

Genre, Sentiment, and the Critique of Human Rights (tentative title)

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*** ROUGH AND INCOMPLETE DRAFT ***

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*** COMMENTS AND SUGGESTIONS VERY WELCOME ***

Introduction

My own work likely labels me as a non-participant in the so-called 'field'¹ of 'law and literature,' as, to put it crudely, a consumer, and not a producer, of 'law and literature': while I read works that undertake 'readings' of works usually classified as literature, my own work tends not to undertake such 'readings.' That being said, I am more than persuaded of the importance of cultivating a literary sensibility in thinking about so-called things legal. For example, I have been inspired by James Boyd White's invitation to see law as a form of "constitutive rhetoric."² This has meant, in both my research and my teaching, seeing law as 'residing,' so to speak, as much in language as in rules. It has meant trying to avoid what Desmond Manderson has aptly called the "discursive strip-mining"³ that characterizes much law teaching and learning. Discursive strip-mining is easily encountered in the commercial casebook with its famous – and short – excerpts from both judicial decisions and scholarly articles – prepackaged bits of reason (or unreason), if you will.⁴ Most of all, I think, it has meant trying to see the "forms of life" that are invoked and evoked, presupposed and called forth in the various "language games"⁵ 'we' play when we live a life in or of the law, whether professionally or not.

While I believe in the importance of cultivating a literary sensibility, I have also become suspicious of what Bernadette Meyler has aptly called "The Myth of Law and Literature."⁶ Rather than contribute to providing "a description of the qualities and necessary boundaries of law as an institution," those who subscribe to this myth display

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¹ On a discussion of metaphors of inter-disciplinarity (including 'field'), see James Boyd White, *Justice as Translation: An Essay in Cultural and Legal Criticism* (Chicago: University of Chicago Press, 1990) at 13.

² James Boyd White, "Law as Rhetoric, Rhetoric as Law: The Arts of Cultural and Communal Life" (1985) 52 University of Chicago Law Review 684.

³ Desmond Manderson, "Statuta v. Acts: Interpretation, Music, and Early English Legislation" (1995) 7 Yale Journal of Law & the Humanities 317 at 317.

⁴ By prepackaged bits of reason or unreason, I also mean to refer to the tendency to teach law students to find the *ratio decidendi* of a case (or to give it to them in a casebook) as distinguished from the *obiter dicta*, or what is said by the way. (Reading novels in this way entails, I suppose, isolating so-called important characters as if they were separable from the larger narrative and then finding a 'lesson' or 'point' that sums everything up.) AWB Simpson has gone as far as to say that the case method of teaching so prominent in the US would not be possibly without the widespread student reliance on "commercially produced summaries of the law". A.W. Brian Simpson, *Leading Cases in the Common Law* (Oxford: Clarendon Press, 1995) at XX.

⁵ **Wittgenstein Reference.**

⁶ Bernadette Meyler, "The Myth of Law and Literature. (Review of Thane Rosenbaum's *The Myth of Moral Justice: Why Our Legal System Fails to Do What's Right*) (2005) 8 Legal Ethics 318.

an “excessive faith in narrative” itself (in the saving power of narrative *qua* narrative) and “a belief that literature provides the directions in which law *should* tend.”⁷ They tend to do so by seeing one thing, ‘literature,’ as providing what is lacking – such as morality and emotion – in another thing, ‘law.’⁸ In his recent *Kangaroo Courts*, Desmond Manderson makes a similar point, calling the idea that literature somehow “completes” law a “romantic fantasy.”⁹ (His work also considers the “mimetic fallacy,” which leads us to focus on *what* a work says, rather than *how*. This misplaced focus, he says, is tied to literature’s submission to law, the transformation of literature into evidence, which eliminates what is literary about it: its style and form.¹⁰) In the same vein as Meyler and Manderson, I have previously suggested that legal theory’s urge to turn to literature, or to the ‘imagination’ more broadly, so as to ‘save’ law, or overcome our modern condition of, in Weber’s words, disenchantment, may itself reflect rather than overcome the so ‘fragmentation’ of the life world.¹¹

This paper reflects my belief that it is important both to cultivate a literary sensibility and also to resist succumbing to the myth of law and literature. It flows from my participation in a research project entitled ‘Genres of Critique’ and from my being struck by the importance of ‘genre’ – as shorthand meriting transformation into keyword¹² – in law and literature and other related work. This paper explores some of the ‘work’ of so-called law and literature as a work of critique and does so by way of law and literature’s engagement with the category of ‘genre.’ Nevertheless, this paper does not engage in readings of works classified as literature. And, while it draws attention to ‘genre,’ it does not attempt to elucidate it; it does not attempt to participate in the conversation of ‘genre theory’ strictly understood. Moreover, I make no claim to originality here; this essay is really about what I have learnt from work that has turned to ‘genre.’¹³ Finally, in exploring the work of critique of law and literature, I should specify, I see so-called law and literature as part of something broader which we might as well call “ethics and aesthetics” or the

⁷ Meyler, “The Myth” at 319. **Are ‘morality’ and ‘emotion’ in next sentence drawn from her?**

⁸ Of course, the unity of these two ‘things’ should not be presumed. Rose and Valverde may be right, I think, in emphasizing that “*there is no such thing as ‘The Law’.*” Nikolas Rose and Mariana Valverde, “Governed by Law?” (1998) 7 Social and Legal Studies 541 at 545. They go on: “Law, as a unified phenomenon created by certain general principles is a fiction.” On the scope and unity of ‘literature,’ see, e.g., Alastair Fowler, *Kinds of Literature: An Introduction to the Theory of Genres and Modes* (Cambridge, MA: Harvard University Press, 1982), particularly chapter 1, “Literature as a Genre.”

⁹ Desmond Manderson, *Kangaroo Courts and the Rule of Law: The Legacy of Modernism* (Routledge, 2012) at 17.

¹⁰ Manderson, *Kangaroo Courts* at 15. Of course, Lon Fuller’s work reminds us that sensitivity to questions of ‘form,’ including especially the form of ‘rules’ is not new to so-called legal theory. Lon L. Fuller, *The Morality of Law* (New Haven: Yale University Press, 1969).

¹¹ See Mark Antaki, “The Turn to Imagination in Legal Theory: The Re-Enchantment of the World?” (2012) 23 Law and Critique 1.

