Susanne Kaul and David Kim

Introduction: Imagining Human Rights

For about six weeks in the fall of 2011, visitors to the Crypt Gallery in London had the rare opportunity to bear witness to an unusual underground world in several senses of the term. Deep below the surface, in the basement of St. Pancras Church, the London-based Greek artist Kalliopi Lemos had transformed the early nineteenth-century burial crypt into a ghostly passage for life-size wooden boats and animal-like creatures. Made of smoothly bent metal, birds, snakes, and bees animated this selectively lit space, while their motions had been suspended at various stages of life. Here, time seemed to have stopped or at least slowed down, as the installation presented a contemporary staging of the Acheron from ancient Greek mythology. Isolated from the hubbub of the urban metropolis above ground level, this imaginary interstitial space constituted an otherworldly world where life and death, movement and stillness, land and sea, history and mythos converged precariously in the twilight of passing.

Given the originally sacred location of this exhibition, which was titled *Navigating in the Dark*, visitors likely associated what they saw or heard with some sort of modern-day interpretation of life after death caught between disparate worlds. They probably felt transported to a liminal space beyond the fullness of life, where *zoë* – bare life – outweighed *bios* in the sense of absolute human vitality. As Giorgio Agamben famously explains in *Homo Sacer*, the Greek word for *life* comes in these two fundamentally different forms, the former representing “the simple fact of living common to all living beings (animals, men, or gods)” and the latter standing for “the form or way of living proper to an individual or a group” (1998, p. 1). Whereas bare life marks the lowest and thus common denominator for every living being on earth, life in its fullest sense entails the social belonging to a polity. In the case of Lemos’s installation, this inspiration was both there and nowhere to see. On those seemingly stranded fragile boats were shadowy figures who appeared at once lost and determined, both hopeful and in suffering (see the front cover). Some of them appeared to be whispering in secrecy, while others were sitting silently with their heads slightly lowered. These variously still motions alerted spectators to the hidden dangers of navigating on high seas, traveling through international waters or being suspended in the dark. These absent-present figures represented the countless – and thus nameless – immigrants, asylum seekers, and boat people who regularly traveled across the ocean on overcrowded makeshift boats. In this underground world, these ghostly anonymous figures confronted vis-

itors from another biopolitical world with hardly registered stories whose cruelty Étienne Balibar had described as being “worse than death” (2004, p. 115). Agamben had likewise referred to such extreme suffering as “*ein lebensunwertes Leben*”: a life not worth living (1998, p. 137).

That Lemos drew attention to this dire, yet mostly invisible problem on the peripheries of land and sea – more specifically, on almost opposite shores of Europe – made one point clear. On the surface, the exhibit seemed to thrive upon a careful play of differences, but in actuality it split the very heart of Europe. The influx of illegal migrants from Africa and the Middle East to which Lemos was creatively alluding tested the core of European unification as a radically democratic opening of boundaries. On the continent where modern democracy had rediscovered its ancient dream, the tragedy that occurred in international waters under police surveillance, in darkness, away from public eye contradicted the inviolable dignity of personhood guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and reaffirmed by the Maastricht Treaty. In inviting visitors to walk through an imaginary scene of such contradiction, Lemos’s installation highlighted the obscure crisis in European citizenship.

Navigating in the Dark raises critical questions about common and divergent points of departure for interrogating the limits of common humanity in the twenty-first century. Instead of conceptualizing human rights as divisible subjects of investigation, it begs for answers that come from multiple disciplinary, historical, and geopolitical perspectives. What does it mean to empathize, if not to identify, with others who have succumbed to dark odysseys under nationally circumscribed police surveillance? How do the arts and letters engender public spheres where their suffering might properly be registered or where spectators can possibly engage in a productive conversation about migration, integration, and citizenship? What age-old myths of humankind exist to contest the abuse of social outcasts in global modernity? If human rights are considered inviolable norms of justice at international scales, why is it that the number of their violations within national boundaries has steadily increased in modern history? As Emilie Hafner-Burton documents, the number of human rights abuses, including torture, murder, political imprisonment, censorship, and political rights has grown since 1918 and this record is even specific to countries that have ratified the International Covenant on Civil and Political Rights (2013, p. 3). And beyond the geopolitical scope of Europe, where do private citizens and singular communities stand in relation to the utopias of common humanity? While Lemos has drawn upon her artistic creativity to query these and other inhuman features of modern society, scholars of human rights are called to address them from rigorously interdisciplinary perspectives.

