certain freedoms and protections seems to be countermanded at every turn.

Perhaps it is precisely under such dire conditions that we should take *fiction* itself as a serious object of study, as James Dawes does in his recently published monograph, *The Novel of Human Rights*.² Opening with the proposition that “we are, for the first time, living in a popular culture of human rights”—one whose success has in turn “helped trigger a frightened, revanchist ethnonationalism”—Dawes illuminates the way in which prose fiction in the United States has shaped our common-sense understandings of human rights while

rights norms have embedded themselves as formal features and thematic concerns in the contemporary American novel.³ Throughout *The Novel of Human Rights*, Dawes identifies and elaborates “centers of aesthetic gravity” across a range of late twentieth and current twenty-first century novels not only to argue that such a genre might be said to exist, but also to provide “aesthetic and conceptual depth to our readings” of these texts.⁴ The conclusions at which Dawes arrives by the end of his study—that “the novel of human rights is defined by aesthetic contradictions and wrenching moral paradoxes”⁵—speak directly to the significance of studying the intersection of human rights and literary fiction in the current moment.

This is not so much a project of defending the viability of human rights politics and practice on the ground or of prescribing the proper forms for the representation of violence and suffering in literature. Rather, it is one that examines how the material conditions and political realities of our current conjuncture set the terms for both representation and response in our cultural politics, and it also examines how the contradictions and unruliness of those structures offer up the possibility for moving forms of dissensus and transformation. Thus, by the end of the book, Dawes describes himself as “untroubled by the problem of compossibility, the mess of language, and the sometimes bewildering and conflictual plenitude of our imagination and

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1. Phil McCausland & Julia Ainsley, *President Trump Announces Delay of Mass Immigration Raids that Were to Start Sunday*, NBCNEWS (22 June 2019), <https://www.nbcnews.com/politics/donald-trump/president-trump-announces-delay-mass-immigration-raids-were-begin-sunday-n1020671>; Tom Embury-Dennis, *Trump Explains Why He Called Off Iran Airstrikes at Last Minute: “We Were Cocked & Loaded to Retaliate.”* THE INDEPENDENT (21 June 2019), <https://www.independent.co.uk/news/world/americas/us-politics/trump-iran-tweet-strike-drone-shot-down-war-us-nuclear-weapons-deal-a8969041.html>.
 2. JAMES DAWES, *THE NOVEL OF HUMAN RIGHTS* (2018).
 3. *Id.* at 2.
 4. *Id.* at 4–5.
 5. *Id.* at 202.

ideals," seeing the "contradictions and anxieties" in the texts he has surveyed instead as "a sign of human rights' vitality of thought rather than its philosophical or political implausibility."⁶

Dawes arrives at his ultimate embrace of dissensus and irresolution by charting in his first three chapters those recurring features whose appearances define the genre of the human rights novel. These include (in Chapter One)⁷ the distinction between the "justice plot" and the "escape plot";⁸ (in Chapter Two)⁹ the crucial tropes, motifs, and themes of privacy, homes, secrecy, movement, and family (particularly lost children and orphans) that correspond to the relations that human rights mediate between states and individual persons; and (in Chapter Three)¹⁰ the often problematic use of allegory and empathy as vehicles for representing political and state violence in order to prompt humanitarian responses that can reify the categories of "the invulnerable and the vulnerable, the able and the unable, the autonomous and the constrained," which risks fetishizing the violence that is meant to be abjured.¹¹ It is by turning to the figure of perpetrators¹² in Chapter Four)¹³ that Dawes funnels what might otherwise seem to be a rather static set of elements through the difficult questions of responsibility and obligation. He hence demonstrates—particularly by way of an extended discussion of Jonathan Littell's novel *The Kindly Ones*¹⁴—that human rights novels, like human rights

themselves, are deeply conflicted. If, as he contends, the figure of the perpetrator reveals that "there is nothing we hate more than our own shame embodied in others"¹⁵ and also reveals the heterogeneous forms that shame takes, the sources from which it originates, the limits of our control over it, and the virulence with which we attempt to manage it all undermine the seemingly straightforward modes by which we might wish to narrate accounts of violence and redemption; to label victims, evil-doers, and heroes; and to identify causes and effects.¹⁶

The version of the "distant reading" practice Dawes adopts in *The Novel of Human Rights* is essential to warranting his central claim that human rights has given rise to a genre with consistent features across an enormous number of contemporary novels which in turn establishes readers' expectations, market interests, and critical evaluations of contemporary literature. If, however, we believe that what makes fiction—and the literary enterprise, more broadly—distinct from other forms of representation are the imaginative liberties, aesthetic risks, and the singular rendering of collective social and political experiences, then one wonders what difference close reading might make for discerning the cultural politics of any given text in Dawes's archive. To be fair, he does engage certain novels—such as *The Kindly Ones*, Chris Abani's *The Secret History of Las Vegas*, and Chang-rae Lee's *The Surrendered*¹⁷—more closely

6. *Id.* at 197.

7. *Id.* at 22–53.

8. *Id.* at 22.

9. *Id.* at 54–116.

10. *Id.* at 117–68.

11. *Id.* at 118.

12. This is a subject that Dawes has also thoughtfully probed in his other published work.

13. DAWES, *supra* note 2, at 169–202.

14. JONATHAN LITTELL, *THE KINDLY ONES* (2006).

15. DAWES, *supra* note 2, at 180.

16. *Id.* at 180–96.