¹² Raymond Williams, *Keywords: A Vocabulary of Culture and Society* (New York: Oxford University Press, 1976). For my attempt to transform “values” from shorthand into keyword, see Mark Antaki, “The Turn to ‘Values’ in Canadian Constitutional Law” in Luc Tremblay and Grégoire Webber, eds., *The Limitation of Charter Rights: Critical Essays on R. v. Oakes = La limitation des droits de la Charte: essais critiques sur l’arrêt R. c. Oakes* (Montreal: Thémis, 2009) 155.

¹³ In any case, I always tell myself and my students that originality, whatever that is, tends to happen by accident and not when people try to be ‘original’.

exploration of the relation, if not identity, of “sense” and “sensibility” - recall Wittgenstein’s oft-quoted dictum that “ethics and aesthetics are one.”¹⁴

While the form of “critique” may be irreparably “judgmental,”¹⁵ and hence problematic, I see critique as, ultimately, aiming at the identification – and experience – of our human finitude and of the various limits that define specific historical contexts. In this manner, critique flows from both some of the Kantian critical project, the identification – and perhaps testing - of limits tied to our finitude, as well as its historical inflection by the likes of Nietzsche and Foucault. In Foucault’s words, critique helps people “begin to have trouble thinking things the way they have been thought”¹⁶ or, in William Connolly’s words, critique (in the form of genealogy) “encourages one to experience the dissonance in the form one has become...”¹⁷ In other words, critique almost necessarily engenders or lays bare crisis.¹⁸

I explore law and literature’s work of ‘critique’ with select examples drawn from the burgeoning literature on human rights and such things as ‘the novel’ – if not “the novel of human rights.”¹⁹ The idea is to see how various scholars have turned to ‘genre’ in their work on human rights, broadly understood. In each of the three sections, I give an example of a different relation between genre and critique. In my first section, *Genres of Critique: The Turn to Progressive Genres*, I consider Lynn Hunt’s turn to the epistolary novel, in *Inventing Human Rights*, to contribute to the explanation of the rise of human rights by way of the ‘affective training’ such novels provided. I take her turn to be an example of the tendency to identify so-called ‘progressive genres’ that allow for ‘criticism’ of existing social structures²⁰ - but without subjecting these progressive genres themselves to critique. Indeed, those who turn to genres because of their progressive nature tend to see literature in instrumental terms, as a means of moral edification.

In my second section, *Critiques of Genre: The Identification of Genres of Critique*, I zoom in on Robert Meister’s recent work on what he terms Human Rights Discourse in order to consider the possibility that some genres - the realist novel, the sentimental novel, the romance (e.g. the genres to which Hunt - or Nussbaum - turn) - ‘demand’ to be critiqued whereas others - such as tragedy, modernist works and, to stretch the idea of

¹⁴ Wittgenstein *Tractatus Logico-Philosophicus* Lectures, Vol. 7, 1972/3 (London: Macmillan- at 6.421 See generally the issue of Poetics Today: 25:4 (Winter 2004).

¹⁵ See, e.g., Costas Douzinas, “Oubliez Critique” (2005) 16 *Law and Critique* 47 who emphasizes the “court-like character” (48) of critique by way of Gillian Rose, *Dialectic of Nihilism* (Oxford: Blackwell, 1984).

¹⁶ Michel Foucault, “So Is it Important to Think?” in *Essential Works of Foucault : 1954-1984, Volume 3 Power* (New Press, 2001) 454 at 457.

¹⁷ William Connolly, *Political Theory and Modernity* (Ithaca: Cornell University Press, 1993) at 151.

¹⁸ See, e.g., Mark Antaki, “The Critical Modernism of Hannah Arendt” (2007) 8 *Theoretical Inquiries in Law* 251-276. ‘Critique’ is etymologically related to ‘crisis.’

¹⁹ See Kerry Bystrom, “The Novel and Human Rights” (review essay) (2008) 7 *Journal of Human Rights* at 388, discussing James Dawes, *That The World May Know: Bearing Witness to Atrocity* (Cambridge, MA: Harvard University Press, 2007).

²⁰ In Antaki, “The Turn to Imagination,” I classify the legal theoretical turn to the imagination with respect to four ideal-types of imagination: the progressive, the theoretical, the transformative, and the nostalgic.

‘genre,’ anything by Coetzee – are themselves critical. As I intimate elsewhere,²¹ the former genres reflect and enact fantasies – of sovereignty and mastery over future, of access to the interiority of self and others – whereas the latter call the fantasies into question and may therefore invite an experience of affective dissonance. My sense is that genre appears as indispensable to critique because there cannot be cognitive dissonance without affective dissonance.

In my third section, Critical Genres, I turn to Joseph Slaughter’s work on the *Bildungsroman* as exemplary of works that focus on (at least some) genres as themselves of ‘critical’ importance, i.e. as crucial cultural media in which political and affective battles are fought. The idea here is that much of significance can take place *within*, so to speak,²² a genre. I conclude by suggesting that re-framing ‘law and literature’ as ‘legalities and literacies’ points to the importance of what Victoria Kahn, in her treatment of Hobbes and romance in relation to contract discourse, calls the “literary contract” that precedes or accompanies a “political one.”²³ In other words, how we read may be more telling of our politics or our legal commitments than the politics we profess or the legal commitments we think we have.

Throughout, the focus on ‘genre’ serve to contribute to the elucidation of what Ravit Reichmann has called *The Affective Life of Law*.²⁴ Psychoanalyst and legal historian Pierre Legendre suggests that we must stop seeing (legal) institutions in merely or mostly functional terms and start asking about the kinds of desire they instantiate. “[L]es constructions institutionnelles mettent en scène des figurations du désir,”²⁵ writes Legendre. (Legendre’s own work calls into question a Western tradition of the “non somatic,” i.e. non bodily, interpretation of texts.) What is more, if literature helps us better see and feel law’s affective life, perhaps even law’s unconscious,²⁶ then ‘genre’ – of both literature and law! - serves to reveal experiences and expectations of time, otherness, affect.²⁷ Thus we see genres of critique, critiques of genre, and critical genres

²¹ Mark Antaki, “The Bridge and the Book as Metaphors of South Africa’s Transformative Constitutionalism” likely forthcoming in Karin van Marle and Stewart Motha, eds. *Genres of Critique* Stellenbosch and Chicago University Presses (**chapter and book title are tentative**).

