



Western University

From the Selected Works of Sharon Sliwinski

2018

Human Rights

Sharon Sliwinski

24 Human rights

Sharon Sliwinski

It is one of the most recognisable passages in the United Nations' Universal Declaration of Human Rights (UDHR) – that slightly oblique and yet grave reference to the Nazi death camps: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.” These barbarous acts were front-page news in most of the Allied countries in the spring of 1945, at the very moment when the United Nations was founded at a conference in San Francisco. The newsstands were filled with photographs from the newly liberated Dachau and Buchenwald camps. Illustrated magazines such as *Life* and *Picture Post* brought the public face-to-face with the Nazis' mass manufacture of corpses. These dramatic images provided the backdrop as members of the new intergovernmental organisation began to call for an international bill of rights. This demand ultimately manifested in the UDHR, which was adopted by the UN General Assembly in 1948. All to say, this particular iteration of universal human rights was born amid one of the twentieth-century's most dramatic visual scenes.

Reading the UDHR from this perspective – as an anxious response to the encounter with the visual representation of the Nazi atrocities – can produce a novel interpretation of this foundational document. This is a bit like catching a “tell” in a game of poker: recognising the unconscious sign that gives away the other player's hand. In contrast to the UDHR's outwardly triumphal pronouncement that all human beings possess an inalienable dignity and rights, the newsstands and newsreels had just provided potent evidence that the world was utterly bereft of any such creature. Read with this visual context in mind, the particular vision set forth in the UDHR – a world where human beings are “born free and equal in dignity and rights” and “endowed with reason and conscience” – begins to seem like a profound fantasy invented to cover up the Final Solution's dramatic rent in the very idea of humanity.

Approaching the UDHR from the vantage of its visual context might lead us to critique this document's particular definition of universal human rights. Such an analysis would, of course, have to find its place within a long tradition that has critiqued these ideals (Burke 1790; Marx 1844; Arendt 1951; Lefort 1986; Agamben 1998; Douzinas 2000; Asad 2003; Brown 2002; Žižek 2005; Rancière 2010; Moyn 2010; Nguyen 2012).

Approaching human rights from this vantage leads to questions about how politics intersects with aesthetics – to an investigation of how our most cherished political concepts are so often born out of rich visual scenes. In other words, while the struggle for universal human rights can be told as a story of political machination and juridical reform, it can also be told as a story about the circulation of visual images and spectators' complex, emotional experience of viewing them. The history of human rights – and

the history of their abuse – is a richly illustrated one. Thinking through the way this venerable political concept intersects with the visual realm can, perhaps, yield fresh insights – both about the concept, but also about all the human passions that bind us together and tear us apart.

Everything old is new again

The visual history of human rights does not have to begin with the signing of the UDHR in 1948, or for that matter, with the photographs from the liberation of the Nazi lagers. One could begin this history in April of 1792, when William Wilberforce stood up in front of the British Parliament to introduce his second bill on the abolition of the slave trade. Wilberforce had learned from his initial political failure. The first time around, he had relied upon a closely reasoned presentation of facts to persuade the Members of Parliament. The second time, he played directly to sentiment. He lingered over the grisly details that the Society for the Abolition of the Slave Trade had gathered over the years: the brutality of the men who made it their business to traffic in human beings, the way the slaves were packed like sardines into the hulls of ships, and the cruel, short life that awaited them on the sugar plantations of the West Indies.

In his 1792 speech to Parliament, Wilberforce lingered over the story of a single girl who was beaten to death by the captain of a slave ship for allegedly refusing to “dance” (the common means of forced exercise for the slaves during the long voyage). As he began the story, Wilberforce feigned a dramatic apology: he wished he could forever drop all such recitals, narratives that could only prove the cruelty of those involved in the slave trade, but this one instance could not be ignored. The case involved a fifteen-year-old girl, a young slave who found herself in an “indecent situation” while on board the ship (she had been raped and likely infected with a venereal disease) and subsequently refused to “dance.” The captain of the vessel took this as an opportunity to mete out punishment. He tied the girl up by her wrists and placed her in a position so as to make her a spectacle to the whole crew whereupon he began to beat her. Not thinking this exhibition sufficient, the captain then tied her up by her legs to continue the beating. But even this did not bring an end to it. The captain strung her up by a single leg and continued the assault, whereupon the girl lost all sensation, and died of her wounds three days later.

