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# Constructed Borders and Conditional Belonging: Refugee Narratives in Literature and Law

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**Constructed Borders and Conditional Belonging:**  
*Refugee Narratives in Literature and Law*

By Rachel C. Wilson

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Faculty Advisor: James Dawes  
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## **Abstract**

Merging literary criticism and political theory, this project explores the representations of refugees in contemporary fiction and human rights law. Through a close reading of reports and press releases published by human rights organizations, I trace how NGOs' moral and expert authority creates a narrow emphasis on refugees' fear and victimhood. As novels by Dave Eggers, Susan Choi, Caryl Phillips, and Chris Cleave show, literature is not bound by the same constraints. These novels reveal the internal borders that continue to compromise refugees' belonging after resettlement. Employing a metanarrative that considers the uses and limits of its own project, literature can fill in the gaps in the stories law leaves untold.



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## Chapter One: Introduction

Iraqi author Hassan Blasim's short story "The Reality and the Record" opens the closed doors of the asylum interview to critique. The story is styled like the transcript of one of these interviews. It opens with an italicized paragraph framing the pages that follow as the story of "a new Iraqi refugee.... in his late thirties" who "arrived in Malmö in southern Sweden" days before (1). The asylum seeker's story itself is peppered with comments about the asylum interview itself. In the midst of describing the events that forced him to flee, he interjects: "I don't know exactly what details of my story matter to you, for me to get the right of asylum in your country" (Blasim 4). Before telling the asylum seeker's story, however, Blasim begins with a distinction between different genres of refugee stories: those for the record and those that constitute a private reality. The narrator defines the "stories for the record" as "the ones the new refugees tell to obtain the right to humanitarian asylum" while the "real stories" are the ones that "remain locked in the hearts of the refugees, for them to mull over in complete secrecy" (Blasim 157). Blasim's narrative quickly becomes a self-reflexive examination of the limits of genre. In the story that follows, the real mixes with the magical as the language of the asylum seeker becomes the object of our scrutiny and evaluation.

There are many acts of storytelling nested within "The Reality and the Record." Blasim's narrator tells us the story of an asylum interview, while the asylum seeker tells a story to the interviewer about being forced to tell false stories on film. Each of these stories becomes the object of a factual evaluation, as the propaganda films are deemed "authentic" by the "Al Jazeera news anchor," and the application interview is "filed away in the records" (Blasim 165). These interlocking narratives draw attention to the way that Blasim's story becomes the object of our

interpretation as well. At the very end of his story, the asylum seeker describes how everyone “told me I hadn’t been away for a year and a half, because I came back the morning after working that rainy night” (Blasim 170). This revelation forces us to rethink the entirety of his testimony, showing the way refugee’s language is predicated on verifiable facts. After this confusion comes to light, the interviewer discards the testimony and any truth it might carry, sending the asylum seeker to a hospital for the mentally ill.

As the lines between the different genres of story — official and personal, factual and fictional — break down, the asylum seeker’s language becomes suspect. Regardless of the truth of their experiences, refugees are expected to articulate a story that coincides with what the “culture constructs and recognizes as the truth” (Rosello 6). When telling their stories, asylum seekers and refugees<sup>1</sup> must fulfill the requirements of these “cultural expectation[s]”; they must demonstrate “credible fear” (Nyers xv). Constative truth, to borrow J.L. Austin’s term, is not enough for refugees to demonstrate credible fear. They must also “[display] the appropriate qualities associated with ‘refugeeness’” (Nyers 45). The asylum-seeker in Blasim’s story is performing trauma as well as describing it: he remembers being carried across the same bridge over and over again, and he believes that a mysterious man named the Professor is part of each of the terrorist organizations that purchases him during his captivity. The bridge and the professor reappear in his rambling story just as trauma manifests itself as the “repeated suffering” of an original traumatic event (Caruth 10).

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<sup>1</sup> While refugees and asylum seekers are distinct in international law, they are conflated in popular culture. This project deals with cultural texts as well as legal ones, and is interested in the ways that refugees are constructed through broader cultural discourse, so I will use the term “refugee” loosely, only using the words “asylum seeker” to talk about specific characters who an author has explicitly labelled as such.

While the content of the asylum seeker's language seems to be false, the performative elements of his story and language may in fact show deeper credible fear than the law can grasp. Blasim's story highlights the gaps in this system of legal storytelling predicated on substantiated claims of truth and fact, showing the way that the traumatic nature of credible fear might be a barrier to its articulation.<sup>2</sup> Telling the right story becomes a matter of survival for forcibly displaced people. Unlike other human rights which are inherent, asylum is predicated on the ability to prove a "well-founded fear of persecution" (The United Nations). There is only a right to *seek* asylum, not be granted it, placing the burden of proof on the refugees themselves.<sup>3</sup> Through its many interlocking acts of storytelling and interpretation, Blasim highlights the "humble entreat[ies]" that fall through the cracks when refugees must demonstrate credible fear (157).

I begin with "The Reality and the Record" because Blasim viscerally reveals the limitations of legal storytelling for refugee and asylum seekers. The requirements that shape refugee stories told "for the record" have created broader cultural expectations of what an authentic refugee story should look like. These expectations are constructed by a whole regime of storytellers — including NGOs, philanthropists, and global governance organizations — known as transnational advocacy networks (Keck and Sikkink 1). Advocacy organizations participate in a legal refugee discourse that derives its power from its veracity, leaving no space

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<sup>2</sup> Caruth describes how "central to the very immediacy of [the traumatic experience], that is, is a gap that carries the force of the event and does so precisely at the expense of simple knowledge and memory" (7). See also Nyers 43-69.

<sup>3</sup> For more on the limits of asylum law and protection, see Goodwin-Gill, "The Dynamic" 654. Mireille Rosello describes how refugees carry the burden of proof, writing that "much depends on [the refugee's] ability or inability to keep the listener interested, to elicit the right kind of emotion, and to make the story recognizable as the proper refugee's trajectory" ("Refugee Aesthetics" 5).

for narratives that do not conform to these standards. Fiction is excluded from these networks because it is not ‘true’ enough, but, as Blasim’s asylum seeker demonstrates, the distinction between truth and fiction is messy in refugee narratives that inherently involve fear and trauma. As it is not bound by the rules of legal discourse, literature can adopt a self-reflexive stance, revealing truths that cannot be expressed within the language of the law. Like Lena Khor and Margaret McLagan, I want to argue for an expanded understanding of these advocacy networks as a kind of “communications infrastructure” — a broader discourse network in which the cultural expectations for “authentic refugeeness” are constructed (Khor; McLagan 224; Nyers xv).

While credible fear regulates the stories and the storytellers that receive asylum through law, literature provides a place for the “humble entreaty” of the refugee (Blasim 170). Literature gives a face to the refugee as it reveals the “unweighable residue” that the process of legal evaluation leaves behind (Dimock 10). Wai Chee Dimock’s understanding of literature and law as concurrent “theaters” of justice, each with their own shortcomings and goals, offers a helpful addition to the advocacy networks theorized by political scientists. While asylum and refugee status are not typically framed as matters of justice, the relationship between different representations of refugees fits the same framework. Just as legal justice is “haunted always by what it fails to encompass,” the current asylum and refugee system is, as Blasim shows, haunted by the stories that refugees must suppress in order to tell a necessarily “tactical” story “about trauma, persecution, and likely death” (Dimock 9, Chambers 146). Over the course of this paper, I want to demonstrate the ways in which literature can reveal the residues left out of official representations of the experiences of asylum seekers and refugees. Literature tells a broader,

messier story of the experience of forced displacement than human rights reports can afford to tell, while the legal language of human rights reports leads more easily to immediate action. These two genres complement one another, each playing a distinct part in a broader discourse network.

### ***The Roots of Refugeeness***

The concept of exile is ancient, but the refugee — in the word’s contemporary usage — however, arises as a category only in the seventeenth century as a label for the French Huguenots who came to England fleeing religious persecution.<sup>4</sup> While several treaties were created under the League of Nations, creating the a modern precursor to refugee law, it did not take on its current form until after the second World War, when statelessness became “the newest mass phenomenon in contemporary history” (Arendt, *The Origins* 277)<sup>5</sup>. The presence of refugees and stateless people in international politics has only grown in the seventy years since, as institutions like UNHCR and the 1951 Refugee Convention have carved out a distinct space in international law.

Within the social sciences, there is a profusion of policy-oriented scholarship on refugees. Behind this policy work, however, lies a theoretical conversation that also undergirds literary criticism of refugee narratives. Arendt offers one of the first theories of statelessness, but her thoughts continue to provide a starting point for many scholars. Her theory of citizenship as the “right to have rights” is widely cited by scholars from all disciplines studying forced

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<sup>4</sup> “Refugee, N.” *OED Online*. Oxford English Dictionary. Web. 26 Feb. 2017.

<sup>5</sup> See Goodwin-Gill and McAdam 16-20 for more on the history of refugee law.

displacement. Giorgio Agamben's concepts of biopolitics and bare life have also spurred scholarship across disciplines, being taken up by anthropologists and literary scholars as well as political theorists.<sup>6</sup> He understands the refugee to be "a limit-concept" destabilizing "the old trinity of state-nation-territory," prompting a reimagining of politics based on a confrontation with the "originary fiction of sovereignty" (Agamben 94, 93).