²² Note that a genre is not a class. See Fowler, *Kinds of Literature* at 37 and, of course, Jacques Derrida, “The Law of Genre” (1980) 7 *Critical Inquiry* 55.

²³ Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640-174* (Princeton: Princeton University Press, 2004) at XX.

²⁴ Ravit Reichmann, *The Affective Life of Law: Legal Modernism and the Literary Imagination* (Stanford: Stanford University Press, 2009)

²⁵ Pierre Legendre, *Leçons VII: Le Désir politique de Dieu: Étude sur les montages de l’État du Droit* (Fayard, 1988) at 27.

²⁶ Manderson, *Kangaroo Courts* at 122: “literature operates in psychoanalytic theory as the privileged site for uncovering the unconscious.”

²⁷ The paper issued from the project explores “the bridge” and, more particularly, “the book,” the two metaphors in South Africa’s Interim Constitution. While much had been written in South African legal scholarship about the bridge, practically nothing had been written about the book. My paper sets out to address that gap by way of André van der Walt’s treatment of the bridge metaphor – but also, and crucially, by way of Antjie Krog’s refusal to write a novel in her conversation with political philosopher Paul Patton in her controversial *Begging to Be Black*. See Antjie Krog, *Begging to be Black* (Random House, 2009); A J van der Walt, “Dancing with Codes – Protecting, Developing and Deconstructing Property Rights in a Constitutional State” (2001) 118 *South African Law Journal* 258.

all participating in revealing, offering, and perhaps structuring different ‘attunements’ to the world.²⁸ Rather than think of law and literature then, the focus on genre encourages us to think of legalities and literacies - of ways in which law ‘is’ ‘thought-felt-acted’²⁹ - and of how these ways are tied to how and what we read, as well as to whether and how we are willing and able, or unwilling and unable, to read ourselves.³⁰ As John Frow suggests, genres are “far from being ‘stylistic devices’.”³¹ Genres both constitute and reveal an ethos, a way of being-in-the-world.³² They contribute simultaneously to the work of critique and that of world-disclosure.³³

Genres of Critique I: The Turn to Progressive Genres

If Martha Nussbaum turns to the nineteenth-century Anglo-American realist novel as a means to teach and actualize empathy and social justice,³⁴ to further the project of human rights, Lynn Hunt turns to the eighteenth-century epistolary novel, because it furthered the rise of human rights.³⁵ Just like Martha Nussbaum, Hunt self-consciously turns to a ‘genre’ because of its formal qualities but also sees her argument as tied to ‘the novel’; as she says, “my argument could have encompassed the eighteenth-century novel in general.”³⁶ Turning to three epistolary novels in particular - Rousseau’s *Julie* and Richardson’s *Pamela* and *Clarissa* – Hunt focuses on the “psychological effects” of the novel.³⁷ Beyond their plots and themes (which she nevertheless sees as important and discusses), she says, the epistolary form of these novels “encouraged a highly charged identification with the characters and in doing so enabled readers to empathize across class, sex, and national lines.”³⁸ Indeed, these novels “taught their readers nothing less than a new psychology and in the process laid the foundations for a new social and political order.”³⁹ While she recognizes that “everyone did not experience the same feelings when reading these novels,”⁴⁰ she ultimately disagrees with the “clerics and

²⁸ With ‘attunement,’ I have in mind the kind of thing Heidegger writes about when he writes of *Stimmung*. On boredom as a fundamental attunement, see, e.g. Martin Heidegger, *Fundamental Concepts of Metaphysics: World, Finitude, Solitude* (Indiana University Press, 2001).

²⁹ Compare with Koskenniemi’s emphasis on “sensibility.” Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge University Press, 2004).

³⁰ **Reading oneself is drawn from Hobbes.** See also Victoria Kahn, *Wayward Contracts* and James R. Martel, *Subverting the Leviathan: Reading Hobbes as a Radical Democrat* (New York: Columbia University Press, 2007) at 49 and ff.

³¹ John Frow, *Genre* (London: Routledge, 2006) at 2. At 7: genres construct “schematic world[s]” with their own “definition[s] of space, time, moral ethos, and players” At 10: “generic structure... is a basic condition for meaning to take place.”

³² See, e.g., Martin Heidegger, *Being and Time* (Harper and Collins, 1962).

³³ Nikolas Kompridis (2006), *Critique and Disclosure: Critical Theory Between Past and Future* (Cambridge, MA: MIT press).

³⁴ Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Beacon Press, 1997).

³⁵ Lynn Hunt, *Inventing Human Rights* (Norton, 2008).

³⁶ Hunt, *Inventing* at 41.

³⁷ Hunt, *Inventing* at 41.

³⁸ Hunt, *Inventing* at 38.

³⁹ Hunt, *Inventing* at 39.

⁴⁰ Hunt, *Inventing* at 48.

doctors” who worried about the licentiousness these novels ostensibly encouraged.⁴¹ To the contrary, Hunt sides with the likes of Diderot, according to whom such novels ultimately contributed to making society “more moral.”⁴²

According to Hunt, these novels, in large measure by way of their genre, participated in the criticism of an older order and the founding of a newer one by teaching readers to empathize, and to appreciate the autonomy and interiority of others. In other words, they provided the affective training that made possible or accompanied the spread of human rights.⁴³ They therefore, presumably, provide some insight into the ‘affective life’ of human rights. The remainder of Hunt’s book moves away from the genre of the epistolary novel to focus on such things as torture and the act of declaring rights. Nevertheless, the first chapter, and its title, ““Torrents of Emotion”: Reading Novels and Imagining Equality,” tell the reader that human rights were unleashed (my word) by the “torrents of emotion” generated by these novels. As she writes:

The Journal des Savants admitted that the novel had defects and some long-winded passages, but it concluded that only the cold-hearted could resist these “torrents of emotion” that so ravage the soul, that so imperiously, so tyrannically extracts such bitter tears.⁴⁴

While he does not engage explicitly with genre, Samuel Moyn’s review of Hunt’s book paves the way for such an engagement. Among other things, he criticizes Hunt for confounding human rights and its rights-talk with humanitarianism and, more importantly for our purposes, for idealizing humanitarianism itself.⁴⁵ He criticizes Hunt, in large measure, by zooming in on her dual emphasis on “the rise of the sentiment purveyed by the novel” and “a new view of the integrity of the body.”⁴⁶ (These emphases are inter-related for Hunt: the new view of the integrity of the body was tied to the individuation of bodies and hence to the autonomy which novels taught their readers to appreciate, if not respect.⁴⁷) He uncovers Hunt’s progressive and uncritical tendencies in part by invoking Hannah Arendt’s (very Nietzschean) critique of humanitarianism.⁴⁸ In so doing, in calling into question what Lynn Festa calls the “inter-personal relation” of “sympathy,” Moyn

⁴¹ Hunt, *Inventing* at 52.

