Special Issue on Human Rights Rhetoric: Traditions of Testifying and Witnessing

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To cite this article: Arabella Lyon & Lester C. Olson (2011) Special Issue on Human Rights Rhetoric: Traditions of Testifying and Witnessing, Rhetoric Society Quarterly, 41:3, 203-212, DOI: 10.1080/02773945.2011.575321

To link to this article: http://dx.doi.org/10.1080/02773945.2011.575321

Published online: 09 Jun 2011.

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Rhetoric scholars have developed approaches to both civil and human rights as political, ethical, and academic discourses. Such approaches include examining the development and reproduction of hierarchies, the politics of representation, and the relationships among symbols, audiences consisting of disparate communities, rights, and rights events. After an overview of rhetorical contributions, as well as risks and limitations of a rhetoric approach to human rights, this introduction turns to the focus of the special issue: testifying and witnessing as a way to scrutinize the roles of bystanders to rights atrocities and the responses of listeners who may be rights committed or not.

Human rights, exemplified by the Universal Declaration of Human Rights (1948), have become a key term in international politics and rhetoric after the Cold War. Consequently, “human rights” and “civil rights” have been declared, recognized, re-affirmed, assaulted, and actively undermined around the globe. As Michael Ignatieff asserts, “human rights has become the dominant moral vocabulary in foreign affairs” (29). Human rights discourse, moreover, has become a dominant academic vocabulary. Search the keyword “human rights” in a research university library, and over nine thousand books come up, the vast majority published since 2000. The ramifications of human rights discourse encompass such abiding subjects and intense controversies as civil rights, positive and negative rights, declarations of universal and cultural or local rights, public advocacy from nongovernmental organizations (NGOs), independent documentaries and grassroots

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ISSN 0277-3945 (print)/ISSN 1930-322X (online) © 2011 The Rhetoric Society of America
DOI: 10.1080/02773945.2011.575321
uprisings, statements concerning the appropriate use of legal force and representation, as well as the diplomatic milestones articulated in formal covenants or treaties and dramatic media spectacles portraying engagements by international bodies.

Even so, the meaning of “human rights” and “civil rights” has been the subject of public controversies and, in fact, varies across cultures. Public controversies have centered on such basic, open-ended questions as: What are human rights? What principles and reciprocal commitments, if any, should communities around the globe be obligated to recognize as fundamental human rights? From what spiritual, ethical, and/or political sources have communities derived diverse conceptions of human rights? Are certain human rights so fundamental as to be “universal,” as the United Nations proclaimed in 1948? Does this ostensibly “universal” character of human rights mean that certain human rights principles can never be compromised and, if so, how have communities dealt constructively with collisions among conflicting human rights? (e.g., contrast Eleanor Roosevelt’s and Elizabeth Kiss’s speeches concerning compromise.) Basic questions such as these suggest that, as a discipline, rhetoric could contribute to ongoing conversations, arguments, and debates about the ramifications of human rights representation for public life.

Within disciplinary rhetoric, human rights theory and criticism have developed sufficiently for disciplinary conversations. In fact, rhetoric is uniquely positioned to offer particular insights into the language of human rights declarations, covenants, and the symbolic action of human rights claims, laws, norms, aspirations, and deliberations. Among the more robust areas which interest rhetoricians are the genres of human rights discourse, particularly narrative types, as well as the politics of representation within written and visual texts. Although the nature of representation is not so easily separated from the formal issues of genre, an emphasis on the political context makes studies of representation particularly pertinent. In addition to concerns with how rights are represented, traditions of rhetoric offer a way into discussing reception. How do audiences identify with rights and individuals whose rights have been violated? How might a particular audience be moved to action? Rhetoric and communication’s traditional concern with contingency and truth also enables rhetoric scholars to offer unique and significant insights into human rights debates. For instance, given the legal, juridical, and political nature of human rights debates, inquiries on the nature of truth and the importance of contingencies—that is, questions of “what really happened”—are familiar to rhetoric and communication scholars.