Along with human rights law and political philosophers like Arendt and Agamben, much of the scholarship on forced displacement has been inflected by cosmopolitanism. Though it has a rich and complicated literature, cosmopolitanism's broad concern with "envisioning new ways of belonging" offers an entry point for much of the scholarship on refugees in literary studies (Woolley 9). Cosmopolitan scholarship on refugees in literature is deeply intertwined with concerns of hospitality articulated by Kant and later picked up by Derrida and Seyla Benhabib among others. Drawing on cosmopolitan roots, postcolonial literary critics deal with issues of borders and border crossings, migration and diasporas — topics relevant to any study of refugee narratives. Postcolonial theory speaks to some degree to the refugee's experiences upon arrival in a new country. Writing in the late 1990s, Homi K. Bhabha called the "transnational histories of migrants, the colonized or political refugees" the "terrains of world literature" (12). In his writing, Bhabha glorifies migration of all kinds, using "exiles, émigrés and refugees... interchangeabl[y]" (Shemak 21). Edward Said similarly focuses on migration, describing how it creates an "unsealable rift forced between a human being and a native place, between the self and its true home" (173). For Said, refugees inhabit "the perilous territory of not-belonging" (177). While, unlike Bhabha, Said distinguishes between the exiles of the past and

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<sup>6</sup> See Suzuki, Nyers, and Farrier's book, *Postcolonial Asylum*, for examples of how Agamben has been taken up in different disciplines.

the refugees of today, he describes refugees as the antithesis of the exile. The label of refugee suggests “large herds of innocent and bewildered people requiring urgent international assistance” while exile connotes “a touch of solitude and spirituality” (181). In his descriptions, Said reinforces the representation of refugees as “speechless emissaries” — erasing their individual stories and identities in favor of the dehumanizing language of “herds”<sup>7</sup> dependent on the international humanitarian regime. The transnationalism celebrated by post colonialism is forced upon refugees, who Stephen Clingman characterizes as the figures of “broken roots and broken roads” (371).

While postcolonial theory’s focus on hospitality is useful, but its glorification of migration proves troublesome. The refugee is “a scandal for postcolonial studies,” because “efforts to bring the marginal migrant subject to the centre by valorizing their displacement” can in fact exacerbate the marginalization of refugees (Farrier, *Postcolonial Asylum* 8, 4). For Farrier, part of the underlying problem is that the emphasis on hybridity and the benefits of mobility “too easily equates voluntary exiles and asylum seekers” (Farrier, *Postcolonial Asylum* 4). Lucinda Newns similarly argues that “there is a disconnect here between figurative deployments of displacement or ‘homelessness’ and the material, historicized experiences of refugees” (508).<sup>8</sup> Elizabeth Anker sees the “concentration on alterity” in postcolonial theory as eliciting “a sublime fascination with victimization that inadvertently covers over rather than encourages critical scrutiny of the material disparities that generate such failures of justice... in the first place” (12). Along with postcolonial scholars, Newns acknowledges the problems with

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<sup>7</sup> Malkki’s reads Said’s essay as describing how “[e]xile’ connotes a readily aestheticizable realm, whereas the label ‘refugee’ connotes a bureaucratic and international humanitarian realm” (“Refugee and Exile” 513).

<sup>8</sup> For examples of how this is manifest, see the descriptions of scholarship on *A Distant Shore* on page 52.

hegemonic understandings of the home, but she also warns against “throwing it out altogether in exchange for an equally universalizing call to embrace ‘homelessness’” (507). Refugees experience a fundamentally distinct form of displacement — one that strips away their agency rather than reinforcing it. Their experience is uniquely “determined by rigid juridical structures,” making law an essential component of any analysis of refugee narratives (Shemak 21).

Scholarship on human rights and literature offers an alternative to postcolonial theory. Stemming from an understanding of the central role of stories in human rights work and the historical relationship of literature and human rights law, this new field of scholarship sees narrative used in human rights work “not as evidence... but as a form of remedy, in and of itself” (Peters 19).<sup>9</sup> Elizabeth Swanson Goldberg and Alexandra Schultheis Moore see the field as composed of “two mutually invested intellectual projects”: reading literature through a human rights lens and “considering how stories, testimonies, cultural texts, and literary theories contribute to the evolution of [human rights] philosophies, laws, and practices” (“Meditations” 2). This interdisciplinary approach captures the legal underpinnings of refugee novels, examining the ways that cultural representations of refugees intersect with their legal and political counterparts.<sup>10</sup> Building off of work by scholars like Agnes Woolley and David Farrier, I want to consider the ways that “representations of forced migrants in the cultural sphere intersect with, critique, and even transform... public” and political debates (Woolley 6). Bringing together the

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<sup>9</sup> As Dawes writes, “storytelling is the very nature of the work” (*That the World* 1). See Joseph Slaughter’s, *Human Rights, Inc.* for a detailed articulation of the relationship between the Universal Declaration of Human Rights and the *bildungsroman*. See also Lynn Hunt’s *Inventing Human Rights*, which traces the roots of the contemporary human rights movement to the empathy generated by the epistolary novels of the eighteenth century.

<sup>10</sup> Joseph Slaughter and Kate McClennan argue that “students of culture risk practical irrelevance if we fail to recognize the juridical importance and institutional status of human rights as a legal regime” (6).

focus of hospitality — itself a bridge between “a discourse of rights and a discourse of generosity” — from cosmopolitanism with international law, I consider the ways legal and literary genres construct refugeeness (Rosello *Postcolonial Hospitality* 9, qtd. in Woolley 7).

In my first chapter, I will explore the way power operates in and through human rights organizations’ reporting in order to capture the limits of legal representations of refugees. Human rights organizations derive their power from privileged information and witness testimony. In this chapter, I will read two different kinds of reports — press releases and human rights reports — showing how they illuminate two distinct forms of power that I will call moral authority and expert authority. Each of these forms of authority act as a framework through which human rights testimonies and facts are interpreted. Moral authority, associated with Enlightenment rights discourse and rooted in natural law, is most visible in the press releases put out by human rights organizations. Expert authority, on the other hand, is associated with legal positivism, and is predominant in the reports sent to lawmakers and the United Nations. In order to persuade states to follow human rights law, organizations speak the language of international law. When these reports include the testimony of refugees or witnesses to human rights violations, their voices are undermined by the legal framing devices. The law only has room for specific kinds of stories about refugees: those that demonstrate credible fear and confirm their victimhood. These narrow generic limits, however, are what lend human rights law much of its power.

Refugee law is built to help people negotiate the borders between states. The refugee regime offers different modes of reterritorialization as a solution to refugee problems: resettlement, repatriation or voluntary return. It pushes towards a model in which there is a clean

break between the past and the future, requiring a “single, linear and verifiable narrative” from refugees and asylum seekers (Woolley 20). In this paper I will read Susan Choi’s *The Foreign Student*, Dave Eggers’s *What is the What*, and Caryl Phillips’s *A Distant Shore* to explore how novels about refugees remove the requirements of this linearity. Valentino’s journey in *What is the What* reveals the limits of this physical movement. He crosses international borders but encounters racism and violence — both of which act as internal borders — in the United States, where his belonging is always undermined and incomplete. Susan Choi’s *The Foreign Student* and Caryl Phillips’s *A Distant Shore* offer a closer look at the ways these internal borders are made real, as international borders are reflected onto individual bodies. If the strength, or at least the possibility, of refugee law is its ability to get people from a state in which they are threatened to one in which they ought to be safe, these novels show the need for something more. Premised on the fragile notion of hospitality, refugee law needs literature as its counterpart to navigate the internal boundaries that compromise the possibility of belonging.

Reading Eggers and Phillips again, as well as Chris Cleave’s *Little Bee*, the final chapter examines the ways that literature can help navigate those internal borders. They depict storytelling as a possible solution, offering it as a way for individuals to connect across these divisions. All three novels are ultimately ambivalent about the empathetic storytelling that is at the heart of their own projects, showing that like the law, novelistic language has limits.

## Chapter Two: Power, Pragmatism and the Limits of the Law

Human rights have opened the doors of international politics to the individual. New kinds of actors and networks have pushed those doors further open, operating in the face of military and monetary power with words. Drawing on this alternative locus of power, human rights advocates seem to attract less critical attention than political actors controlling the military. Human rights work is often seen by its proponents and practitioners as the “reduction of suffering,” but, as Wendy Brown asserts, it is more than “*mere* reduction”: it is not just benevolent, but is always also political (450). While human rights organizations aspire to alleviate suffering, their work is not as apolitical as it makes itself out to be. Their semblance of care is in fact a source of power, disguising itself as mere beneficence. For Judith Butler, the human rights movement is caught in tension between a need to be “pragmatic—to have effects, to be effective”—and the need to have a “critical relation to power” in order to actually protect those it is purportedly protecting (“Afterward” 1660). Butler argues that human rights organizations “have purchased their pragmatic function” at the cost of their neutrality (“Afterward” 1661). She argues that while the language of human rights can “precipitate and sustain a crisis of belief” in the state, it also “conforms... to” and replicates “existing forms of power” in order to do so (Butler, “Afterward” 1660).

Politics, power, and pragmatism are not inherently a problem that human rights work must fix. They serve a purpose, enabling organizations to address global political problems that might otherwise be ignored. As previously stated, there are now more people displaced than there have been since the end of the second World War (“Global Trends”). The refugee is “an inevitable if unintended consequence of the international state system,” caught between the

borders that separate states (Haddad 1). Even when they are without citizenship, refugees are still entrenched in the sovereign state system. Refugees “become wards of international society” whose safety relies “on the endorsement, financial support and refugee-determination processes of individual sovereign states” (Haddad 75). In order to secure protection,<sup>11</sup> refugee advocates must work within the interstate system to translate international treaties into domestic law (McAdam 210). Non-citizens may technically have the same human rights in any given country under international law, but states are much less likely to expend any resources to protect them (Goodwin-Gill and McAdam 448). This is the space in which the power and pragmatism of human rights organizations can be put to use. Though human rights are presented as transcendent and universal, their enforcement relies on state participation. In recent years, scholars and advocates have recognized an “unprecedented decline in political will” for states to protect the rights of displaced people (Lester 127). Today, the problem has only worsened as state channels continue to be blocked off by growing anti-refugee movements around the world.