Wilberforce’s account of this incident nearly aroused a riot. Members began to shout from all corners of the House, demanding the captain’s name. He eventually supplied the information to quell the uproar: John Kimber, captain of the slave ship *Recovery* owned by Bristol merchants. Debate about the slave trade raged throughout the night. The young Prime Minister, William Pitt, delivered a defence of Wilberforce’s bill that itself ran for over an hour. A compromise solution of “gradual abolition” was eventually passed, though this initial victory only ended up serving those who sought to delay the end of the trade. Abolition was eventually passed into law in 1807, but full emancipation would have to wait until the Slavery Abolition Act of 1833.

The British abolitionist movement is often cited as the first grassroots human rights campaign. Less often discussed is the fact that this early campaign was a thoroughly visual affair. One week after Wilberforce’s momentous speech, Londoners were able to gaze upon the fifteen-year-old girl’s murder for themselves. A hand-coloured print (Figure 24.1) began appearing in coffee houses and pubs all over London, produced

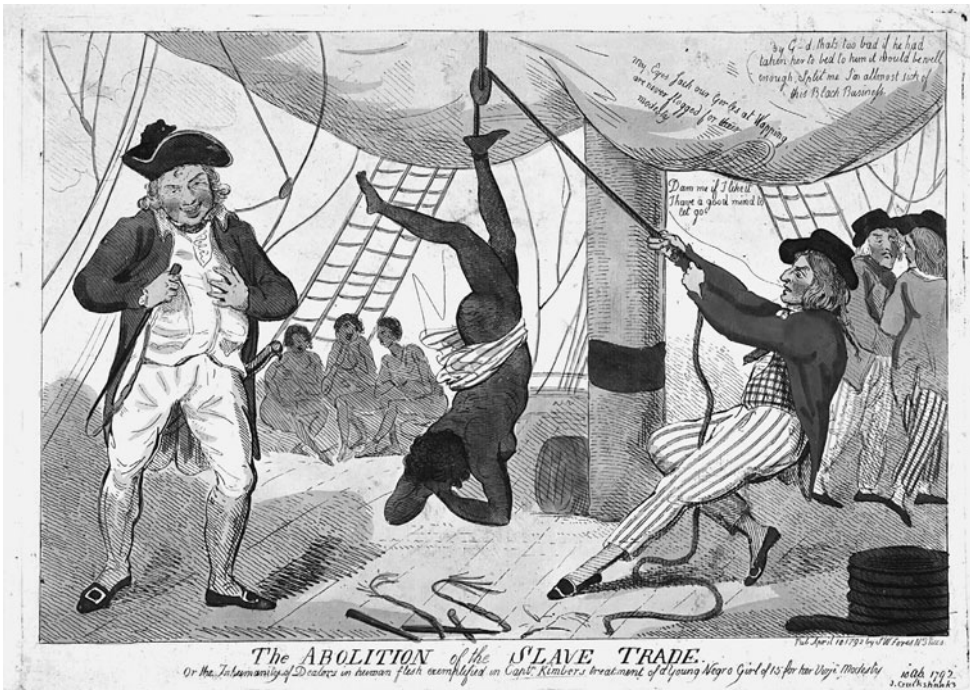


Figure 24.1 *The Abolition of the Slave Trade; or, The inhumanity of dealers in human flesh exemplified in Capt'n Kimber's treatment of a young Negro girl of 15 for her virgin modesty*, Isaac Cruikshank, hand-coloured etching, April 1792. © Trustees of the British Museum

Source: Isaac Cruikshank, hand-coloured etching, April 1792. Printed with permission from the National Maritime Museum.

by the Scottish caricaturist, Isaac Cruikshank (father to the well-known political cartoonist, George Cruikshank).