17. LITTELL, *supra* note 14; CHRIS ABANI, *THE SECRET HISTORY OF LAS VEGAS* (2014); CHANG-RAE LEE, *THE SURRENDERED* (2011).

than others, yielding insights regarding the controversies surrounding such texts and the tensions and contradictions that occupy them. However, these readings also suggest that such detailed attention to the formal practice of *any* text might offer up considerable interventions with regards to the political conventions and ideological formations that infuse more anodyne versions of human rights discourse and humanitarian rhetoric.

Finally, Dawes locates the genre of the human rights novel as a specifically US form and situates his work as a critical US literary and cultural studies project that has refuted the exceptionalism that US nationalism accords to itself. However, this laudable goal to provincialize the United States always proves, to my mind, a tricky balancing act for those examining international affairs and transnational cultural production. That is, the attempt to study the superpower as if it were any other national state can, perhaps, too easily erase the outsized political and economic power it wields and thus can erase the level of damage it inflicts upon the rest of the world, for which it assumes disproportionately little responsibility. Dawes describes the US human rights novel as “both inward- and outward-looking, taking not only atrocity abroad as its narrative focus but also atrocity at home.”¹⁸ Yet, he tends to focus on the place of human rights *within* the United States, that is to say, the bearing that human rights norms might have on domestic social structures, legal norms, and political culture. In contrast, the genre’s representations of “atrocity abroad” appears largely as *humanitarian* in character

and thus as bound to aid workers and organizations whose primary concern is to alleviate suffering in a neutral, independent, and impartial manner.¹⁹

Dawes is certainly and necessarily skeptical about such claims of humanitarianism. However, if (as he argues) human rights are “nothing if not political,”²⁰ *The Novel of Human Rights* places limited emphasis on the specific political histories and economic policies by which the United States contributes to, or is even wholly responsible for, the suffering and violence that constitutes atrocity abroad; the exception is in cases where the text in question makes the relationship explicit. This is, of course, understandable; elaborating on the historical contexts of the numerous texts covered in *The Novel of Human Rights* could likely prove bulky for a book whose clarity and accessibility is one of its many strengths. Even more importantly, given the sense in the United States that human rights have little to do with social justice at home—especially in what Dawes elucidates as the “traumatic split from and disillusionment with human rights” by the US civil rights movement²¹—his insistence that there are “more potential gains than losses” and “unique opportunities” to be had in the collaboration between civil and human rights activism is more than welcome.²² As Dawes demonstrates throughout *The Novel of Human Rights*, the provisional—if not entirely ephemeral—quality of human rights helps us to see that there is, in fact, little about rights granted by sovereign states and international governmental organizations that are guaranteed and permanent, even in the

18. DAWES, *supra* note 2, at 10.

19. *Id.* at 14.

20. *Id.*

21. *Id.* at 11.

22. *Id.* at 12–13.

United States. Without the political will to realize them, they remain fictions, a lesson many Americans have only begun just begun learning.

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Kathryn Sikkink, *Evidence for Hope: Making Human Rights Work in the 21st Century* (Princeton University Press, 2017), ISBN 9780691170626, 336 pages.

We live in a time of anxiety and pessimism about the future of human rights as a global project. In recent years, doom-sayers have foretold the “endtimes” and the “twilight” of human rights.¹ Critics have asserted that human rights treaties do not make a meaningful difference; that human rights are a “powerless companion” to rising inequality; that the human rights movement is a thinly veiled attempt by the Global North to impose its values

on the Global South; and, on the whole, that the human rights movement is “still part of the problem.”² With atavistic projects of authoritarianism, nationalism, populism, and fundamentalism on the rise, high-profile practitioners have expressed their own despair, warning that “we are on the verge of darkness.”³ It appears that we have come a long way from the sense of momentum and inevitability that once allowed Louis Henkin to proclaim the “age of rights” and Francis Fukuyama the “end of history.”⁴

In the course of his public lectures during the 1960s, philosopher Alan Watts often reflected upon the ways in which our interpretations of events are shaped by our “level of magnification.”⁵ That is, when the world is viewed too closely, we may fail to grasp the larger patterns of events that a broader perspective can reveal. In a similar way, one of the key questions for the field of human rights in the present moment is whether we are so tightly focused on our own era that we are missing the broader arc of history and the gains that have been made. While it is hard to read a newspaper today and see it, scholars both in and outside of the human rights field, including Beth Simmons, Christopher Fariss, and Steven Pinker, have tried to remind us that the larger empirical picture is far more hopeful

1. See generally STEPHEN HOPGOOD, *THE ENDTIMES OF HUMAN RIGHTS* (2013); ERIC A. POSNER, *THE TWILIGHT OF HUMAN RIGHTS LAW* (2014).
2. See generally Emilie M. Hafner-Burton & Kiyoteru Tsutsui, *Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most*, 44 J. OF PEACE RES. 407 (2007); Samuel Moyn, *A Powerless Companion: Human Rights in the Age of Neoliberalism*, 77 L. & CONTEMP. PROBS. 147 (2014); Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARV. INT’L L. J. 201 (2001); David Kennedy, *The International Human Rights Regime: Still Part of the Problem?*, in EXAMINING CRITICAL PERSPECTIVES ON HUMAN RIGHTS 19 (Rob Dickinson, et al. eds, 2012).
3. Kenneth Roth, *We Are on the Verge of Darkness*, FOREIGN POL’Y (12 Jan. 2017), <http://foreignpolicy.com/2017/01/12/we-are-on-the-verge-of-darkness-populism-human-rights-democracy>.
4. LOUIS HENKIN, *THE AGE OF RIGHTS* (1990); FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992).
5. See, e.g., ALAN WATTS, *DO YOU DO IT, OR DOES IT DO YOU?: HOW TO LET THE UNIVERSE MEDITATE YOU* (2005).