In the face of these barriers, human rights organizations (NGOs) are some of the loudest voices calling for the protection of the rights of refugees and asylum seekers. Given their prominence in this discourse, I want to explore the strengths and limitations of these organizations and the information they generate and deploy. There is a wide variety of human rights organizations, and their work takes many different forms. Some provide services, from running refugee camps to helping people through resettlement, while others focus on advocacy. NGOs are an integral part of what Margaret Keck and Katherine Sikkink have called

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<sup>11</sup> In the field of refugee and forced migration studies, the language of “protection” refers to “both ‘internal protection’, in the sense of effective guarantees in matters such as life, liberty, and security of the person; and ‘external protection’, in the sense of diplomatic protection, including documentation of nationals abroad and recognition of the right of nationals to return” (Goodwin-Gill 30-31).

transnational advocacy networks — groups of nontraditional political actors that work to mobilize around a set of common goals and shared moral values (Keck and Sikkink 2). These networks can consist of actors of all sizes, from local organizations, international NGOs, and global governance institutions, to socially-minded corporations and powerful individuals. In the context of the refugee crisis, the materials produced by advocacy organizations — often called “watchdog” organizations for their role in monitoring rights violations — are mostly directed to governments, the UN, and potential sources of funding. “Watchdog” organizations like Amnesty International and Human Rights Watch will be my primary focus in this paper.

In the twenty years since Keck and Sikkink first coined the idea of “information politics,” organizations have changed their tactics somewhat. Conventional strategies have been supplemented by activists’ attempts to reach an “informed, activated, and empowered [global] citizenry” (Pruce and Budabin 406).<sup>12</sup> Doctors without Borders (MSF), for instance, created an “interactive, free, outdoor, educational” exhibit about refugees and displaced people called Forced From Home (“What is Forced From Home?”). MSF uses humanitarian workers as guides, leaning on the power of personal connection. UNHCR, on the other hand, has embraced new technology, launching a video game and a virtual-reality video intended to allow their audiences to live out the experience of displacement for themselves (“Syrian Refugee Crisis”). These eye-catching projects are designed to appeal to the public’s empathy rather than their legal logic, but they are recently developed and rarely deployed tools. NGOs still put most of their energy into what is widely referred to as naming and shaming. Compared to the governments they investigate, human rights organizations operate with scant funding and no enforcement

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<sup>12</sup> For more on human rights advocates’ “production of ‘publicness’” and the ways they cultivate an audience, see McLagan.

mechanisms. They cannot protect human rights through force, so they work through words instead, making human rights claims a kind of persuasion.<sup>13</sup> Naming and shaming allows advocates to use information as a form of power, and it is this power that warrants a closer examination into the methodology of collecting and constructing this information.

Human rights work consists of finding and “mobilizing” facts. When stripped of its jargon, mobilizing facts is synonymous with telling stories. For Judith Butler — and many other scholars across literary studies, politics, and law — this is one of the main points of intersection between human rights and the humanities.<sup>14</sup> They are both constituted by and contested through different forms of text. Human rights documents are “a kind of media, a language that presents reality and renders it credible or not” (Butler, “Afterward” 1661). I want to peel back what Wendy Brown calls the “pragmatist, moral, and anti political mantle” of the discourse of human rights through a critical reading of human rights reporting, unveiling the ways power operates in and through NGOs (460). To locate the moral and pragmatic power of human rights organizations, I will first map out their research methods. After exploring how they gather information, I will look at the ways that it is leveraged in writing. I outline two distinct genres of human rights writing, the press release and the report, each of which reflects different elements of the power involved in information politics. If, as Butler asserts, a pragmatic approach to human rights stands in the way of a critical one, I want to set aside concerns about the positive effects of human rights and refugee advocacy in this chapter in order to pursue a deeper understanding of the discourse, its limitations, and the kinds of subjects it creates.

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<sup>13</sup> For more on the persuasive nature of human rights claims, see Orentlicher 93 and Hopgood 73.

<sup>14</sup> See Butler “Afterward”; Stanton; and McLennen and Slaughter for more on the textual nature of human rights work.

### *Objectivity, expertise and power in human rights research*

Human rights organizations share a common methodology for collecting information and conducting research, referred to by lawyers and practitioners as fact-finding. There are no guidelines governing fact-finding practices around the world, but there are a number of tactics that are common across many organizations. Victim and witness testimony remains the primary source of most human rights research, supplemented by documentary or physical evidence.<sup>15</sup> First-person testimony allows “words [to] become our telescope” (Hopgood 205). Of course testimony is not the exclusive domain of human rights, or even the law. In the 1990s, Shoshana Felman declared “testimony... the literary—or discursive—mode par excellence of our times” (Felman and Laub 5). As international tribunals and truth commissions followed genocides and crimes against humanity, testimony became an essential component of the burgeoning human rights and international justice movement. At the same time as official testimony was being given in courts and truth commissions, testimony was written into literature.<sup>16</sup> Kay Schaffer and Sidonie Smith trace these coinciding literary and legal trends in their book *Human Rights and Narrated Lives*. The “rights movement” of the late twentieth century was motivated by the spread of personal testimonies in the aftermath of atrocity (Schaffer and Smith 15). This age of testimony coincides with the decades that Keck and Sikkink

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<sup>15</sup> See Alston and Knuckley 12; Boutrouche 133-4; and Orentlicher 109 for the role of first-person testimony in human rights reporting.

<sup>16</sup> Julie Stone Peters describes testimony merging with literature in the subfields of “Holocaust studies, with its discussion of the nature and limits of the representation of atrocity and the paradoxes of memorial; feminist criticism and critical race theory, with their discussion of the liberatory force of counter-hegemonic narrative; Latin American ‘testimonio’ and trauma studies, with their discussion of witness bearing and the curative power of truth” (256).

describe as period of rapid growth for human rights organizations whose influence grew “in direct relation to the persuasiveness of their factual reporting” that was grounded in testimony (90; Orentlicher 134). Though human rights literature and law both employ testimony as a primary tool, it carries even more weight for refugees, as it has the power to “[determine] their citizenship status, their freedom to cross national borders, and their incarceration in detention centers” (Whitlock 168).

In human rights research, testimonies are gathered in the field by domestic organizations or, more frequently, representatives from an international NGO. Testimonies are given in extensive one-on-one interviews, in which researchers ask a barrage of questions intended to elicit answers that can be understood through the framework of law (Orentlicher 117). According to a guide on Human Rights Watch’s website, these interviews allow the organization to “understand accurately what occurred” (“About our Research”). In order to corroborate testimony given in one interview, human rights researchers gather testimony from other sources, including victims and bystanders as well as perpetrators and officials. Depending on the breadth of the report, anywhere from tens to hundreds of testimonies may be gathered and included. Researchers are look for patterns of violations and abuse in order to create greater incentive for states to amend their behavior, and in order to show these patterns exist, they draw on multiple pieces of testimony that corroborate one another and can be compiled into a neat narrative. As the journalist in Chris Cleave’s novel *Little Bee* explains, “if we can show that what happened to your village happened to a hundred villages, then the power is on our side. We need to collect the stories of people who’ve been through the same things as you. We need to make it undeniable” (Cleave 253). Each individual testimony that gets recorded is shaped by a number of outside

factors, so to compensate, researchers try to account for any bias in their work, and ensure that their sample size is large enough to be able to ascertain whether the testimony is part of a broader pattern.

In the early days of human rights advocacy, these fact-finding practices came under scrutiny. Today, much of the conversations about methodology have died down, as human rights NGOs have become accepted as a part of the normal workings of international politics.<sup>17</sup> Only in recent years have scholars and human rights practitioners again turned a critical lens to fact-finding itself.<sup>18</sup> These new critics of fact-finding are plagued by the subjectivity of their methodology.<sup>19</sup> They push beyond its cloak of empirical, verifiable facts only to discover a tangle of contradictory and incomplete truths. For scholars in the humanities, the difficulty of locating — much less naming — a definitive narrative of “what really happened” is a familiar one; running up against the limits of language and truth is nothing new. In trauma theory, testimony is seen to be “composed of bits and pieces of a memory... that have not settled into understanding or remembrance, acts that cannot be constructed as knowledge nor assimilated into full cognition” (Felman and Laub 5). If the memory it draws from exists only in “bits and pieces,” testimony cannot be expected to convey a straightforward story. Legal testimonies force witnesses “to reshape their traumatic recollections” into precise, continuous, linear narratives with no gaps or misplaced details (Strejilevich 704). Literary critics’ writings on testimony bring

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<sup>17</sup> For a history of these conversations on human rights methodology, see Orentlicher and Bruch 210.

<sup>18</sup> In their introduction to *Transformations of Human Rights Fact-Finding*, Philip Alston and Sarah Knuckley explain how before their volume was published, there wasn’t enough scholarship to “form an adequate syllabus” and there was little published material that “delves more deeply into the complex political and ethical issues” of fact-finding (4).

<sup>19</sup> Glass; Bruch; Alston and Knuckley; Mégret; and Atrey are examples of contemporary critics of human rights fact-finding.

the issue of subjectivity and ambiguous meaning to the fore, but the law is unable to take such fundamental uncertainty into account. In order to create and enforce justice, law must “[rule] out what cannot be disclosed in words” (Felman 162). In human rights reporting, testimony is treated like it is in law, as an authoritative singular truth.

In spite of the apolitical and authoritative shell that gives human rights facts their power, they are in fact shaped by a myriad of external factors. Every decision researchers make is colored by concerns outside of the human rights situation itself, beginning with the decision to launch an investigation or write a report in the first place.<sup>20</sup> Research is always conducted in situations where an organization suspects that human rights might have been violated. The projects are always undertaken with “a view... to detecting human rights violations” (Mégret 36). The author of any report, or the judge deciding a refugee case, must distinguish the “relevant facts from the irrelevant” and discern which “are salient or true” (Glass 213). Glass argues that fact-finding is “always *subjective*” because there is always “a particular person... doing it” (214).<sup>21</sup> This subjectivity strikes at the very foundations of human rights law. In the international legal system, human rights claims must be “concrete, identifiable, and knowable, and not simply subjective political” statements (Mégret 27). The authority and political power of human rights NGOs are rooted in their claims to objectivity, so a challenge to the veracity of human rights facts is a challenge to the very validity of their work.

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<sup>20</sup> For more on how the politics of how human rights organizations decide which violations to investigate, see Ron.

<sup>21</sup> Glass’s article specifically references fact-finding that goes into refugee status determinations, linking methodological practices with specific concerns about refugee status and showing the common foundation of human rights reports and refugee decisions.