Imagining Human Rights is an interdisciplinary volume, which originates in the increasingly urgent desire to address international human rights and violations thereof in the intersection of the humanities and the social sciences. The essays collected here show from a variety of disciplinary perspectives and within different historical contexts how critical it is to engage in interdisciplinary conversations about the origin and language of human rights, personal dignity, redistributive justice, and international solidarity. Together, they show why a close examination of human rights does not do without a genuine attempt to partake in cultural, historical, philosophical, psychological, and sociological deliberations at once.

The volume consists of one conversation and eleven essays. These contributions to the diverse and rapidly expanding field of human rights examine a wide range of pertinent issues, including the validity of normative grounds for human rights claims, the inadequacy of human psychology for responding to mass violence, the genealogy of human rights in global history, and the efficacy of humanitarian aid in the so-called developing world. They are written in various combinations of philosophical deliberation, historical examination, and psychological, legal or aesthetic analysis, and they illustrate how the currency of human rights is not to be confused with some sort of self-evidence or straightforwardness. *Imagining Human Rights* is the first collection of essays that ambitiously responds to this precarious nature of human rights.

All but two of the essays were presented in shorter versions at the interdisciplinary conference “The Imagination of Human Rights” in the city of Bielefeld on June 28–30, 2013. Co-sponsored by the German Research Foundation (*Deutsche Forschungsgesellschaft*) and the Center for Interdisciplinary Research (*Zentrum für Interdisziplinäre Forschung*) at Bielefeld University, the gathering offered a unique occasion for bringing together a transatlantic group of experts on human rights under the provocative heading of imagination. In recognition of the fact that human rights is a subject of investigation cutting through aesthetic, ethical, historical, sociopolitical, philosophical, legal, and psychological considerations, the conference sought to facilitate a much needed dialogue across disciplinary boundaries, a dialogue that had rarely been pursued to the same extent at one place. Represented in this initial working group were psychological, literary, filmic, historical, juridical, philosophical, and sociological studies of human rights.

The title of this volume deliberately links with Lynn Hunt’s seminal historiography, namely *Inventing Human Rights* (2007). Hunt argues in her award-winning book that the idea of human rights originates in eighteenth-century France where Enlightenment writers such as Rousseau and Richardson appeal to affective identifications between reader and character “across class, sex, and national lines”

(Hunt 2007, p. 38). Hunt asserts that their epistolary novels mobilize empathy for public good, as fictional characters appeal to readers' imagination to make sense of passionate claims to personal dignity. In *Pamela*, for instance, a servant girl becomes a model of personal autonomy because she expresses inner feelings in personal letters. Thus, Hunt concludes, readers learn to register the suffering of others in literary imagination. She goes on to say how intensely Rousseau's and Richardson's contemporaries – men and women alike – reacted to the novels, and that even military officers identified with the fictional heroines (Hunt 2007, p. 47).

The essays collected in this volume complicate Hunt's argument by clarifying further how critical the concept of imagination is for thinking through the problem of human rights across disciplinary boundaries and by elaborating on the heterogeneity of human rights talk in modern history. It is true that affective labor and literary imagination are pivotal for current debates on this vast topic, but the volume seeks to offer nuanced and contentious analyses of human rights, as well as the kinds of conceptual, imaginative, and practical solutions they solicit to intolerable cruelties. By discussing global hunger, posttraumatic reconciliation, the resettlement of refugees, psychic numbing, and international solidarity, the contributors set the stage for an intellectual encounter that exposes the strikingly complex problem of human rights in the twenty-first century.

The volume begins with a special conversation between sociologist and philosopher Hans Joas and historian and legal scholar Samuel Moyn because their different accounts of human rights in modern history exemplify the best of interdisciplinary analyses on this contentious topic. In *The Sacredness of the Person*, Joas contends that Émile Durkheim's notion of the sacredness of the person, along with Talcott Parson's conception of value generalization, offers an informative way of synthesizing the history of human rights beginning with the abolition of torture in the eighteenth century and culminating in the Universal Declaration of Human Rights of 1948. While dispelling certain myths of the genesis of the Universal Declaration of Human Rights after World War II, Joas documents a wide range of cultural traditions, ethical commitments, and political negotiations in drafting that symbolic foundation. By contrast, Moyn emphasizes how the long history of human rights is inscribed in far more contingent and conflicting terms. For him, this universal moral precept does not acquire its international dimension until the 1970s following decolonization. Both in *The Last Utopia* and in this debate, Moyn does not go so far as to deny the importance of human rights movements prior to this turning point, but he uncovers for modern consciousness the fragility of human rights especially in the Western welfare state. The conversation between these scholars goes through fascinating twists and turns in intellectual

history, legal thought, and philosophical analysis and we hope that its transcription serves as an enriching complement to reading *The Sacredness of the Person* and *The Last Utopia* side by side.