⁴² Hunt, *Inventing* at 54-58.

⁴³ While I believe there are problems with Hunt’s argument, I think the focus on ‘causation’ and whether ‘the novel’ ‘caused’ human rights is too narrow. For a few interesting pages on the question of novels, causation, and historical change, see John Bender, *Imagining the Penitentiary: Fiction and the Architecture of Mind in Eighteenth-Century England* (University of Chicago Press, 1987).

⁴⁴ Hunt, *Inventing* at 36.

⁴⁵ Samuel Moyn, “On The Genealogy of Morals” *The Nation* March 29, 2007

⁴⁶ “Hunt suggests that the rise of sentiment purveyed by the novel combined with a new view of the integrity of the body, with potent results. Torture—together with other corporal violence like honorable dueling, beating wives, spanking children and baiting animals—began to fall from favor in Western culture (save in exported form in colonial rule).” XX

⁴⁷ See Lynn Hunt, “The 18th-Century Body and the Origins of Human Rights” (2004) 203 *Diogenes* 41, in which she explicitly takes on Foucault. See also Thomas W. Laqueur, “Bodies, Details, and the Humanitarian Narrative,” in Lynn Hunt, ed. *The New Cultural History* (Berkeley and Los Angeles: University of California Press, 1989) 176.

⁴⁸ See also Mark Antaki, “The Politics and Inhumanity of Torture” (2007) 3 *Law, Culture and the Humanities* 3.

also invites or enables one to critique its analogue: what Festa calls the “literary form” of “sentimentalism.”⁴⁹ (Note the shift from the “epistolary novel” to the “sentimental novel.”)

Moyn point out that “...humanitarianism could underwrite violations of rights as well as their defense. Forty years ago, Arendt argued that the explosion of pity was the source not of rights but of terror.”⁵⁰ In *On Revolution*, Arendt had argued that “[p]ity, taken as the spring of virtue, has proved to possess a greater capacity for cruelty than cruelty itself.”⁵¹ Whether or not pity leads to terror, as Arendt believed it had in the French Revolution, pity is a form of, or close to, cruelty insofar as it is invested in the persistence of the suffering it claims to respond to.⁵² Further, while Moyn does not emphasize this point, pity contributed to terror, for Arendt, in part because of the Revolutionary emphases on both ‘interiority’ (and hence on the vice of hypocrisy⁵³) as well as on the possibility of access to the so-called interiority of others – an ‘access’ Hunt associated with the torrents of emotion generated by the ‘epistolary novel.’ Arendt directly ties these emphases to the Revolutionary impatience with the masks of (legal) personality⁵⁴ and its emphasis on unmasking its opponents and traitors.⁵⁵

By calling attention to the dark side of humanitarianism, to the dark side of a politics of “the heart,”⁵⁶ Moyn implicitly draws attention to the dark side of its literary analogue, sentimentalism. Carla Hesse, in an article on the legal practices of the revolutionary tribunal of Paris⁵⁷ turns to literary practice, so to speak, much more explicitly. More specifically, she examines how letters served as evidence of guilt. Even “the mere fact of being the addressee of ‘counter-revolutionary correspondence’ constituted a crime.”⁵⁸ In her account, written evidence generally, and letters specifically, replaced, materially and

⁴⁹ Lynn Festa, “Humanity without Feathers” (2010) *X Humanity* 3 at 7.

⁵⁰ Moyn, “Genealogy” at **XX**.

⁵¹ Hannah Arendt, *On Revolution* (Viking, 1965) at 85. **Include reference to Kateb on Arendt?**

⁵² “...pity, in contrast to solidarity, does not look upon both fortune and misfortune, the strong and the weak, with an equal eye; without the presence of misfortune, pity could not exist, and it therefore has just as much vested interest in the existence of the unhappy as thirst for power has a vested interest in the existence of the weak. Moreover, by virtue of being a sentiment, pity can be enjoyed for its own sake, and this will almost automatically lead to a glorification of its cause, which is the suffering of others.” Arendt, *On Revolution* at 84. She goes on “Terminologically speaking, solidarity is a principle that can inspire and guide action, compassion is one of the passions, and pity is a sentiment.” For a good discussion of Arendt and the affective basis of human rights, see Peg Birmingham, *Hannah Arendt & Human Rights: The Predicament of Common Responsibility* (Indiana University Press, 2006).

⁵³ See, e.g., Judith N. Shklar, *Ordinary Vices* (Harvard University Press, 1984) the first chapter of which is entitled “Putting Cruelty First” and the second, “Let Us Not Be Hypocritical.”

⁵⁴ “Personality” comes from per-sonare, to sound through and is hearkens back to masks actors wear in the theatre. Note the title of John Thomas Noonan, *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks* (

⁵⁵ Arendt, *On Revolution*

⁵⁶ Arendt, *On Revolution* at 91.

⁵⁷ As Hesse explains (**my paraphrase and translation from the French**), from 10 March 1793 (following the trial of Louis XVI before the National Convention) an exceptional Revolutionary tribunal was instituted in Paris with a jurisdiction extending to all political crimes. Carla Hesse, “La preuve par la lettre: Pratiques juridiques au tribunal révolutionnaire de Paris (1793-1794)” (1996) 51 *Annales. Histoire, Science Sociales* 629 at 630.

⁵⁸ Hesse, “La preuve par la lettre” at 637. **My rough translation.**

symbolically, confession produced by torture, which the recent Penal Code had abolished. While she does not embrace wholly Arendt's account of the Terror, Hesse echoes Arendt in arguing that, when considering the model that guided the Revolutionaries during the Terror, Rousseau's *Social Contract* "effaces itself" behind his *Julie*. Indeed, *Julie*, with its emphasis on the submission of the private to the public, turns out to be Rousseau's most Revolutionary work.⁵⁹ Moyn, Arendt, Hesse reveal a whole new side to the "torrents of emotion" – and their tyranny – that Hunt celebrates.