After conducting extensive research, human rights NGOs must put the evidence they've collected to work. Fact-finding alone complicates notions of truth, but human rights claims are made of more than facts — they are acts of persuasion. Researchers do not simply report what happened, they mobilize that information for political ends. With a seemingly unending number of human rights violations going on all over the world, “activists must deploy information strategically” to increase public awareness, raise funds, and mobilize support networks (Ron 560). The documents that contain these interpreted facts take the form of two different genres: in-depth legal reports destined for the United Nations and lawmakers, and press releases intended for a general audience (Ron 561).<sup>22</sup> Human Rights Watch divides their website into “News” and “Research,” reflecting these two different categories.<sup>23</sup> Both genres draw on common sources, but they represent different ways of mobilizing the information gathered through fact-finding. The news section is populated by press releases and op-eds — pieces destined for a general audience. Human rights reports, on the other hand, constitute a distinct genre of writing, unique to these organizations. They are longer than the policy briefs handed to politicians in Washington D.C., and, unlike newspaper articles, they are destined for a legal audience. In order to persuade states to protect human rights, facts must be interpreted through the framework of international and domestic laws. In the analysis that follows, I will illustrate the ways human rights organizations draw on different interpretive frameworks and different forms of authority in each of these genres.

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<sup>22</sup> Hopgood's *Keepers of the Flame* describes how “the fifty-seven-page report” and “the sixteen-page campaign document” differ. While “the second version is designed to grab the attention like a tabloid headline, “the style of the first” uses jargon and states facts with little description (75).

<sup>23</sup> Each category contains several subcategories, but the difference in length and tone between the two broader categories holds up across these different internal divisions.

Regardless of the genre they are writing in, advocacy organizations must frame issues, reshaping their audience's understandings of the issue in order to prompt them to take specific action.<sup>24</sup> In order to make a “compelling argument” or present “persuasive reasoning,”<sup>25</sup> human rights organizations interpret and evaluate the facts they gather through different frameworks.

### ***The Press Release, Moral Authority, and Natural Law***

Human rights organizations possess a carefully cultivated moral authority, rooted in natural law. For Julie Stone Peters, the “mutually imbricated histories of literature and human rights” reveal that in the eighteenth century, both literature and rights were understood through a humanism that still colors parts of both discourses today (256). This shared commitment to humanitarianism drew from “theor[ies] of natural human goodness” as well as “theories of compassion that relied on a model of individual human sympathy” (Peters 272). In his ethnography of Amnesty International, Hopgood argues that “accumulating and protecting” this moral authority has been “Amnesty’s main achievement” (3). Keck and Sikkink, too, describe how “the power of the human rights idea was partly the result of a certain principled neutrality,” a willingness by human rights advocates to investigate claims in all countries (90). The prevalent image of a universalized, apolitical human rights movement bears the trace of natural law’s insistence on rights as “self-evident truths,” transcending everyday politics (Slaughter, *Human Rights, Inc.* 63).

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<sup>24</sup> Keck and Sikkink describe how NGOs “actively seek ways to bring issues to the public [or political] agenda by framing them in innovative ways and by seeking hospitable venues” (17)

<sup>25</sup> “Persuasion, N.” OED Online. *Oxford English Dictionary*.

Human rights NGOs like Amnesty International and Human Rights Watch use their moral authority as a source of power. Moral authority paints refugees as pure victims plagued by “credible fear,” lacking the power to help themselves and incapable of making decisions in their own best interests. Michael Barnett shows how UNHCR draws on their position as a neutral “[institution] of care and compassion” to speak for human rights victims (128).<sup>26</sup> The idea that NGOs speak for — or on behalf of — human rights victims is inscribed in the methodology of fact-finding as well as the reports these projects generate. Human rights workers may try to “do no harm,” locating the interview in a comfortable location, ensuring the privacy of the interviewee, and using culturally sensitive language.<sup>27</sup> But no matter how much researchers try to protect their interviewees, asking people to tell stories of trauma can exacerbate their victimization. The line between “choosing to represent people” and “mak[ing] them into a representation” is shaky — human rights advocacy can “function like coercion, threat, and violence” as well as benevolent assistance (Dawes, *That the World* 189).

This moral authority is predicated on the vulnerability of the people that human rights and humanitarian organizations strive to save. For Samera Esmeir, human rights law “transforms humanity into a juridical status,” with law becoming constitutive of humanity, “[equating] the violation of rights, with the denial of humanity, with dehumanization” (1544, 1547). Refugees are stripped of power — and ultimately dehumanized — by the moral roots of this kind of

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<sup>26</sup> Though Barnett's critique is specifically of humanitarian organizations, it is also applicable to human rights organizations, as they too derive political power from their moral authority. See Hopgood 3, Keck and Sikkink 90, for ways human rights organizations cultivate moral authority.

<sup>27</sup> For more on the “do no harm” principle in human rights fact-finding, see Boutruche 144-146 and Muzigo-Morrison 186.

human rights discourse. Esmeir provides an essential complement to their work, showing how this dehumanization is present in the very structures of the law as well as its applications.

Liisa Malkki, one of the most prominent critics of refugee discourse, argues that the world's understanding of refugees is premised upon the idea that displacement necessarily implies loss ("Refugees and Exile"). Echoing Barnett's critique of paternalism, Malkki found in her work with refugee communities in Tanzania that refugees took the label as a "vital, positive dimension of their collective identity," redefining themselves through an orientation towards the future rather than dwelling on the past ("Speechless Emissaries" 377). Malkki's work emphasizes the importance of attending to the particulars of refugee identities rather than grouping them all into one universal trope. When refugees are denied the chance to speak for themselves by human rights or humanitarian organizations, they become "caged within a depoliticized" discourse they cannot easily access or control (Nyers xiii).

The inability to access this discourse puts refugees and asylum seekers in peril. In his writing on hospitality, Derrida has argued that "the foreigner is first of all foreign to the legal language in which the duty of hospitality is formulated," and that the fact "he has to ask for hospitality in a language which by definition is not his own" constitutes an act of violence ("On Hospitality" 15). When asylum seekers and refugees are asked to prove credible fear, they must do so in the language of the law, requiring multiple acts of translation and a nuanced understanding of what constitutes acceptable grounds for seeking asylum or refugee status in the first place. In the context of the need to prove credible fear, refugees are often represented by NGOs as passive victims.

Moral authority is present in human rights reports, but it is most visible in press releases. In a report entitled “Greece: Dire Refugee Conditions on Islands,”<sup>28</sup> Human Rights Watch argues that Greece and the European Union should move asylum seekers out of informal tent camps that are not providing adequate shelter from winter storms. Their argument is rooted in natural law, deploying moralistic language and appealing to their readers’ shared humanity. They cite the “appalling conditions” of life for “people warehoused on the Greek islands in increasingly desperate conditions” (Human Rights Watch, “Greece”). Later, they describe how pushback from the European Union and an E.U. agreement with Turkey to expedite deportations have led to “thousands of asylum seekers who arrived after March [being] restricted to the islands, often living for months in overcrowded and abysmal conditions while their asylum claims are processed” (Human Rights Watch, “Greece”). All of these arguments rely on a sense of moral outrage and obligation. Each of the descriptors, “abysmal” and “appalling,” “overcrowded” and “desperate,” is weighed down with negative connotations (Human Rights Watch, “Greece”). Later, the press release rebuts a counter argument by appealing to human dignity, calling it “an unacceptable excuse for condemning people to conditions that threaten their health and dignity” (Human Rights Watch, “Greece”). Human Rights Watch could make a legal argument for moving people from these islands as the rights to health and dignity are both inscribed in the Universal Declaration of Human Rights. Instead, speaking as institutions of “care and compassion,” they make an argument drawing from and bulking up their moral authority to speak about what’s right and what’s human (Barnett 128).

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<sup>28</sup> The title’s explicit foregrounding of location emphasizes the way in which human rights work cannot escape the international sovereign state system.

Another press release entitled “Croatia: Asylum Seekers Forced Back to Serbia” deploys similar argumentative tactics. After describing asylum seekers suffering abuse at the hands of the police as they are being “apprehended” and forcibly returned, the report quotes an employee who suggests that this behavior is “unworthy of an EU state” (Human Rights Watch, “Croatia”). This report alleges that one of the fundamental principles of refugee law — *non-refoulement* — has been violated, but rather than referencing these legal obligations explicitly, the document appeals to a sense of what constitutes worthy behavior, a moral judgment rather than a legal one. While they later explain that “[t]he summary return of asylum seekers without consideration of their protection needs is contrary to EU asylum law, the EU charter of fundamental rights, and the International Refugee Convention,” law is not the primary argument (Human Rights Watch, “Croatia”). Both of these examples illustrate a trend away from positivist legal arguments towards moralistic ones that is prevalent in these press releases. Drawing on their ability to speak on behalf of the suffering, these documents express human rights claims in a universal language of dignity and deservedness.

### ***The Human Rights Report, Expert Authority, and Positive Law***

While the public discourse of human rights — seen in the press release — is steeped in moral outrage and rooted in natural law, the legal language of international human rights reports relies exclusively on an expert authority derived from positive law. In recent decades the field has become increasingly professionalized, with its largest organizations transforming into powerful political actors. Human rights advocacy began as an ad-hoc, grassroots movement: Stephen Hopgood describes Amnesty International in its early years as “a form of collective

action” rather than an organization (7). Today, Hopgood notes, the organization talks about its branding and image, and you can find a “visual identity toolkit” with their logo, colors, and fonts on their website. As Amnesty and other prominent human rights organizations have grown in visibility, though, “fact-finding has become an elite activity” conducted by “professionalized ‘experts’” with degrees from selective institutions (Sharp 69). Unlike moral authority, which draws on the movement’s long relationship with natural law, expert authority is rooted in positive law and draws on a complex legal discourse.<sup>29</sup>

The professionalization of human rights is compounded in the case of refugee law, which is founded on categorization processes like the status determination interview.<sup>30</sup> Roger Zetter applies the concept of labelling — a particularly bureaucratic form of categorization — to the figure of the refugee. Labelling, he argues, severs an “individual’s needs from their context” creating an “important distinction between ‘case’ and ‘story’” (Zetter 44). As the process of being granted refugee status decontextualizes individuals, it replaces nuanced stories with sterile ‘cases’ that fit the generic requirements of the law, collapsing the multiplicity of experiences of refugeeness into an image of silent victimhood. Drawing on Foucault, Michael Barnett sees these processes as “an essential feature of power” (11). The pernicious nature of categorization is hidden by the fact that the labels assigned appear “benevolent, neutral and obvious” (Zetter 59). These labelling and categorizing processes perpetuate power asymmetries, turning refugees into the objects of discourse.