The print belongs to the emerging genre of editorial cartoons; it was part of a large body of such ephemeral images that circulated during the period. This particular print depicts the murder at its apex: the mostly naked girl is strung up by one leg on the deck of Kimber's ship, with the captain himself leering over the scene, whip in hand. The picture seized the public's attention – galvanising concern about this particular murder and providing a platform for the larger debate about abolition.

Like the backdrop in which the United Nations' Universal Declaration was drafted, this early human rights campaign was steeped in a complex and profoundly problematic visual scene (Wood 2000). The British public had become familiar with the "Brookes" slave ship diagram, which circulated throughout the country in newspapers, pamphlets and even via posters pasted at pubs and coffeehouses (Figure 24.2).

Wilberforce had used a wooden model of the ship in his speech to the House of Commons to demonstrate the abominable conditions of the Middle Passage.

The public would also have widely recognised the emblem that Josiah Wedgwood created for the abolition movement (Figure 24.3). The medallion pictured a kneeling male slave gesturing in a supplicating manner, accompanied by the inscription: "Am I not a man and a brother?" Wedgwood's emblem grew so popular it began to be

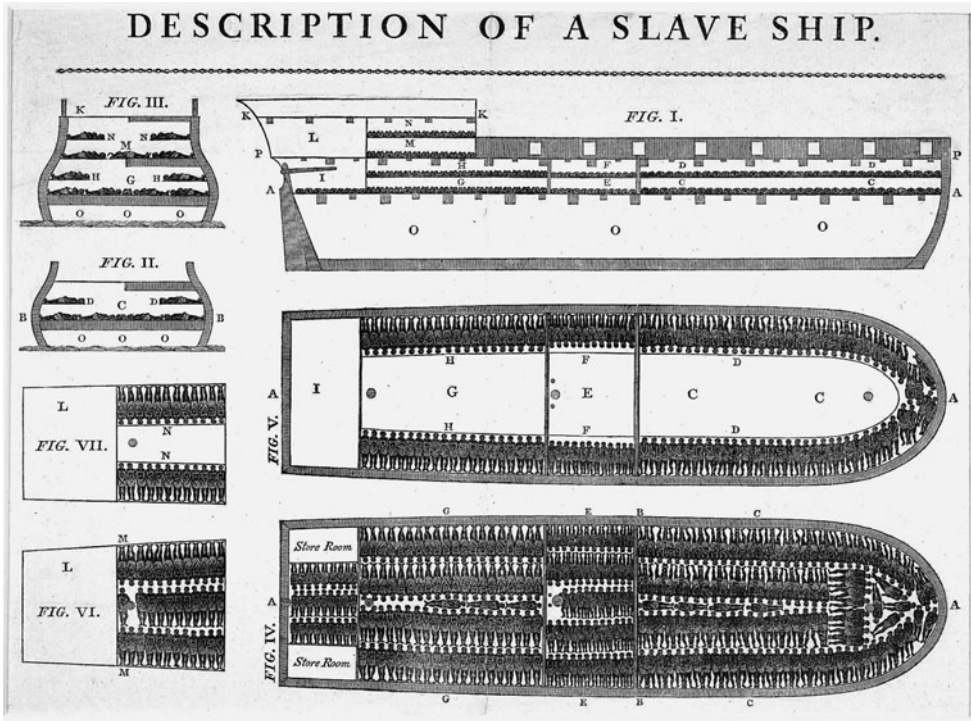


Figure 24.2 Description of a slave ship, © Trustees of the British Museum

Source: Trustees of the British Museum. Printed with permission from the British Library.