Titled “Claiming Human Rights,” *Section One* investigates whether human rights can be considered universal concepts, and if so, what moral and legal claims they make, what origins they have, what justifications they invoke, and what political and psychological conditions they require for realization. The methodological approach of this section concerns the normative dimension of human rights imagination, as well as the historicity of human rights activism. The *Section Two* is titled “Human Rights in Imagination” and it focuses on aesthetic questions and the function of imagination in human rights discourse. It explores how the arts and letters, including new media, engage with human rights, and how fiction generates empathy for those in suffering.

In Chapter One, philosopher Thomas Pogge defines the concept and the main function of human rights in modern society. For him, governments must protect the rights of citizens and respect the rights of those with whom they interact. Under such conditions, human rights claims help authorize international organizations when they intervene in governments that fail to meet their responsibilities. However, Pogge observes that the prospect of realizing human rights looks rather bleak. Therefore, he suggests that we conceive of human rights less as a matter of moral imagination and more as a practical tool for preserving basic freedom, and that we assign human rights central roles in intergovernmental negotiations through which supranational institutional arrangements are designed. Pogge illustrates how human rights might realistically be fulfilled in two examples: one in the field of pharmaceutical provision (medical access for the poor), the other in regard to investment capital and tax revenues (financial transparency in the international tax system). While contesting national nepotism, Pogge proposes a global impartiality requirement confined to human rights as a step toward the higher ideal of *cosmopolis*.

In Chapter Two, psychologists Paul Slovic and Daniel Västfjäll examine the assumption that people can imagine the statistics of human rights violations and act on this basis. In their behavioral research, they argue that numbers fail to trigger the compassion that is required for motivating action, and that for this reason people and governments repeatedly ignore mass murder. Slovic and Västfjäll explain this insensitivity to lifesaving and the corresponding disability to respond adequately to mass murder as a failure of imagination. They contend that people fail to make sense of the loss of life as the number increases and that human beings are unable to rely upon moral feelings in order to engender proper action; instead, they need to ensure that reason and analysis are equally employed. It is on this rational basis that human beings must cultivate moral

intuition and design new legal and institutional mechanisms for enforcing an effective response to genocide and mass atrocity.

While most scholars consider the validity of human rights to be a matter of fact and they think about ways of avoiding human rights violations, philosopher Rüdiger Bittner in Chapter Three revisits questions of epistemic status and political stake in human rights imagination. He interrogates the “self-evidence” of human rights that Thomas Jefferson and his fellow campaigners have proclaimed since the eighteenth century. He sees in the history of human rights (including the ideas of natural law and natural right) a history of errors and he claims that it is not justified to grant people rights just because of their humanness or reasonability. Moreover, he contests the idea that human rights are part of the social imaginary or that they exist at all. From his perspective, only people imagine, but a society at large does not. Thus, human rights are not even real in shared imagination. Since there are no persuasive arguments for the existence of human rights, the question arises what good human rights talk is. Bittner’s answer to this question is that it is no good because it directs attention only to people’s suffering, and not to the process that brings about this pain. It fails to engender activism in an effort to change this process.

In Chapter Four, David Kim concentrates on Foucault’s notion of “international citizenship” to examine what it means to hold governments accountable for human rights violations. According to Foucault, Kim explains, standing together in solidarity and naming and shaming the responsible – and this is what the concept of *parrhesia*, or telling the truth, entails – is not only a moral duty but also a universal right since governments use physical force to monopolize power. Kim pursues the question of telling the truth or speaking truth to power in relation to transformative politics. In doing so, he compares Foucault’s critical return to *parrhesia* to Kant’s notion of *Aufklärung*, or Enlightenment.

The following two contributions are case studies of human rights violations and they pay special attention to issues regarding humanitarian aid and political intervention. In Chapter Five, Lora Wildenthal examines the first decade of the Society for Threatened Peoples (*Gesellschaft für bedrohte Völker*) to show how its re-imagining of human rights was innovative in the context of 1970s West German human rights activism. As the Society broadened its engagement from Biafra to other causes, it emphasized genocide and group rights. Controversially, it placed German victims of human rights violations (notably ethnic German expellees) in the same group rights framework as the many non-German groups with which it worked. This sparked confrontations with the West German Left, which the Society countered with emphasis on the concept and reality of genocide in state socialist as well as capitalist states. Wildenthal concludes that the organization successfully imagined threatened peoples by establishing new criteria for human

rights violations and by transforming the human rights scene for West Germans in West and unified Germany.