More generally, Moyn's critique of Hunt reveals her tendency to separate the good from the bad aspects of modernity generally, of genres specifically, such that she ends up arguing that the epistolary novel yielded "more morality" rather than exploring more fully how it modulated, participated in, an ethos, a way of being in the world.⁶⁰ As Moyn points out, Hunt only "briefly acknowledges some of the dark sides of a culture of sentimental virtue like sensationalism and compassion fatigue."⁶¹ In the same vein, with regard to the abolition of torture, Moyn reminds us, "while Foucault famously argued that this departure involved more insidious forms of control, Hunt defends it as a good thing."⁶² Similarly, he writes,

In her last pages, Hunt acknowledges that the rise of humanitarianism and the upsurge of carnage are historical twins, thanks especially to the quintessentially modern penchant to sacrifice oneself and others in war waged for humanity's sake or at least in humanity's name. But she seems not to grasp that this admission amounts to a considerable qualification of her thesis, and she follows this insight with the anodyne reassurance that empathy 'has become a more powerful force for good than ever before.'⁶³

Hunt appears too devoted to the "religion of humanity,"⁶⁴ to what Nietzsche called "la religion de la souffrance humaine"⁶⁵ of which some strands of human rights are clearly examples. Indeed, if Moyn's review paves the way for a critical take on Hunt's engagement with genre, he also implicitly labels Hunt's work itself as a kind of "church history."⁶⁶ Church histories are histories of the present but not in Foucault's sense,⁶⁷ i.e. Hunt's is a history that solidifies the present, allowing or encouraging us to experience resonance rather than dissonance. The label of church history points to an audience composed of the faithful, of the already converted to the dominant versions of the human rights project. As Moyn says,

Hunt's book is for an audience for whom torture--and other visible state action--is the most grievous affront to morality. But humanitarian sentiment will seem less

⁵⁹ Hesse, "La preuve par la lettre" at 642.

⁶⁰ Hunt, *Inventing Human Rights* at 54-58.

⁶¹ Moyn, "Genealogy" at X.

⁶² Moyn, "Genealogy" at X.

⁶³ Moyn, "Genealogy" at X.

⁶⁴ Reference.

⁶⁵ Reference.

⁶⁶ Samuel Moyn, *The Last Utopia: Human Rights in History* (Harvard University Press, 2010) at 6.

⁶⁷ Michel Foucault, *Discipline and Punish* at 30-31. See also Michael S. Roth, "Foucault's 'History of the Present'" (1981) 20 *History and Theory* 32.

praiseworthy for anyone who suspects that the focus on visible forms of cruelty obscures structural wrongs that are less easy to see--even when they sometimes also cause the body to suffer, as with the pangs of hunger or the exhaustion of work. This is the sense in which Hunt's narrative is structured to provide background and authority for 1990s humanitarian idealism--and its recent aftereffects.⁶⁸

Genres of Critique II: Critiques of Genre

As we saw, Moyn's criticism of Hunt does not focus on genre but contributes to such a focus by allowing to see how Hunt's idealization of humanitarianism parallels her uncritical treatment of genre. In his dense and magisterial book *After Evil*, Robert Meister explicitly raises genre and audience in his critique of what he calls Human Rights Discourse. Human Rights Discourse is Meister's name for "[t]he ethically centered approach to human rights that triumphed after the fall of communism in 1989" and which "implicitly superseded the politically centered version of the Rights of Man that had been the focus of struggles for equality and liberty since the French Revolution of 1789."⁶⁹ Meister's Human Rights Discourse may very well be what "Hunt's narrative is structured to provide background and authority for." Meister's turn to genre is meant to help us confront Hunt's narrative and, more pointedly, encourage us to think about how and why it has become 'authoritative.'

Meister's critique of Human Rights Discourse involves calling into question "justice as reconciliation" (closely identified with the contemporary "techniques of transitional justice"⁷⁰), a view that displaces "justice as struggle" (tied to revolution). In his examination of justice as reconciliation, Meister turns to both genre and psychoanalysis, mostly by way of Melanie Klein. Both of these serve to identify and articulate desires and anxieties bound up with a liberal project of human rights but which the "liberal project (wish) ... cannot state in its own terms."⁷¹

In his discussion of the South African TRC and TRCs in general, Meister strikingly claims that "[t]he liberalism of the TRC... reasons in a different moral register than that of either retributive or distributive justice. It reasons... in the moral register of melodrama."⁷² He explains: "the narrative through which that truth is told assumes an audience that regards itself as *sensitive* to human suffering in just the way melodramatic fiction does."⁷³ He goes on:

⁶⁸ Moyn, "Genealogy" at XX.

⁶⁹ Robert Meister, *After Evil: A Politics of Human Rights* (New York: Columbia University Press, 2011) at 5.

⁷⁰ Meister, *After Evil* at 23.

⁷¹ Meister, *After Evil* at 36.

⁷² Meister, *After Evil* at 63. The oddness of this phrase emphasizes Meister's belief that his critique is not articulable in liberal terms. For liberals, it would seem, retributive or distributive justice belong to an altogether different category than melodrama. In juxtaposing retributive or distributive justice with melodrama, Meister is inviting us to think also about the affective life of retributive or distributive justice.

⁷³ Meister, *After Evil* at XX.

Who reads social melodrama, and why? Social melodrama is not written in the voice of the victim crying out against the oppressor and is not generally addressed to victims of the suffering portrayed. Instead, it is meant to be read by people who may want to feel bad about the conditions described but who would feel highly uncomfortable if the victim were portrayed as blaming them. In social melodrama the victim is always constructed as innocent (morally undamaged by suffering) so that the melodrama's audience, which is likely to include beneficiaries of such suffering, can understand themselves as bystanders who are capable of feeling compassion without fear."⁷⁴

Meister's focus on the audience is important and recalls Festa's observations regarding the kind of "highly-charged identification"⁷⁵ (Hunt's words) sentimental literature engenders. In her discussion of the "literary form" of "sentimentality," i.e. "a rhetorical structure designed both to incite feelings in readers and to direct those feelings toward their "proper" objects,"⁷⁶ Festa argues that the "humanitarianism produced by the sentimental is minimal."⁷⁷ Indeed, "in many cases, the other with whom the sentimental reader identifies is not the victim but the community of like-feeling souls who weep over the victim."⁷⁸ In an article on the "chances of cultivating compassion," Nance similarly suggests that "not only is a sense of obligation to act only one of many possible outcomes of reading about human suffering, it is by far the least likely." Most often, she explains, readers can "restore justice" by "changing their minds" rather than "changing the world."⁷⁹