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<sup>29</sup> As Elizabeth Bruch notes, “the law is foundational” to human rights organizations’ impartiality (210).

<sup>30</sup> For Peter Nyers, “the problem of refugees... is a problem, first and foremost, of categorization” (4).

One of the largest sources of concern for critics of fact-finding is the “fundamentally unbalanced relationship” between the victims being interviewed and the professionally trained researchers asking the questions (Boutruche 131). These dynamics may leave researchers blind to victims’ vulnerability, seeing them “only as sources of information,” objects to be categorized rather than speaking subjects with agency to act in their own best interests (Boutruche 133). Like the refugee labelling processes that merely recreate and entrench power relations, human rights research is torn between the ways in which its elite professionalism allows it to address human rights violations while also “reflect[ing] and reinscrib[ing] relations of power” (Bruch 211). While both press releases and human rights reports draw on this expert authority, it is especially visible in the longer legal reports. Drawing on the prevailing positivism of contemporary scholarship on international human rights law, these documents use law as their primary interpretive frame.

The tone of human rights reports also reflects their expert authority. It is “transparent... and self-confident,” relying on evidence to make rational, verifiable arguments (Dudai, “Can You Describe this?” 251). Rather than embellishing their reports, researchers adopt a posture of objectivity and a tone of “journalistic realism” that allows them to frame its content as “simply factual” (Hopgood 205; McLagan 2005, 606).<sup>31</sup> From its early years, Amnesty International articulated the importance of “avoiding emotive or abusive expressions” in their reports (Hopgood 74). This impartiality demonstrates the validity and professionalism of the organization, generating the power of their reports (Bruch 212). But this impartiality also makes

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<sup>31</sup> See Dudai, “Can You Describe this?” 249-251.

the reports feel “depoliticized” and “bureaucratic.”<sup>32</sup>

In “The Mediterranean Migration Crisis,” a report by Human Rights Watch, this repetitive, unemotional language is on display as refugees are described as “especially vulnerable” and “compelled” by “desperate reasons” to undertake “a perilous ride across the Mediterranean” (21, 6, 2, 21). Though these descriptors seem to have emotional or moral undertones, the report deploys them sparsely, referring to the Mediterranean crossing with the single adjective “dangerous” eleven different times. Over the course of thirty-five pages, they never attempt to capture the emotional experience of the journey, focusing instead on discrete and observable phenomena. The report also refers to refugees fleeing Eritrea as an “exodus,” echoing Malkki’s claim that these organizations depict refugees as part of a group, eliding each individual refugee into an indistinguishable “confusing, frantic mass.”<sup>33</sup> In “Hotspot Italy,” the authors similarly treat asylum seekers as if they are interchangeable, citing an interview with two girls named “Fatima” and “Semira” who had been “traveling together,” but the report quotes only one of them without clarifying who said it.<sup>34</sup> The reports treat refugee stories as sterile cases instead of complex stories, deploying them as evidence to make rational arguments, even at the cost of protecting the ideals of complex humanity that purportedly lie at the heart of human rights.

This legal expertise appears in the form of the reports as well as their actual language. They are heavily footnoted, littered with references to international legal instruments and in-

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<sup>32</sup> See Nyers xiii; Malkki, “Refugees and Exile” 513; and Rajaram 248.

<sup>33</sup> Human Rights Watch, “The Mediterranean” 15; Malkki, “Speechless Emissaries” 387

<sup>34</sup> The quote reads: “We tried to go to Chiasso by train twice. But the police caught us on the train, without documents, and told us to get out. The Swiss police handed us to the Italian police” (“Hotspot Italy” 50)

person interviews, giving the texts evidence and an air of impartiality.<sup>35</sup> These footnotes demonstrate the authors' expertise. Ron Dudai makes much of the footnote, citing it as the defining quality of the genre of human rights reports: through the footnote, "[t]he fact-finding is sourced, and the interpretation is not a moral condemnation or emotional, nationalistic claim, but a reference to this or that international convention," grounding the report in the authors' legal expertise (Dudai, "Through no Fault"; 784). For Dudai, the footnotes are a manifestation of the organizations' expert authority, foregrounding their ability to turn international law into an argumentative device.

The authors of the report stockpile testimony as if they were gathering evidence or collecting facts (Dudai, "Can you describe this?" 252). The testimony is excerpted, delivered as if it was the product of an impromptu storytelling session rather than a formal, carefully crafted interview. While the testimony does work to include refugee voices — at first glance seeming to address Malkki's concern about the silencing effects of humanitarian discourse — the quotes included are brief. Direct quotes from interviews with refugees make up only thirteen percent of "The Mediterranean Migration Crisis" report and only sixteen percent of "Hotspot Italy."<sup>36</sup> Testimony is deployed as evidence to bolster the authority of the reports, but they are always secondary to the authors' claims. Quotes from witness testimony are "edited and fragmented" and "subordinated to the overall style and mode" of the report (Dudai, "Can you describe this?" 255). Abdallah, an asylum seeker interviewed by Amnesty International in "Hotspot Italy," has

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<sup>35</sup> "The Mediterranean Migration Crisis," a 34 page report by Human Rights Watch, has 82 footnotes, most of which cite prior reports or statistics put out by Human Rights Watch or UNHCR. In "Hotspot Italy," a 56 page report by Amnesty International, there are 216 footnotes.

<sup>36</sup> The report has 8,749 words in the main body of the report. There are 1,159 words of direct quotations from refugees, and another 505 words of paraphrased quotes from refugee interviews. "Hotspot Italy" has 25,433 words in the body of the report and 4,253 words of direct quotations.

his testimony paraphrased, his individual voice removed, as the text describes how he was “taken by bus to the hotspot of Taranto, where he gave again his fingerprints ‘for fear of being beaten’” (50). The meaning of these excerpts — which are often as short as the quote from Abdallah — are decided by their framing. After citing around fifteen different pieces of testimony, the authors of “Hotspot Italy” write that

Such actions by police as described in this section, involving the deliberate infliction of physical and psychological pain on individuals to force them to comply with the order of an authority, constitute ill-treatment in violation of the international law prohibition on torture and other cruel, inhuman or degrading treatment (22).

This is a typical example of how testimony is collected and then interpreted through the lens of international law. The police actions are condemned explicitly because they violate the international prohibition on torture. The victims’ pain is relegated to a nonessential clause — even at the level of syntax, law is used to frame and give meaning to victims’ voices. In “The Mediterranean Migration Crisis,” the law is not interwoven with the testimony in the body of the text like this. Instead, it frames the entire report, concentrated in the introduction, a section on the European Union’s response, and a section entitled “International and EU Law.” While it is organized differently than the Amnesty International report on “Hotspot Italy,” both texts incorporate testimonies within an explicit framework of international and domestic law rather than allowing the refugees to give their own stories meaning.

There is a dramatic and undeniable distinction between the professionalism of the human rights reports and the casual tone of the testimonies included. While report’s tone exudes an obvious expertise, the testimonies feel informal and unofficial. They reflect first-person experience and emotion in colloquial terms that feel even more casual next to the legal jargon used by the report’s authors. In some cases, the people being quoted lack the “proper” words for

the things they are experiencing. In “Hotspot Italy,” the report’s authors describe Italian officials’ use of “electric batons (also known as stun batons)” which they define as “weapons that inflict significant pain without leaving long-lasting physical traces on the body of the victim” (17-18). The authors know not one, but two accepted words for these weapons. The asylum seekers who have been “subjected to electric batons” go on to describe how the police “discharged electricity on my back with an electric stick” or how “they gave me electricity with a stick” or “touched me with an electric stick” (“Hotspot Italy” 18). Several later refer to “batons such as the police use,” but regardless of the exact words they choose, all of the victims included seem unfamiliar with this device for which the reports’ authors have a precise name and definition. Like this technical jargon, international law is a language that is inaccessible to refugees and victims of human rights violations. These testimonies are intended to be interpreted through the Italian legislation and court decisions, customary international law and the international treaties that are cited on nearly every page of the report.

### ***Conclusion***

As the number of refugees around the world keeps growing, the justifications for human rights advocacy are as numerous as ever. And as states remain the primary actors with the power to change refugees’ circumstances, human rights organizations need to continue to speak the language of international law. The forensic tone of human rights reports may not articulate moral outrage, but it allows the report to speak to its audience — lawyers and lawmakers who must make legal arguments rather than emotional appeals. While human rights organizations paint

refugees as victims, they do so in the context of an international legal system predicated on the vulnerability of those it is meant to protect.

The empirical language of fact-finding is necessary to make claims under human rights law. The language reduces the instability of its facts, which are constructed and framed rather than “found.” In the face of the necessarily reductive nature of these projects, legal scholar Shreya Atrey calls for a “narrative methodology” that could embrace instability and intersectionality, countering “the legal discourse of seeking the truth and seeing the reality in terms of binary multiples of us-them, wrong-right, or black-white” (167). Atrey seeks to revise the language and methodology of human rights organizations and law. But this division between “us” and “them” is created by laws that lie at the very heart of the refugee regime — those dealing with state borders. There could not be a refugee law that avoids those distinctions while the sovereign state system persists.