Figure 24.3

Oval cameo, inscription: "Am I not a man and a brother?" designed by Josiah Wedgwood for the Committee for the Abolition of the Slave Trade, 1787. © Trustees of the British Museum

Source: designed by Josiah Wedgwood for the Committee for the Abolition of the Slave Trade, 1787. Printed with permission from the National Maritime Museum.

reproduced in all manner of forms: it was printed on plates, enamel boxes and tea caddies. Ladies wore the medallion in the form of pendants, bracelet charms and ornamental hairpins. As Thomas Clarkson (1808: 192) remarks in his history of the abolitionist movement: “At length the taste for wearing them became general, and thus fashion, which usually confines itself to worthless things, was seen for once in the honourable office of promoting the cause of justice, humanity and freedom.” The now familiar and uneasy alliance between social justice campaigns and souvenirs has deep roots.

The world spectator

Defining human rights as an aesthetic scene involves more than treating images and objects as illustrations of political action proper. Indeed, apart from studying these images and objects, there is also the question of the spectator to consider. Aesthetics can mean many things, but in a philosophical context, it refers to that specific mode of thought that is called upon in our engagements with representational objects. The German philosopher Immanuel Kant defined it as a particular operation of human judgement. In fact, around the same time as Wilberforce was fighting for abolition of the slave trade in the British House of Commons, Kant was pursuing his argument that aesthetic judgement was a unique mode of thought in so far as it is “merely subjective,” by which the philosopher meant that spectators must rely upon their own feelings as the only authority. The principles that guide this special mode of thought cannot be borrowed from a higher power. Aesthetic judgement uses particular instances to aim toward universal principles. Or as Kant (2001 [1798]: 13) put it, such judgement has “a principle particular to itself upon which laws are sought.”

This version of aesthetics – as a mode of judgement – is generally associated with the history of art, but Kant himself provided an avenue to consider the spectator’s judgement as a properly *political* matter. When the French Revolution exploded in 1789, the philosopher seized upon the distant event as a spectacle that demonstrated a truth about the human condition. More specifically, he argued that the Revolution exhibited evidence that humanity was progressing perpetually toward the better. One might be tempted to test his thesis in relation to the revolutionary wave of demonstrations and protests of the recent Arab Spring. Kant (2001 [1798]: 143–4) singled out the figure of the spectator (*der Zuschauer*):

This event [the French Revolution] consists neither in momentous deeds nor crimes committed by men whereby what was great among men is made small or what was small is made great, nor in ancient splendid political structures which vanish as if by magic while others come forth in their place as if from the depths of the earth. No, nothing of the sort. It is simply the mode of thinking [*Denkungsart*] of the spectators [*Zuschauer*] which reveals itself publicly in this game of great revolutions, and manifests such a universal yet disinterested sympathy for the players on one side against those on the other, even at the risk that this partiality could become very disadvantageous for them if discovered.

For Kant, the Revolution’s significance did not lie in the political events themselves – the storming of the Bastille, or the toppling of the *ancien régime*. Rather, the significance of these events lay in the way in which they elicited a special “mode of

thinking” from distant spectators. For the philosopher, this particular mode of thought was important because it displayed a disinterested enthusiasm. Our passionate response to distant events does not imply that we are tempted to participate; the spectator should not be confused for a political actor. Rather the goal of this figure’s public regard is a *purposiveless interest in the other*: a passionate sympathy or a vicarious delight that is fashioned from watching events unfold at a distance. For Kant, spectators’ passionate response to such events constitutes a subjective form of judgement that nevertheless aims at universality, what he termed *sensus communis*. This passionate mode of thought holds humanity together.