In Meister's account, Festa's "like-feeling souls" are likely to be other beneficiaries of past evil and the melodramatic genre serves to re-assure and comfort all of 'us' (beneficiaries) that we are, indeed, right-feeling and thinking folk - but without threatening us in any significant way. As Meister says, "the social *melodramas* of reconciliation allow continuing beneficiaries of injustice to pity victims without fearing them, because the victim's grief is now disconnected from their sense of grievance."⁸⁰ Moreover, "[a]s escapist entertainment, melodramas of social justice stir fantasies of rescue that reassure its audience of its innermost virtues."⁸¹ Indeed, "[h]umanitarian compassion ... makes us feel good about feeling bad, creating the delusion that compassion is its own reward,"⁸² i.e. that having the right feelings is its own reward. Meister's words recalls Mutua's argument about the structuring metaphors of human

⁷⁴ Meister, *After Evil* at 63-64.

⁷⁵ Hunt, *Inventing* at 38.

⁷⁶ Lynn Festa, "Humanity without Feathers" at 7. She writes: "...unlike sensibility (which designates the susceptibility or sensitivity of a particular individual and is a quality of a subject), and unlike sympathy (which involves the capacity to feel for or empathize with another and is an interpersonal relation), sentimentality is a literary form..."

⁷⁷ Festa, "Humanity" at 13.

⁷⁸ Festa, "Humanity" at 8-9.

⁷⁹ Kimberly A. Nance, "Reading Human Rights Literature in Undergraduate Literature Classes: Professional Desire, Disciplinary Culture, and the Chances of Cultivating Compassion" (2010) 9 *Journal of Human Rights* 161 at 163.

⁸⁰ Meister, *After Evil* at 70.

⁸¹ Meister, *After Evil* at 72.

⁸² Meister, *After Evil* at 73.

rights - ‘savages,’ ‘victims,’ and ‘saviours’ – as well as the way in which this bundle of metaphors is “laced” with “the pathology of self-redemption.”⁸³

Meister turns to genre, in part, to confront and de-naturalize, so to speak, what he takes to be Human Rights Discourse’s emphasis on ‘the body in pain.’ If Wendy Brown observes that “human rights take their shape as a moral discourse centered on pain.”⁸⁴ Meister turns to genre to ask how they do so, how they take their shape in that manner. As he says, “[i]t is ... not bodily pain itself but the narrative genre used to depict it that creates moral feelings in the audience.”⁸⁵ According to Meister, pain can be made “readable” in a variety of ways, including melodrama, or even pornography.⁸⁶ The manner in which pain is made readable is crucial as Meister turns to genre to show how Human Rights Discourse “protects the beneficiaries of past injustice.”⁸⁷ One might say that the way pain is made readable in melodrama does not require the readers to ‘read themselves’ in any critical way. Indeed, the “real aim” of Human Rights Discourse may be “to reassure the compassionate witness of his own redemption.”⁸⁸

The way melodrama paints victims as morally innocent is tied to Meister’s turn (earlier in the book) to psychoanalysis and to Melanie Klein. Because beneficiaries cannot grasp themselves as wholes, because they cannot ‘reconcile’ their good and bad sides, because they cannot experience these sides together, they split victims into good (reconciled) victims and bad (still struggling for justice) victims⁸⁹ - as represented in the South African context, for example, by Nelson and Winnie Mandela, respectively.⁹⁰ The idealized self is associated with the good victims whereas the bad self we disavow, and his or her feelings of aggression, are projected onto the bad victims. These bad victims become the carriers, so to speak, of our own feelings of aggression.⁹¹

Pauline Wakeham echoes some of Meister’s argument regarding the splitting of the victim when she argues, in relation to various settings including Canada, that “Indigenous resistance has become caught between the categories of reconciliation and terror.”⁹² As she writes, “Indigenous protesters” “become caught between threatening accusations of terroristic behavior and moralizing incitements to become good subjects committed to national rapprochement.”⁹³ In Meister’s argument, the work of ‘splitting the victim’ is done by some dominant strands of Human Rights Discourse, which are better brought

⁸³ Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights” (2001) 42 Harvard International Law Journal 201 at 208.

⁸⁴ Wendy Brown, “‘The Most we can hope for...’: Human Rights and the Politics of Fatalism” (2004) 103 South Atlantic Quarterly 451 at XX.

⁸⁵ Meister, *After Evil* at 67.

⁸⁶ Meister, *After Evil* at XX. **Reference to Pornography of Pain article.**

⁸⁷ Meister, *After Evil* at 69.

⁸⁸ Meister, *After Evil* at 78. “Exceptional figures” (Meister’s words) who actually do amazing human rights work, then, allow us to live out our fantasies and take us off the hook, so to speak.

⁸⁹ Meister, *After Evil* at XX.

⁹⁰ Meister, *After Evil* at 53, 59. **Reference to Njabulo S. Ndebele, *The Cry of Winnie Mandela*.**

⁹¹ Meister, *After Evil* at 35.

⁹² Pauline Wakeham, “Reconciling ‘Terror’: Managing Indigenous Resistance in the Age of Apology” (2012) 36 American Indian Quarterly 1 at 24.

⁹³ Wakeham, “Reconciling ‘Terror’ ” at 22.

into relief when Human Rights Discourse is grasped as a genre. Within the genre of social melodrama Meister describes, good victims necessarily resign themselves to being reconciled.