Attempts by some of these organizations to reduce the dehumanizing effects of their language have not always gone well. Prem Kumar Rajaram reads an Oxfam publication intended to give voice to refugees that was generated by what he calls a “methodology of ‘listening’” (249). Rajaram ultimately deems the project unsuccessful, criticizing the researchers’ failure to account for their own positioning in relation to the refugees they were quoting. He argues that the text was “designed to impart... information without problematizing — indeed, making invisible — the author’s position,” presenting the refugee’s ‘voices’ as abstracted from their own individual context, as well as from the context in which their stories were shared (Rajaram 248). If even a project designed to be participatory and inclusive of refugee voices falls prey to these generic traps, can NGOs ever escape them entirely? For Rajaram, a “methodology of listening”

needs to make the author's position clear, but the author's invisibility is an essential component of the moral authority of human rights reports. With this, Rajaram brings us back to Judith Butler's tension between criticism and pragmatics. He asks if a new humanitarianism, one that depicted refugees as diverse actors with agency and complex history, would actually be desirable, if it in turn "endanger[s] efficient and beneficial aid delivery and government attention" (Rajaram 263). In the realm of international human rights law, there will always be a tension between efficacy and inclusivity, material aid and narrative forms of generosity. Stuck within this stringent discursive context, Rajaram asserts that human rights and humanitarian scholars and practitioners must "acknowledge that 'empowering' refugees in the context of a humanitarian action is also to restrict them" (263). Even if a "narrative methodology" could capture the diversity of voices and complex contexts of refugees, it would continue to be hemmed in by the requirements of states and donors that control the borders over which refugees must pass.

Human rights reports are written with a tangible goal — they always end with a list of recommended actions. In order to convince their audience to undertake these actions, they must speak the language of international law in order "to influence state policy" (Wilson 154). As Dudai argues, "without the use of international law, 'human rights' is a purely rhetorical device" ("Can you describe this?" 249). For Mégret, the law is likewise necessary because without it, we "do not have any language to describe" human rights violations (34). Legal representations of refugees remain constricted, but there are other mediums in which human rights ideology is being shaped. Literature can be a more generous language in which to describe

human rights violations, providing a complement to this state-centered, instrumentalized legal language.

### Chapter Three: Negotiating Belonging in the Refugee Novel

While law offers a way of helping refugees navigate international boundaries, literature does away with the linearity that law requires. Judith Butler and Gayatri Chakravarty Spivak assert that that “the idea of passing from one bounded territory to another requires a narrative line in which arrival follows departure and where the dominant themes are assimilation and estrangement” (17). In the refugee regime — the network made up of UNHR, NGOs, and other legal actors — stories must follow this “narrative line,” beginning at departure and estrangement, and ending with arrival and assimilation. In responding to refugee crises, UNHCR’s mandate states that it should seek durable solutions, including “voluntary repatriation, local integration, and resettlement” in another state (Goodwin-Gill and McAdam 491). These “forms of reterritorialization” reaffirm the power of the sovereign nation-state, returning the refugee to the very system that prompted their displacement in the first place (Haddad 60).<sup>37</sup> The durable solutions offered by the law are not always universal remedies. They continue to be plagued by a “tendency to generalize ‘the refugee experience,’ particularly as an expression of loss,” assuming that refugees want to return to their countries of origin (Chimni 60). Susan Choi’s *The Foreign Student*, Caryl Phillips’s *A Distant Shore*, and Dave Egger’s *What is the What* all explore individual experiences with these durable solutions, showing the ways that borders are not just between countries but within them. They interrogate the singular focus on resettlement, showing that any solution to refugee crises requires manipulating and maneuvering interpersonal boundaries as well as international ones. *What is the What* follows Valentino’s journey to the United States, ultimately showing that movement across state borders, even to a supposed safe

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<sup>37</sup> See J. Bhabha for more on the relationship of the refugee to the sovereign state.

third country,<sup>38</sup> does not guarantee safety and belonging. While Eggers's novel is widely studied by scholars of human rights and literature, Choi and Phillips's books have been picked up by postcolonial scholars interested in an ethics of hospitality for all marginalized people. In this chapter, I draw the three novels together to show the intersections of these questions of hospitality and of law. While Eggers is the most explicit in addressing UNHCR and the current refugee regime, Choi and Phillips's books speak to the particulars of refugee narratives as well.

### ***Rethinking resettlement through Dave Eggers's What is the What***

*What is the What* is easily recognizable as a refugee narrative, and it is one of the most commonly cited, by academic and activist communities alike. It is even featured on a list of the UNHCR's recommended books about refugees.<sup>39</sup> Scholars have approached *What is the What* in a number of ways, with many looking closely at its relationship to genre, testimony, and authorship.<sup>40</sup> Others have focused in on Valentino's traumatic flight out of Sudan. Robert Eaglestone lays out connections between the Holocaust and what he calls contemporary "African Trauma Literature" like *What is the What*, mapping out the ways that these novels share elements like the use of "metatextual historical information," and "narrative framing devices" with many Holocaust testimonies (Eaglestone 79). Elizabeth Twitchell argues that the novel asks its (Western) readers "to recognize the possibility of traumatic African experience—and imagine how it might feel—while simultaneously acknowledging that this experience is fundamentally

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<sup>38</sup> Goodwin-Gill and McAdam provide more on the ways the "safe third country" concept is used in refugee law on page 50.

<sup>39</sup> UNHCR, "Read a Book"

<sup>40</sup> See page 64 for examples of authors focused on the narrative structure of the novel.

not theirs to inhabit” (635). Like Twitchell, Michelle Peek focuses in on the novel’s critique of the humanistic and voyeuristic impulses of human rights and humanitarianism. She argues that Eggers “questions the universal humanist assumptions upon which a rhetoric of rescue is based, and particularly its positioning of the US as benevolent and hospitable” (Peek 115). I find Peek and Twitchell’s work most useful, as they focus on questions of genre and witnessing, while being attentive to the way these devices operate in relation to the issues of human rights and refugee discourse.

At first glance, *What is the What* seems to fit the legal requirements of refugee stories, primarily depicting Valentino’s journey to the United States as rife with fear. But while human rights NGOs place heavy meaning on these journeys, seeing them as a fundamental part of refugee identity, *What is the What* shows movement to be forced and meaningless. If international law imagines that refugee stories follow a teleological narrative line from one territory to another, *What is the What* strongly argues that resettlement is not a linear, one-time process but something that occurs continuously.

When the boys are running away from war or attempting to reach a refugee camp, movement is a painful necessity. Valentino is reduced to “picking thorns out of [his] feet,” treating surface wounds instead of the deep pangs of hunger and sharp joint pains he cannot heal on his own (Eggers 135). The perpetual pain is so great that the boys frequently express a fear that they will walk themselves to death, but even when they feels as if they “would always be able to run,” their endurance is fleeting (Eggers 340). Immediately after one such moment of strength, Valentino and his friend Achor Achor must run away yet again, agreeing that they

“really don’t want to be... these people... not forever” (Eggers 345). They yearn to be reunited with their families and return to a normal life.

The pain of the boys’ forced displacement silences their individual voices. At one point towards the end of their journey, the boys become so thirsty they begin “walking with their hands on their throats, trying to massage moisture into them” (Eggers 215). The boys continue on in silence, trying to avoid the pain of speaking. Movement becomes a silencing and dehumanizing process, creating an incisive critique of the ways that humanitarianism silences individual stories.<sup>41</sup> Later, Valentino voices this critique himself, describing how “Boys fell and bled. Boys ran. We ran and I ran and I had never felt the rage I felt at that moment” (Eggers 225). The scope of the subject shrinks as the iterations of the phrase “Boys ran” and “We ran” and “I ran” progress. Valentino works backward, emphasizing the individual, particular experience usually erased by discussions of refugee “flows” or crises. His rage grows in response to dehumanization that renders him, and all of the other the individual refugees, “utterly dispensable” to everyone around (Eggers 225). In the refugee regime, the boys have lost their individual identities, their particularities subsumed into one monolithic narrative. Conventional representations of refugees depict them as part of a “sea of humanity,” erasing “the very particulars that make of people something other than anonymous bodies, merely human beings” (Malkki, “Speechless Emissaries” 388, 389). The boys are subsumed into a unified narrative as each refugee at Kakuma is assigned January 1 as a birthday upon their arrival (Eggers 167). Collapsing

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<sup>41</sup> Political scientist Peter Nyers makes this claim as well, arguing that “conventional analyses of refugee movements” leave “no place for refugees to articulate their experiences and struggles” and that “[r]efugees are silenced by the very discourses that attempt to provide solutions to their plight” (xiv).

individual histories and identities, everyone that Valentino encounters reduces his identity to his refugee status.

Before the Lost Boys are resettled in the United States, their lives are characterized by periods of constant movement punctuated by periods of forced immobility. After spending years in a refugee camp, Valentino fears he “might always live within its borders” (Eggers 371). At some points in his narrative, this immobility becomes dangerous. The boys begin to feel like they are “just waiting to die,” that if they stay in the camps they will “catch something and wither away” (Eggers 345). While forced movement is painful and dangerous for the boys, forced immobility is not any better.

Valentino’s walk continues for so long that his movement eventually fails to have any meaning. While fleeing in fear can result in a new legal status, the Lost Boys’ journey loses its meaning once their running becomes a habit. When two lights appear out of nowhere one night, Valentino asks William K if they should stop and he responds “No, no. Run. Always run” (Eggers 199). When they reach Ethiopia, Valentino cynically laments how “[n]othing was over. Nothing was safe.... It was no safer than Sudan, and it wasn’t Sudan, and I wasn’t near my family. Why had we come so far?” (Eggers 262). Valentino desperately wants his journey to mean something, to “seem definite and important,” or at least result in safety and stability, but throughout the book he remains part of the “Walking Boys” (Eggers 126).

Even after Valentino is resettled in the United States, he does not necessarily feel any more stability than he did in the refugee camps. His movement is still constrained by outside forces as we see him “still in Atlanta, and... still on the floor of [his] own apartment, tied with telephone cord, still kicking the door” (Eggers 185). Repetition signals the complete stagnation

in his life as the “still”-ness becomes ever more stifling. Though he has been resettled in America, where his movement should be a sign of agency, Valentino is unable to stop using it to cope with his trauma. When Tabitha dies, Valentino “spent many weeks largely unable to move” and, when he does finally leave the house, it is only to “[drive] aimlessly” (Eggers 367). After Tabitha dies, his coping takes the form of meaningless movement or total immobility. Neither approach addresses Valentino’s problems, and neither provides him with the dignity and agency he seeks. He eventually pronounces cynically that “the world was the same everywhere, that there were only inconsequential variations between the suffering in one place and another” (Eggers 349). No matter how much they move, Valentino and the rest of the Lost Boys can never escape suffering altogether.