These nascent speculations about the spectator’s role in political life remained largely confined to philosophy until Hannah Arendt delivered a set of lectures in 1970 on what she described as “Kant’s political philosophy.” Through careful reading of the philosopher’s late work, Arendt began to revise her own definition of the political arena (which she had previously set out in *The Human Condition*). She argued, after Kant, that political events become transformed into world events – something of larger significance to human history – through the judgement of distant spectators. In the course of her analysis, she transformed Kant’s *Zuschauer* into a *Weltbetrachter* – the “spectator” became a “world spectator” whose judgement of distant events provided the ground zero of politics itself. In her thirteenth, and final, lecture, Arendt (1992: 75–6) proposed:

You judge always as a member of a community, guided by your community sense, your *sensus communis*. But in the last analysis, you are a member of a world community by the sheer fact of being human; this is your “cosmopolitan existence.” When you judge and when you act in political matters you are supposed to take your bearings from the idea, not the actuality, of being a world-citizen and therefore also a *Weltbetrachter*, a world-spectator.

Arendt’s analysis helps us understand how human rights are called into existence through the collective exercise of human judgement, and more specifically, the collective judgement of *particular* world events. Such judgements rely on the world spectator’s feelings about the idea, not the actuality of being a world citizen. “Cosmopolitan existence” thus belongs to the life of the mind, even though the spectator’s judgement is not simply a matter of private sentiment or personal feelings. Our complex aesthetic response to world events – what Kant described as our “enthusiasm” – contains something that is universally communicable, possesses an exemplary validity, and collectively presupposes a shared, sensuous realm of public life.

One can catch a glimpse of how this version of visual politics plays out in relation to the founding of the Universal Declaration of Human Rights – or for that matter, in the abolition of the slave trade. Both of these important political moments were grounded in an aesthetic scene, and the demand for rights was voiced by world spectators, that is, by individuals situated at a remove from the events themselves who based their demand for human rights in an exercise of exemplary, universal judgement: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.” Our recognition of human rights is inextricably bound to aesthetic experience in this respect. To speak of human rights is, first of all, to speak of *the spectator* of human rights.

The visual perplexities of human rights

Formulating human rights through the idea of the world spectator does not resolve the profound antinomies that surround this political concept. Indeed, thinking through these visual dimensions only adds another layer of critique.

Hannah Arendt (1949: 37) was one of the earliest and most vociferous detractors of the UN's new declaration. She dryly noted that the document's "lack of reality" was "rather conspicuous." More gravely, she argued that the plight of stateless people exposed the inadequacies of the new declaration as a means for securing rights. These protections, she proposed, were only granted by having access to a political community. Building on Arendt's seminal critique, recent scholars have added a new layer. Those in the Marxist tradition have diagnosed universal human rights as an ideological revision of nineteenth-century bourgeois rights which only re-entrench class exploitation and oppression (Brown 2002). Postcolonial theorists have argued that the UN's version of human rights relies on a false universalism that has served as a tool of Western cultural imperialism – a means to subsequently implement neocolonialist economic policies and justify military interventions (Nguyen 2012). Critical legal scholars have also analysed the limitations of appeals to both human rights and constitutional rights as a means of gaining power for minority groups in liberal constitutional states (Mutua 2008). Feminist theorists have noted the limitations human rights impose by naturalising a masculinist notion of an unencumbered and self-sufficient subject as the model rights-bearing individual (Engle 1992).

To this list, we can now add the myriad critiques emerging from visual culture, from Susan Sontag's (1977) early, caustic criticism of photography as an "act of non-intervention" to the increasingly intricate debates about the ethics of spectatorship and media witnessing (Boltanski 1999; Sontag 2003; Reinhardt, Edwards and Dugane 2007; Frosh and Pinchevski 2009; Butler 2009; Hesford 2011; Rentschler 2011; Apel 2012; Chouliaraki 2013a; Kozol 2014).

Critiques aside, the visual presentation of world events continues to be the means through which the international community communes. Circulating more quickly and in more venues than ever before, these images function like the stage material of a grand, tragic play – providing the medium through which world spectators exercise their capacity to imagine humanity as one entity. For better or worse, the ideals of human rights are tethered to this fraught arena of representation.