There is more to Meister's argument, including his turn to genre, however. He writes that "[t]he main tropes of metahistory – including revolution, reaction, redemption, reconciliation, return, and rebirth (as well as catastrophe, upheaval, transition, and emancipation) – are all originally theological, but not in the sense of being spiritual rather than secular. They are, rather, about the *time* of change, the rate at which time *changes*, and the time it *takes* to change."⁹⁴ Indeed, the affective logic of social melodrama is tied to a "temporal logic" of "buying more time"⁹⁵ for beneficiaries, buying more time for them "after evil" but "before justice." Significantly, Meister understands transitional justice in terms of "[t]he *locus classicus* for thinking about a time between," i.e. "Saint Paul's description of the Church in the time between the Resurrection and Christ's return in Judgment."⁹⁶ Meister's turn to genre, I believe, points to the inter-relation of affective and temporal logics⁹⁷ and, by way of his grasping of Human Rights Discourse as a "secular theology"⁹⁸ may even point to what we think of broadly as 'literature' as a re-occupation or re-visiting of what we may call the sacred word.⁹⁹

So, when Meister turns to Coetzee, as many of those engaged in critiques of human rights tend to do,¹⁰⁰ he does so in order to confront the affective and temporal logics of Human Rights Discourse but in such a way as to require that we revisit the sources or antecedents of these logics in our religious (or secular) tradition. While he does not concern himself explicitly with the genre of Coetzee's *Disgrace* – e.g. Anker suggests it works in a "predominantly realist mode"¹⁰¹ – Meister explicitly turns to it as "*antimelodramatic*."¹⁰² Its antimelodramatic character is intimately bound up with its implicit revisiting of "early Christian writings" that deal with "the moral valence of the sorrow that comes after renouncing sin."¹⁰³ Meister's argument about 'feeling good about feeling bad' is tied to his treatment of *acedia* and *tristitia* by way of Walter Benjamin – *acedia*, "manifested in monks as a slowness to perform penitential tasks," being "the specific form of sin that a penitent commits if his sadness (*tristitia*) substitutes itself for work."¹⁰⁴ For Meister, *Disgrace* is an engagement with the question of how to fight *acedia*: "*acedia* might be

⁹⁴ Meister, *After Evil* at 13.

⁹⁵ Meister, *After Evil* at 13.

⁹⁶ Meister, *After Evil* at 10.

⁹⁷ Reference to Antaki, Bridge Book.

⁹⁸ Meister, *After Evil* at 12.

⁹⁹ Reference to Milner Ball's work and dialogue between James Boyd White and Milner Ball?

¹⁰⁰ E.g. Reference to Anker's piece on Law, Social Justice and Disgrace. Anker argues that the novel *Disgrace*, rather than create a culture of human rights, problematizes this HR culture and discourse. Her thesis is as follows: "*Disgrace* exposes human rights to be indebted to an individualist logic, encouraging of possessive self-interest, grounded in reasoned abstractions that obscure ethical singularities, and premised on an exclusionary category of the human that denies society's outcasts human rights protections." (234).

¹⁰¹ Reference to Anker on Disgrace. But 'mode' is not 'genre.' On the distinction between mode and genre, see Fowler, *Kinds of Literature*, esp. at 106 and ff.

¹⁰² Meister, *After Evil* at 72.

¹⁰³ Meister, *After Evil* at 73.

¹⁰⁴ Meister, *After Evil* at 73.

overcome by penitential works that do not require self-conscious identification with past victims, such as Lurie's care for animals in the novel."¹⁰⁵ Indeed, "[t]he treatment of animals is, for Coetzee, the paradigm of a moral difference between penitence as an imperative to *undergo sorrow* and bearing compassionate witness as a way of *feeling sorry*."¹⁰⁶

Meister's turn to Coetzee in his critique of Human Rights Discourse is not an explicit turn to a specific genre of critique. However, his turn to Coetzee as antimelodramatic points to a broader trend to identify some genres as worthy of being critiqued - e.g. the sentimental novel, melodrama, as well as romance and the realist novel - and others as undertaking that critique. The idea, I think, is to turn affective resonance into affective dissonance so as to call into question a taken-for-granted ethos or way of being in the world, and the 'scripts' - for thought, feeling, (in)action - that come along with it. The idea of genres of critique points to what Fowler calls "antigenres."¹⁰⁷ For instance, Fowler suggests that "early picaresque is itself an antigenre to romance." If picaresque is an antigenre to romance, the 'grand' anti-genres of the day appear to be modernism and tragedy.

Several scholars, such as Derek Attridge and Robert Pippin, have turned to Coetzee's earlier work and its so-called modernist techniques. For instance, Attridge suggests that "If the ethical force of the work lies in its staging of otherness, its resistance to the drive to thematize, allegorize, and moralize, it is as an event that it makes itself felt."¹⁰⁸ In his more recent work on D.H. Lawrence's *Kangaroo*, Manderson emphasizes that "within a distinctly modernist framework, authority be it narrative, institution or of any other provenance, is not to be trusted."¹⁰⁹ Like Attridge, he is interested in the "subversive performativity" of modernist works.¹¹⁰ In his treatment of literary modernism, Fowler writes of the "antinovel" as one of the "vigorous genres" of the "novel" that continues to develop.¹¹¹

Tragedy too has emerged as an *anti-genre*, as a genre of critique. For instance, in *Conscripts of Modernity: The Tragedy of Colonial Enlightenment*, a re-reading of C.L.R. James' *The Black Jacobins*, Scott wants to undo belief in the necessity of "anticolonial longing," "anticolonial revolution." As he says, "part of what is at stake is problem of narrative... I am going to suggest that anticolonial stories about past, present, and future have typically been emplotted in a distinctive narrative form, one with a distinctive story-potential: that of *Romance*."¹¹² To Romance, he counterposes tragedy, a "literary-philosophical genre": "Tragedy questions, for example, the view of human history as moving teleologically and transparently toward a determinate end, or as governed by a

¹⁰⁵ Meister, *After Evil* at 74.

¹⁰⁶ Meister, *After Evil* at 74.

¹⁰⁷ Fowler, *Kinds of Literature* at 175.

¹⁰⁸ Derek Attridge, "Ethical Modernism: Servants as Others in J.M. Coetzee's Early Fiction" (2004) 25 *Poetics Today* 653 at 660.

¹⁰⁹ Manderson, *Kangaroo Courts* at 25.

¹¹⁰ Manderson, *Kangaroo Courts* at 161. **Check.**

¹¹¹ Fowler, *Kinds of Literature* at 178.