The novel also reveals how easily the benefits of resettlement can be undermined or undone. In the United States, Valentino “is beholden to, even constituted by, the precarious promises of others” (Peek 124). These promises are broken one by one, beginning on the first pages with the violation of Valentino’s privacy. When Tonya, one of the robbers, “steps inside,” she crosses the threshold between his home and the world, stepping over the border between the private and public domains (Eggers 3). The doors and windows into his home come to signify potential vulnerabilities. Though the doors have locks, they do nothing for Valentino, who opens the door to the burglars himself. After he opens the door, drawers that should stay closed are opened, papers that should be private are read, and computers and phones that facilitate the Valentino’s diasporic community in America are taken away. When one of the robbers named TV Boy enters the bedroom and opens the bedside table, Valentino describes how his “stomach clenches” when he imagines TV Boy looking at “the pictures of Tabitha” (Eggers 110). Later

Tonya rifles through his drawers, “as if she lives here” (138). The robbers rifle through his things without his permission, compromising his control over his own space.

The agency and rights promised by resettlement are undone through the robbery, as Valentino is betrayed by his own belongings, his mouth bound up with his own packing tape and his hands tied with his phone cord (26). In her analysis of Abdulrazak Gurnah’s refugee novel *By the Sea*, Lucinda Newns draws attention to the ways in which household objects “acquire layers of meaning through their function in facilitating (or destroying) human relationships” (511). All of his belongings were “given” to him “anonymously” by members of the community (Eggers 5). As they are taken away by the burglars, Valentino decides that he is “tired of this country” and “tired of the promises” (Eggers 7-8). His possessions truly function as belongings in both senses of the word: they act both as physical property but also as markers of “belonging” to a place, as tangible manifestations of being welcomed into the community. The robbery obliterates the safety of this space of refuge, breaking the promise of belonging manifested in these gifts. *What is the What* ultimately demonstrates the failure of a refugee system premised on hospitality, the story itself “replicating the notion of the failed promise” (Peek 125). Even after Valentino arrives in the United States, he continues to be cast as the “recipient of limited inclusion and hospitality” (Peek 125). Illustrating Derrida’s claim that hospitality always contains the possibility of hostility, Eggers shows that benevolent hospitality for the other is always an incomplete gesture (Derrida 3).<sup>42</sup>

Once these promises are broken, Valentino must resort to running away from violence once again. He insists “that this apartment will have to be abandoned” (Eggers 15). The robbers’

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<sup>42</sup> Benhabib writes that for Derrida, “[t]he ambivalencies of hospitality extend beyond the initial entry of the stranger into another’s land to his reception by the hosts over a period of time” (15).

violation of his home, their defilement of his belongings, and their knowledge of his address will force Valentino to move once again. The robbery neutralizes the community's acts of hospitality, reversing any success that accompanies Valentino's resettlement. As the novel closes, he once again must flee in fear, his movement still dictated by the threat of arbitrary violence.

*What is the What* frames the story of Valentino's resettlement within the narrative of a robbery, forcing a reconsideration of the process of resettlement itself. The narrative "layering denies the teleology and closure" that the law requires of its refugee stories, undermining the supposed safety and stability of the United States (Peek 127). In the process of this critique, the novel emphasizes the pain and dehumanization caused by forced displacement as well as the fragile nature of the "durable solutions" that the refugee regime provides. In *What is the What*, resettlement does not offer an end to Valentino's problems. He is getting an education and has an apartment, but his belonging in the community is tenuous nonetheless.

### ***Borders and belonging in The Foreign Student and A Distant Shore***

As Eggers illustrates, refugees are stuck within an identity defined by a "position between, rather than within, sovereign states" and a "lack of belonging" that cannot be resolved by merely crossing a political border (Haddad 7). Political scientist Emma Haddad argues persuasively that the existence of refugees is not a failure of the international community as much as an inescapable consequence of it. The borders of the state are a part of the source of its sovereignty: states need borders to delimit the territory over which they have power, just as they need the institution of citizenship to delimit their population. On the basis of that logic, Haddad argues that "[i]t is only modern international society that can produce the (modern) refugee, with

its emphasis on parcels of territory divided by clearly defined political borders” (64). These political borders are not merely lines drawn on a map or fences put up across a field. Borders “are cultural processes” that “order and shape the social relations of the peoples affected by them” (Paasi 470, 464). Refugees inhabit a liminal position between these bounded nations, crossing over geographical borders only to encounter their social and cultural counterparts. For Michael Dillon, the refugee is “a figure of the ‘inter’—or the *in-between* of the human way of being,” becoming what Dillon calls a scandal for philosophy and epistemology because they recall “the radical instability of meaning and the incalculability of the human” (95). If nations are a way of ordering people and determining who belongs, the refugee inhabits “a category categorized as being without a category” (Dillon 106). Representations of refugees and asylum seekers take place along these boundaries where belonging is contested and decided.

Susan Choi’s novel, *The Foreign Student*, explores international and interpersonal borders and border-crossings. It follows Chuck as he leaves Korea after the war,<sup>43</sup> arriving in Sewanee, Tennessee to study at a university. The novel dwells as much on Chuck’s acculturation to the South as it does on his past in Korea, showing how the two are delicately intertwined. Against the background of the division of the Korean peninsula, the novel challenges the integrity of the borders of the nation-state, examining both the act of creating a territorial border and the constant (re)enacting of its constitutive cultural counterparts.

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<sup>43</sup> While the protagonist of Choi’s novel does not have legal refugee status, his arrival in America is the result of similar displacement. As Jodi Kim writes, Chuck does not come to the U.S. “chasing after the ‘American Dream,’” instead, he is “running away from the nightmare that is Cold War South Korea” (Kim 289). As he flees the trauma he experienced in Korea, Chuck’s journey parallels the flight of forced migrants facing “well-founded fear[s] of persecution” (The United Nations).

*The Foreign Student* uses Chuck's job as a translator for the Americans during the Korean war to narrate the process of creating an international border. Choi's omniscient narrator describes how after the atom bomb "leveled Japan," the U.S. and Soviets chose the thirty-eighth parallel to split the peninsula merely because it was a line "on everybody's map" (63). The two-dimensional, flattened line only "manifest[s] itself as a" three dimensional "thing" when the Soviets stop "as if they'd hit a wall" (Choi 64, 63). It "ceased to be a set of points," and not long afterwards, it "ceased to be a line and became a border" made of mirrors, refusing to let the two Koreas see one another (Choi 64). Both governments define the Korean nation by its prewar borders, attempting to erase the legitimacy of the thirty-eighth parallel, though, in "being made to disappear in this way, the line revealed itself as entrenched" (Choi 64). In this final sentence, Choi suggests that the border itself — originally an arbitrary line on a map that must be "made to disappear" — has become an actor in its own right and the subject of the sentence as it "reveal[s] itself." *The Foreign Student* suggests that international borders take on a significance beyond their initial arbitrary and imposed nature. In spite of how "the war machine works to stabilize" it, the border in *The Foreign Student* is "inherently shifting" (Parikh 49). Using the thirty-eighth parallel as a quintessential example of the constructed nature of international borders, the novel challenges the naturalization of borders and, by extension, the sovereign nation-state.

In contrast to this arbitrary, unstable, and power-ridden map of states, Chuck makes personal maps of his memories. When he is smuggled out of Seoul in his uncle's car, Chuck "tried to imagine the streets as they drove, to visualize each building as it passed" (Choi 5). This imagined geography is a way of navigating his displacement and holding on to his past. Even after Chuck leaves Korea, his "memory" of his family's country estate, on the other side of the

thirty-eighth parallel, remains “sealed like a globe within him” (Choi 317). Though he cannot cross the DMZ to return to the estate itself, Chuck can return to his memories of the place. In a passage evocative of Elaine Scarry’s writing on torture, Choi describes how these memories “expanded him,” mitigating the ways that the torture destroyed “[t]he boundary between his body and the world” (Choi 310).<sup>44</sup> Earlier in the novel, the narrator describes how Chuck “regrouped, declared himself a small principality,” the language of the state impinging on his body (164). Josephine Nock-Hee Park imports this language into her analysis of the torture scene, describing how “the crumbling borders of his individual state have given way... the sovereign self has been demolished, and the new self that emerges out of the rubble belongs to America” (101). Figuring Chuck’s body in the language of the state, the novel emphasizes the ways in which the sovereign nation-state draws boundaries that “‘spread’ everywhere into the society,” reflecting borders onto bodies (Paasi 470).

Unlike the border constructed during the Korean war, the physical borders of Sewanee have, in fact, always been there. The town is an “island,” a city isolated on a mountaintop, where “nothing new ever washes up” (Choi 35). The borders of the town are derived from its geography — they fade into the background, rendered invisible by their topographical nature. During the school year, the town is “someplace you always just were” and it takes Chuck months to see through the naturalized borders that seem to maroon them all on the mountain, cutting off their connection to the outside world (Choi 22). It is only when all the other students go home for vacation that “the way in which people were tied to things beyond this place” becomes clear

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<sup>44</sup> Scarry argues that “the goal of the torturer is to make the one, the body, emphatically and crushingly *present* by destroying it, and to make the other, the voice, *absent* by destroying it” (*The Body in Pain* 49).

(Choi 139). The other students and faculty at the university blend in, fading into the background like the mountainous borders of Sewanee, but Chuck is “never permitted the liberty of being a mere student” — he is first and foremost a foreigner (Park 80).