This brief introduction explores what might be considered a rhetorical approach to human rights in that it articulates a rationale for examining how rights are represented in language and symbolism, how advocates construct particular responses in contingent situations, and how public debates influence communities, interpretations of rights, and rights enforcement (for alternatives, e.g., see Cmiel, Hope). Then, it turns to the specific focus of this special issue on witnessing
and testifying to examine one focal point for such an approach to human rights. In providing a collection of original essays by accomplished rhetoric scholars from a variety of backgrounds, the special issue will promote and strengthen ongoing conversations concerning communication and human rights. Each essay will address witnessing and testimony as an aspect of human rights rhetoric in the United States and international settings. To encourage critical reflection on the assumptions, contentions, and implications of political representations and human rights, we have added a series of visual works at the conclusion without comment to prompt viewers’ own engagement with them. These images are not meant to be exhaustive, simply suggestive.

In general, a rhetorical approach to human rights considers the human rights implications of language and symbolism by examining the hierarchical significance of words, definitions, re-definitions, symbols designating social groupings, myths, rituals, symbolic images, and the like. In other words, a rhetorical approach to human rights documents, debates, and artifacts scrutinizes symbolic actions constructing identifications and divisions among individuals and social groups (Burke *A Rhetoric* esp. xiii–xiv, 19–29), and it examines the development and reproduction of hierarchies—political power, economic resources, social privilege (Bourdieu). Rhetorical inquiry into human rights discourses examines the politics of representation in establishing, maintaining, and transforming hierarchies in social, political, legal, and economic forums. Concerned with how language is adapted to circumstance, rhetorical inquiry examines how audiences identify with both rights themselves and the individuals or communities whose rights have been violated. Most significantly, rhetorical analyses of human rights attend to rhetorical processes, forms, and concepts in representing or portraying human rights concerns—exemplified by double-binds, performatives, enactment, narrative and myth, rhetorical appeals such as character (ethos), emotions (pathos) and reasoning (logos), argument, expert and lay testimony, as well as the nature of embodiment and otherness.

The attention to double binds accompanies even so basic a rhetorical focus as the scrutiny of language itself (Jamieson), as in Adrienne Rich’s insight, “This is the oppressor’s language, but I need it to speak to you” (364). Rich joins other twentieth-century activist-scholars, such as Daly, Davis, and Dworkin, in underscoring how the very means of communication can work against advocates’ endeavors to actualize social justice. Rich and other likeminded activist-scholars’ observation during the 1970s has become a topos in contemporary rights criticism (e.g., Doxtader, Gilmore, Hasian, *Rhetorical Vectors*, Hasian, *In the Name*, Hesford and Kozol, Schaeffer and Smith). In addition, her observation underscores certain challenges in using language and symbols to transform cultures in life-enhancing ways, including witnessing and testifying, because the systems of representation reflect the histories of domination and power within them. Human rights can be declared, advocated, and debated only through symbolic representations, however much these vary among cultures. Thus, Rich’s concern about the inheritance
of oppressive language informs even milestones in the history of human rights (e.g., provisions in the Magna Charta concerning the use of testimony by a woman or, in UN’s Universal Declaration, language that by today’s standards is sexist in the usage of the generic “he”).

Declarations of rights, such as the UN’s Universal Declaration, tend to affirm in public life the aspirations, ideals, or standards that members of communities expect reciprocally of themselves and each other. At times these guidelines are translated, however fallibly, into national and international laws, whose enforcement depends on political will and commitments of material resources (Whalen). Viewed narrowly as legal obligations or frameworks, human rights discourses, at times, are viewed skeptically as tools by which elites manage or control otherwise already disenfranchised or marginalized, ostensibly “autonomous” individuals and other communities—oftentimes behind a persona or mask of beneficence. However, at the same time, broad-based, grassroots organizers, advocates, and educators from within disenfranchised communities, at times, find human rights vocabularies to be powerful resources for revealing hypocrisy, making radical claims on elites for recognition, inclusion, and justice within communities, and affirming their stature as fully human within dehumanizing and oppressive cultures.