¹¹² David Scott, *Conscripts of Modernity: The Tragedy of Colonial Enlightenment* (Duke University Press, 2004) at 7.

sovereign and omnisciently rational agent”¹¹³ Similarly, in *Bound by Recognition*, Patchen Markell draws attention to how tragedy and tragic recognition (*anagnorisis*) was not simply a form of institutionalized story telling which made possible a lasting narrative and reconciliation to past events but that “it also worked as a mode of critique” .. a critique of “the impossible Achillean pursuit of mastery and self-sufficiency.”¹¹⁴

In my own treatment of the metaphor of the book in the Epilogue to South Africa’s Interim Constitution, I read Krog’s refusal to write a novel as a way of ‘imagining blackness’ in her controversial *Begging to Be Black* as a refusal of the so-called novel of human rights, the ‘genre’ that the anti-genres of modernism and tragedy critique. Her refusal, I suggest, is a refusal of a ‘human rights novel’ tied up with fantasies of knowing others and of achieving fully-formed selfhood.¹¹⁵

Conclusion: From Critical Genres to Legalities and Literacies?

I anticipate writing about Joe Slaughter’s *Human Rights Inc.*, which concerns the relation between human rights and the *Bildungsroman*. Slaughter, it seems to me, is much closer to Meister than to Hunt. His book is not a “euphoric celebration” of human rights insofar as he expresses no more than a “cautious commitment” to the human rights ideal.¹¹⁶ Indeed, much of the substance of his argument is close to Meister’s. The *Bildungsroman* as a literary form and human rights discourse both “naturalize the inequality that defines the human rights regime.”¹¹⁷ If Meister is interested in the readability of pain, among other things, Slaughter is interested in legibility: “genres emerge and become conventional .. to the extent they make collectively legible – if sometimes distorted – both actual and possible ... social formations and relations...”¹¹⁸ What is more, Slaughter, just like Meister, appears to be concerned about the cooptation or demise of the revolutionary project. The *Bildungsroman* “novelizes the German idealist theory of *Bildung*”¹¹⁹ and is accordingly a “reformist rather than revolutionary” genre.¹²⁰ Indeed, the *Bildungsroman* “filters that spirit of enlightenment [tied to the revolutionary declarations] through the antirevolutionary conceptual vocabulary of German idealism.”¹²¹

Slaughter largely goes along with the critique of sentimentalism we have seen leveled at Hunt by the likes of Meister.¹²² However, he is more explicit in drawing attention to a “sentimental model of reading” in which the

¹¹³ Scott, *Conscripts of Modernity* at 12.

¹¹⁴ Patchen Markell, *Bound By Recognition* (Princeton University Press, 2003) at 65.

¹¹⁵ **Antaki, Krog** And Patton asks: “But how will you live together in your country (or in mine) if you don’t begin to imagine one another?”

¹¹⁶ Slaughter, *Human Rights Inc.* at 6.

¹¹⁷ Slaughter, *Human Rights Inc.* at 13. **Check,**

¹¹⁸ Slaughter, *Human Rights Inc.* at 10.

¹¹⁹ Slaughter, *Human Rights Inc.* at 20.

¹²⁰ Slaughter, *Human Rights Inc.* at 28.

¹²¹ Slaughter, *Human Rights Inc.* at 92.

¹²² Slaughter, *Human Rights Inc.* at 325.

humanitarian reader is the freely and fully developed human person who has acquired the capacity to recognize perhaps not the ‘full weight and solidity’ or ‘the reality of other persons’ but the abstract dignity of the human personality in both self and others, whatever its concrete ‘human variation,’ and who is therefore positioned to assist others with the realization of their own human personality and dignity.¹²³

By asking us to distinguish our “humanitarian intentions” from our “reading practices,”¹²⁴ I believe Slaughter is asking us to ‘read ourselves’ better so as to aim for what he calls, problematically in my view, “a full sentimental education in human rights literacy”¹²⁵ according to which, for instance, we would no longer be sovereign readers inscribing others into our economies of recognition.¹²⁶

It seems to me that Slaughter is inviting us to see how, in Victoria Kahn’s language, a “literary contract” underlies, and may be more important than, the “political contracts” we think ourselves parties to. (I use contract here much more loosely and figuratively than Kahn does.) In her remarkable treatment of Hobbes and seventeenth-century contract discourse, Kahn reads the introduction to *Leviathan* as trying to “to set up a contract with the reader specifying the protocols for interpreting *Leviathan*.”¹²⁷ As she says, “In the introduction to *Leviathan*, Hobbes made it clear that consent to the political contract depended on consent to a literary contract: a prior agreement about the dangers of romance, the limits of metaphor, and the right construction of analogy.”¹²⁸ The political contract will not make ‘sense’ without the readers displaying the right ‘sensibility.’

We, contemporary readers, Slaughter intimates, are not aware of how our human rights literacies, how we read and read ourselves, underlie and undergird human rights legalities, the mode of being of human rights. According to Kahn, we contemporary readers are this way, i.e. lack this awareness of the relation between literacies and legalities, because the mid-seventeenth century debates she examines produced us as well as “the disciplinary division between politics and literature”¹²⁹ - and we might as well add law to politics in her quotation. Indeed, she says, earlier readers were more aware of the inter-relation of literary and political contracts than us:

Early seventeenth-century writers and readers were aware that particular genres could be construed as beneficial social contracts or coercive ideological fictions. They were acutely aware of the role that genres played in the “criticism and complement” of the Stuart Court. They understood the struggle over the cultural meanings of epic, romance, and tragedy as part of the ongoing political struggle.¹³⁰

¹²³ Slaughter, *Human Rights Inc.* at 325.

¹²⁴ Slaughter, *Human Rights Inc.* at 326.

¹²⁵ Slaughter, *Human Rights Inc.* at 326.

¹²⁶ Antaki and Kirkby, Markell

¹²⁷ Kahn, *Wayward Contracts* at 149

¹²⁸ Kahn, *Wayward Contracts* at 18.

¹²⁹ Kahn, *Wayward Contracts* 21.

¹³⁰ Kahn, *Wayward Contracts* 18.

In Kahn's story, the seventeenth-century led to the split between politics, as a science, and its "poetics and passions" which were "relegated to the new discipline of aesthetics."¹³¹ This split led to the "sentimental subject, the effeminized man of feeling"¹³² so important to the 'novel of human rights.'

In the seventeenth-century, she suggests, we did not see one discipline, law or politics, turning to another, literature, but, rather, we saw legalities or politics (!?) and literacies and an awareness of their intimate relation. Kahn's work as well as Slaughter's suggests that contemporary law and literature is trying to recover something we lost... but also that the very name of the project 'blocks' what it is trying to recover.

¹³¹ Kahn, *Wayward Contracts* 8. **Check.**

¹³² Kahn, *Wayward Contracts* 8. **Check.**