Chapter Six is Nina Berman's investigation of humanitarian work in contemporary Kenya. Berman highlights the ways in which "contraband charity" – that is, humanitarian activity outside of official channels – carries contemporary global inequality caused by a humanitarian mindset rooted in missionary activities of the colonial era. Using the example of the Diani area, Berman explains that developments associated with beach tourism and the real estate market have transformed a largely self-sustaining community into an overwhelmingly impoverished population. While Germans have played a crucial role in this development, many humanitarians do not understand the reasons for the poverty they encounter. Berman's discussion sheds light on the intricate interplay between economic globalization and neoliberal charity.

Chapter Seven marks the beginning of *Section Two* where the focus lies on image and imagination and their role in contemporary discussion of humanitarian aid and crisis. Here, Sebastian Wogenstein shows how theater raises questions about the idea of human rights including its institutional framework, and how it reveals the realities of power that are all-too-often eclipsed by institution-focused human rights discourse. His literary examples revolve around the French Revolution. Following Jacques Rancière, Wogenstein describes the way in which plays speak to us as "dissensus." It questions fundamental commonsensical assumptions and highlights a qualitative function of theater that differs from what Richard Rorty and Lynn Hunt propose about literature and its ability to produce empathy in the reader.

In Chapter Eight, Oliver Kohns investigates the imaginary status of human rights and the role of fiction in the enforcement of human rights via an interpretation of Franz Werfel's novel *The Forty Days of Musa Dagh* (1933). The 1789 Declaration of the Rights of Man and of the Citizen establishes a normative political fiction in stating that men are born free and equal in rights. Human rights become a utopian program here and it depends on the possession of citizenship. Again following Rancière, Kohns investigates the imagination of human rights as an aesthetic issue in political discourse. On this basis, he analyzes the relationship between human rights and the narrative genre of the *Bildungsroman* and he applies this relationship to Franz Werfel's novel as a political intervention in human rights violation.

In Chapter Nine, philosopher Michael Bösch and literary scholar Susanne Kaul examine the ways in which human rights are "staged" by the Truth and Reconciliation Commission in South Africa, and how this staging in commemorative juridical culture is represented in Gillian Slovo's novel *Red Dust* (2000) and its filmic adaptation by the same title in 2004, and in Antjie Krog's book *Country of*

My Skull (1998) and John Boorman's adaptation thereof in 2004. The thesis of this contribution is that the effectivity of the commission's work was limited partly because apartheid was declared a taboo issue, and partly because the hearings were sometimes misused as a mere instrument of amnesty without repentance or reconciliation. According to Bösch and Kaul, the power of fiction especially in film is to engender empathy and to make a large audience familiar with what is at stake.

Elizabeth Anker's essay in Chapter Eleven addresses two crucial challenges that have accompanied the achievements of human rights: first, the exclusion of citizenship, meaning that refugees and unauthorized migrants lack protection of a sovereign state; second, the aim of human rights to safeguard the human body from injury, which implies a relegation to the state of dehumanization. In her reading of Alejandro González Iñárritu's 2010 film *Biutiful*, Anker contends that the film's subject matter, as well as its aesthetics, enact an embodied human rights imaginary especially in reference to the large number of dead and dying bodies, which helps to maintain a highly specific appreciation for human rights. Anker draws upon Merleau-Ponty's phenomenologic reflections about embodiment to substantiate a critical mindset for fighting human rights violations and their corresponding theoretical assumptions.

The last chapter of this volume offers Artemis Manolopoulou's in-depth knowledge of Greek sculptor and installation artist Kalliopi Lemos. It traces her personal trajectory on the basis of political work and self-understanding as an international migrant. Manolopoulou recapitulates Lemos's presentation in Bielefeld about issues concerning physical and psychological displacement and the mistreatment of human dignity and she gives vivid examples of the ways in which art awakens a common feeling of humanity or inspires people to imagine a better world.

Bibliography

- Agamben, Giorgio (1998): *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford University Press.
- Balibar, Étienne (2004): *We, the People of Europe? Reflections on Transnational Citizenship*. Translated by James Swenson. Princeton: Princeton University Press.
- Hafta-Burton, Emilie (2013): *Making Human Rights a Reality*. Princeton: Princeton University Press.
- Hunt, Lynn (2007): *Inventing Human Rights: A History*. New York: W.W. Norton.
- Joas, Hans (2013): *The Sacredness of the Person: A New Genealogy of Human Rights*. Translated by Alex Skinner. Washington: Georgetown University Press.
- Moyn, Samuel (2010): *The Last Utopia: Human Rights in History*. Cambridge: The Belknap Press.