The risks and limits of a rhetorical approach to human rights fall into three broad categories: (1) a limited perspective on language and symbolism rather than their entwined relationship to material and historical conditions that clearly extend beyond such representations; (2) a concealment of relationships of power, privilege, and resourcefulness within considerations of idealism; and (3) a delusion of ethical work in simply pursuing certain academic interests and labor. First, a focus on the representations and “human” in general combine to risk obscuring the effect of differential treatment, bodily experiences, and histories of diverse groups through such social mechanisms as legislation, religious codes, and legal decisions, as well as bodily performances and social habits (e.g., the institution of slavery in the United States had different symbolic, bodily, and material ramifications for white and black people, while marriage laws have differing ramifications for the sexes as well as gay and lesbian people). By focusing on legislation, judicial codes and legal decisions, as well as bodily performances and symbolic artifacts, rhetoric may fail to acknowledge the corporeal body and the rights to material conditions for human survival. In other words, consequential sociological, psychological, legal, and medical dimensions of human-rights struggles ought not to be reduced to representations or rhetoric.

Still further risks and limitations attend the study of ethics and idealism in society. Rhetoric scholars might recall that for Nietzsche and other intellectuals a preoccupation with ethics has sometimes been considered a form of delusion covering terms for relations of power (e.g., Alcoff, Ballengee, Hesford and Kozol, Kennedy, Merry, Stiehm). And yet, evoking familiar human-rights standards has mobilized extraordinary power and resources in ways that warrant skepticism
about simplistic alternatives between the ideal and ethical on the one hand or the practical matters of power and resources on the other.

Finally, certain forms of academic labor can actually deflect people’s attention from human rights. And yet, other varieties of academic work have circumscribed value in that they raise awareness of human rights concerns, provide intellectual equipment for engaging them, and have the potential for scholars as public intellectuals to contribute to the broader community’s concerns with social justice. In short, the qualities of academic labor vary widely in their implications for human rights both within and beyond national boundaries.

Rhetoric scholars are well positioned to learn from and contribute to ongoing human rights controversies, responding to questions such as: What is an ethical approach to representing and responding to rights violations? How might advocates, communities, and nations best use language and communication technologies to intervene when dealing with human rights atrocities? Indeed, whether and how to intervene can be a dilemma to people who wish to present themselves or their community as advocates or protectors of “human rights.” Although the United States has often portrayed itself as the “protector” of human rights around the world, in recent years the United States has been condemned internationally for alleged human-rights violations, ranging from torture and sexual abuse to illegal wiretapping and invasions of privacy, all in the name of human security—a fundamental human right declared by the UN.

Yet, non-intervention can be profoundly problematic in certain other cases, too. Elie Wiesel poignantly reminds us in his public lecture, “The Perils of Indifference,” that the silence and inaction of bystanders can be crucial factors in making human rights violations possible, such as those of the Holocaust. And yet, how bystanders do intervene, if at all, can introduce some complicated concerns about the “protector’s” motivations, as Judith Hicks Stiehm has argued was the case in imagery portraying the “rape” of Kuwait. The promise and pitfalls attending the roles of those who witness and testify are complex and, at times, can be hazardous for already harmed individuals and communities, a factor which rhetoricians are well prepared to critique with attention to motives, since “protection” can be a euphemism for taking control, while “support,” in contrast, can meaningfully enhance the agency of affected populations (e.g., see Alcoff, 24–27, on factors to consider when speaking for others).

This special issue concentrates primarily on witnessing and testifying as one way to scrutinize the problematic role of bystanders to human rights atrocities. Despite the pitfalls of reproducing oppression by employing inherited representations, both language and symbolism are a necessary means for asserting and advancing specific rights. For the purposes of the introduction, we use “witness” and “testify” interchangeably. Dictionary definitions do not vary significantly; both are defined as “bearing witness.” In the extended definitions of their verb forms in the Oxford English Dictionary, “witness” connotes more of a physical experience of formally signing, swearing, seeing, and auditing. Though we are
not making a significant distinction, others have. Rosetta E. Ross, in her dis-

cussion of black religious women’s activism, defines testifying as speaking about

God’s work and witnessing as the following behavioral response to God’s presence

(223). In Witnessing Slavery: The Development of Ante-bellum Slave Narratives,

Francis Smith Foster considers witnessing particularly, conceiving witnessing as

less concerned with mimesis and historical accuracy and more engaged in “the

power to reveal, to transform, and to transcend” (xx). Both theorists are

concerned with the transcendence of a spoken and lived reality, the creation of

a counter-discourse, and the creation of a different world, a common concern

of witnesses.

In a 2010 NPR interview, Charles Bowden, author of Murder City: Ciudad Juarez

and the Global Economy’s New Killing Fields, is asked why he returns to Juarez:

“What is the allure of the story, there, for you?” His reply reveals his commitment
to a different world and many other tensions in witnessing:

I don’t really know allures. What I think is there have to be witnesses. What I

think is a record has to be made. So, frankly, I don’t want to cover this. I’d

much rather go smell the coffee somewhere or go catch a trout. But I want—

I think, I mean, 5000 people have been butchered in this city in three years.

Somebody has to write this down. Somewhere there has to be a record.

His response reveals a relationship between the event itself and the witnessing of

the event. If the event is terrible, the witness may not be part of the terror but

may still feel compelled as an audience to respond and record the event. Witnes-
sing is a decisive response to the question of trees falling in the forest. Someone

has to hear, see, smell, touch, or even taste for the event to happen, at least for it
to happen politically and rhetorically. The record must be made as a first step
toward a political response, and yet there is anxiety about the influence and
agency inherent in writing down the butchery. For witnessing and testifying to

be a speech act, an act constituting a change by its utterance, the act must be

received by a community of action (Austin 1–11; Bourdieu, 107–116); just as

the “I do” at a wedding depends on the recognition of a community, just as

the verdict of a jury depends on a judge’s act, Bowden’s record depends on a

rights-committed audience who is willing to act through public rhetoric and

commitment of resources.

Although there is an assumption that witnessing and testifying provide necessary

information about human rights violations and that information will create advoc-
cates, public deliberations, even anger and outrage, these assumptions often are dis-
proved by a lack of political engagement or consequences. Documentation,

“somewhere,” is important, but what is done with the documentation, the testifying
during an NPR breakfast, is unclear. Even if a public is made aware of the violence,
in what ways will bystanders respond? Will altruism characterize the bystanders’
response, or indifference, complicity, and appropriation (McPhail “Complicity,”
McPhail “Politics,” Matthison et al., Alcoff, Scott, Spelman, Mutua, Brown, Crenshaw? What are the rhetorical effects of particular acts of witnessing and testifying? How does the effective witness induce cooperation, persuasion, and identification?

The speaking of violations occurs in multiple sites: aesthetic, political, legislative, religious, private, and public. The forensic remains a key concept in that witnessing and testimony are concerned with past events, providing a particular kind of evidence for violation. Although information gathering uses many kinds of evidence (newspaper reports, regulations, photographs, statistics, and medical records), witnessing and testifying either augment records or supply a memory and human perspective for two purposes: activating an audience and thus diminishing the force of oppression. Thus, witnessing and testifying routinely help to shape deliberation and forward-looking policies. The responses of the audience with verdicts and policies, as well as substantive interventions, may be as important as the truth of the violation. Not unlike Cassandra, harmed parties and witnesses need responses as much as an accurate story. Arguments over the fictive and rhetorical nature of memory, witnessing, and testifying abound, suggesting a wavering line between fact and event (Caruth, Felman and Laub, Gilmore). Even so, for an audience to become engaged and perhaps enraged, they need to find the witness’s story credible. Yet bystanders’ responses may range from indifference, complicity, and crass opportunism to protection, and support (Wiesel, McPhail “Complicity,” McPhail “Politics,” Matthison et al., Stiehm, Alcoff, Spelman).

As symbolic acts concerned with engaging the forces of oppression, witnessing and testifying have a particular place in speaking back to power, in creating counter-discourses, which denormalize dominant discourses and offer alternative worldviews. The work of a witness such as Charles Bowden is to present the atrocities of Juarez in contrast to the coffee culture of U.S. morning news. In suggesting the U.S. drug culture has the unseen effect of murder in Mexico, Bowden speaks back to the comfortable assumptions of America. Kay Schaeffer and Sidonie Smith conceive the work of rights claims, these acts of remembering and testifying, as issuing “an ethical call to listeners both within and beyond the national borders to recognize the disjunction between the values espoused by the community and the actual practices that occur” (3). If U.S. citizens know of mass murders at the border and do not respond, the witness has called into question our commitment to the rights of others, despite the claims of concerns for the rights of communities in the Middle East and China. Although dependent on memory, witnessing and testify are a particular category of speech act that calls into question daily practices, making them answerable to a culture’s espoused values.

While certain types of witnessing and testifying may foreground representing the speaker and her culture—testimonio comes to mind—other types are predominantly concerned with representing a particular abuse or injustice and raising a public consciousness and response (Maier and Dulfano, Beverly). What is an appropriate response to representations of suffering? How should an audience
be guided to understand the suffering and respond with appropriate action? We hope the essays in this issue will offer direction on these and our earlier questions and initiate conversations concerning evidence, persuasion, and epistemology in human rights rhetoric.

Our contributors’ four essays, all of which are critical in orientation, may be divided loosely into historical reclaims of earlier rights talk and contemporary theoretical explorations. In “Human Rights and Civil Rights: The Advocacy and Activism of African-American Women Writers,” Jacqueline Jones Royster and Molly Cochran show how nineteenth- and twentieth-century African-American women activists scripted explicit connections between their local projects and the international frameworks of human dignity and rights. In doing so, they constituted U.S. commitments to human rights agenda as well as civil rights. Similarly concerned with the origins of rights representation, Mari Boor Tonn traces the labor work of “Mother” Jones in “‘From the Eye of the Soul’: Industrial Labor’s Mary Harris ‘Mother’ Jones and the Rhetorics of Display,” examining the early use of photos to expand witnessing of exploitation and injustice. Historical and critical studies such as these document the at-times nascent, always temporally unfolding, contingent, and contested struggles to recognize the rights of “Others.”

More theoretical and critical in general orientation, the remaining two essays both turn to contemporary public culture and demonstrate the import of how advocates who theorize human rights in discourse, if only tacitly in evident practices. In “Rights Language and HIV Treatment: Universal Care or Population Control?,” Cindy Patton considers how the convergences of two incommensurable “rights” rhetorics create different positions of witnessing. In contrast to the three-decades-long approach to HIV rights based in equality of fundamental conditions and the linking of rights empowerment to effective HIV response, a new paradigm of “Seek and Treat” has shifted the base to epidemiology, disease prevention, and population. Though the earlier witnessing illness requires the presence of the people who are ill, witnessing disease observes the epidemic from the perspective of those who are not subject to the disease. Patton demonstrates how the language of witnessing rights can register deep, distorting epistemological and ontological gaps that hide agendas. In a perhaps unanticipated turn, Erik Doxtader’s “A Question of Confession’s Discovery” examines the scene of transitional justice through the problems that confession poses for the perpetrators, victims, and broader communities. Consideration of witnessing by perpetrators through their confessions, he suggests, can unpack and deepen an underlying question regarding the movement between the confession’s re-cognition and recognition in relation to potential discovery. An afterword by Wendy Hesford incisively places the editors’ introduction and ensuing four essays in conversation with each other and her own views concerning human rights rhetoric.
References