The white Southerners see him as “an emissary from a distant land,” his body and language always betraying his ties to the world outside Sewanee (Choi 59). He becomes used to being stared at and defined by the people who look at him. Katherine, the young white Southerner who grew up in Sewanee and who becomes Chuck’s one friend in America, experiences these stares for the first time when she interacts with Chuck in public, his hyper-visible otherness drawing attention to her as well. For Katherine, these stares are shocking, showing just how invisible borders can become to those who belong within them. When she brings Chuck to spaces where she is “an unremarkable, semiregular feature of the landscape,” the other people “now... noticed her” and “gathered to watch” how the two interact (Choi 37). After they face especially intense stares in a café, Chuck tells her, “They don’t know what to make me,” his grammatical mistake explicitly naming the ways in which his identity in America is constructed by others’ perceptions of him (Choi 37). His otherness cannot fade into the background like the borders of Sewanee, or like Katherine, who normally blends in at the busy gas station café.

The gulf between the novel’s two settings is more than a matter of latitude and longitude and lines on the map: there is a gap in their knowledge of one another as well. When Katherine goes to the library to look for a book on Korea, she finds only “a copy of Terry on the Japanese Empire, thirty years out of date” (Choi 43). When Chuck hears from the University of the South, he likewise knew nothing about the United States: he “hadn’t [even] known where Tennessee

was” (Choi 316). Part of Chuck’s role as an emissary and a foreign student is to bridge this gulf. He projects his memories of Korea onto Tennessee, making connections between the two places that no one else could. He describes how “Korea, the land, looks very much like Tennessee... sometimes he woke in the morning and just for an instant was sure he was home” (Choi 53). The “two Souths” are joined in Chuck’s person, his “very existence... the product of mapping one country onto the other,” joining these two disparate landscapes (Cha 45; Park 90). Without Chuck to connect them, South Korea and Tennessee would remain separated by their different cultures, politics and languages, refusing any comparison. But though he bridges these two lands, and can draw connections between them, Chuck finds himself unable to belong in either.

Caryl Phillips’s novel, *A Distant Shore*, draws on the same themes of borders and belonging. Phillips’s novel pulls Choi’s historical narrative into the present, tracing the tenuous relationship between Solomon, an asylum seeker from an unnamed African country, and Dorothy, an aging and isolated divorcée living alone in a rural English village. Like Chuck and Katherine in *The Foreign Student*, Solomon and Dorothy both inhabit the margins of their British community. While Choi focuses on establishing and exploring the borders that separate Chuck and Katherine from the community and from one another, Phillips’s novel delves into the ways in which these borders can be overcome.

The opening of the novel immediately establishes its concern with exclusion and belonging, beginning with a series of brief but telling statements. Dorothy explains that “England has changed. These days it’s difficult to tell who’s from around here and who’s not. Who belongs and who’s a stranger. It’s disturbing. It doesn’t feel right” (Phillips 3). Dorothy’s description of Weston — an old village “divided in two” by the new housing development of Stoneleigh —

reveals how ironic this characterization truly is, as she herself is a stranger in this community (Phillips 4). The other residents of Stoneleigh are also isolated, forming a “small group of extras who live up on the hill” (Phillips 12). Phillips’s England is characterized by divisions and borders, it is a community split on racial, national, and economic lines. Many of Phillips’s characters equate England’s increasing diversity with danger, echoing a discourse that paints the refugee and the immigrant as a threat to the nation. Several scholars have read *A Distant Shore* as an exploration of the oppression intrinsic to contemporary British society. Petra Tournay-Theodotu, for instance, describes how Phillips constructs the fictional town of Weston as “the entire from which other beings — marginalized, strange bodies — have to be expelled, as they constitute a threat to identity and home” (Tournay-Theodotu 302). As a newcomer, Dorothy knows that the village “considers me and everybody else in the new development to be interlopers” (Phillips 25). Only later does the true depth of her isolation becomes clear. Before moving to Stoneleigh, Dorothy “was truly by herself” after her sister Sheila died and her ex-husband Brian divorced her (235).

Dorothy, like Katherine, is a kind of invisible stranger, marked by her isolation and erratic behavior rather than her appearance. Solomon, like Chuck, is a hyper-visible stranger. He is unable to escape the outward indicators of his language, his mannerisms, and his skin, all marking him as a stranger who doesn’t belong in this insular British community. He is ultimately murdered because of his status as an asylum seeker, and Solomon’s murderers aren’t the only characters in the novel afraid of people like him. Jimmy, a man who Solomon meets while sleeping on the streets of London tells Solomon he’s solved the mystery of his identity, saying ““You’re one of those blokes, aren’t you? Coming into this country to sponge off the welfare

state. That's what they say about you lot'" (Phillips 151). The book's complex, "polyphonic" structure shows Solomon "through [these] uncomprehending eyes" as well as welcoming ones (Courtman 274). When he hitchhikes out of London, the only other person on the side of the road is a young woman. As she watches Solomon walk towards her, "the alarm in her eyes is unmistakable" (Phillips 162). While Dorothy can enter the pub in Weston and be treated like any other inhabitant of the town, Solomon cannot even walk down the side of the road. His difference is obvious and visible, marking him as a threat and, in the process, exacerbating his vulnerability.

Though much of the scholarship on this novel equates Solomon and Dorothy's otherness, doing so erases the particularities of Solomon's physical displacement. Tournay-Theodotu equates Dorothy and Solomon's alienation, describing their relationship as a "common bond with another person who has shared a similar experience of (dis)placement" (304). Alexandria Di Maio likewise suggests that though their histories are different, "their loneliness, their sense of displacement, their quest for new beginnings and renewed identities, and their search for a 'refuge' or a place to call 'home' could not be more alike" (Di Maio 252).<sup>45</sup> Like Solomon, Dorothy feels alienated from the community, but though they gossip about her or ignore her, the town would never target her in the way they do Solomon. While Solomon is murdered because of his otherness, Dorothy is merely ostracized. Equating their distinct forms of displacement, these attempts to find common ground between the two characters universalize the experience of being a refugee, doing violence to its legal and political particularities.

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<sup>45</sup> Benedict Lédent (2004) offers another example of this kind of approach.

Agnes Woolley and David Farrier, who focus on the specific context of asylum in *A Distant Shore*, draw from a different set of scholarly and theoretical texts than those of Di Maio, Tournay-Theodotu, and others reading more in the vein of conventional postcolonial criticism. Woolley focuses on the ways that Weston's hostility compromises its semblance of hospitality, preventing Solomon, and other refugees like him, from talking about their experiences. She argues that *A Distant Shore*'s "thematic preoccupation with [using] the process of imagining" as a response to this silencing gesture, can serve as a "starting point for an ethical engagement with asylum" (34). Farrier is also interested in the specific implications of asylum and refugee law in Phillips's work. He reads *A Distant Shore* through a lens of human dignity — one of the most important foundations of the contemporary human rights movement — showing how "the refugee within the space of the nation nonetheless signifies its limits," becoming "the incarnation of a deterritorialized border" (Farrier, "The Other" 406).

In *A Distant Shore*, doors and windows cordon off private lives from the world, while staring reinforces these interpersonal boundaries. In Derrida's writing on hospitality, he equates the nation with the home. For Derrida, the door is both the precondition for hospitality and its limits. "There is no house without doors and windows," he writes, "But as soon as there are a door and windows, it means that someone has the key to them and consequently controls the conditions of hospitality" (14). This, he suggests, is the problem with the hospitality that nations extend to refugees and asylum seekers: it is predicated on allowing the nation to hold the keys and ask the questions, to be "master in their own house" (Derrida and Dufourmantelle 53). This hospitality is incomplete, as it is always predicated on the maintenance of state sovereignty. Doors and windows have a dual function in the refugee novel. They symbolize the borders

between nations, but also act as liminal spaces in and of themselves, for refugees must be accepted into peoples' homes — into the community, not just the territory — in order to survive. Dorothy's neighbors leave their doors ajar, though she "didn't get the impression that the open doors were indicative of friendliness" or hospitality (Phillips 6). Solomon chooses privacy: his windows "give [him] further protection" with their "plastic blinds," positioned so that when he "stand[s] back and in shadow," he is safely out of view (Phillips 251, 252). Doors can be locked and curtains can be drawn, acting as a safety mechanism. But these closed doors and darkened windows work against Solomon, ironically reinforcing his foreignness. Though most of the doors in Stoneleigh are left open, the boundaries between people's private lives are policed in other ways.

Doors and windows can be shut as a protective measure to keep the private world safe, but they are also the thresholds across which interpersonal connections can occur. Dorothy and Solomon's relationship builds through furtive glances out their facing windows and tentative knocks on each others' doors. Agnes Woolley describes how windows "constitute a material barrier," but one made of glass, suggesting "the possibility of insight and understanding" (Woolley 60). Solomon and Dorothy's relationship begins as they peer out their windows, imagining stories and lives for one another. One of the many times Dorothy looks out her window into Solomon's house, she remarks that "There's no movement behind Solomon's blinds and I imagine that he must be out on his patrol. I try to imagine the inside of his bungalow" (Phillips 32). Dorothy's attempts to see beyond Solomon's closed door signal her desire to connect with him, but she is constrained by the limits of her imagination. Later in their relationship, Solomon comes to knock on Dorothy's door, an act that resonates throughout the

rest of the novel. When Solomon turns up at his lawyer Katherine's house in London, for instance, without money or belongings, Phillips describes how she "sighs deeply, and then she looks again at the stranger on her doorstep" (159). The figure of the stranger on the doorstep is an archetypal image in these texts, this act of vulnerability prompting responses of either hospitality or hostility.

Like doors and windows, stares in *A Distant Shore* function in two distinct ways. On the one hand, staring can be a mechanism of safety, meant to protect oneself and one's privacy. Being able to "see everything" from your home "near the far end of a cul-de-sac" provides a measure of safety for both Dorothy and Solomon when they feel threatened by the people in their community (Phillips 9). On the other hand, being able to see entails the possibility of being seen by others. When he first encounters the gang of racist young men from Weston, Solomon "noticed how they look upon my person" with anger, and though he asks them to "'excuse me,' ... they continue to stare" (Phillips 250-51). Staring becomes a kind of silent confrontation. When Dorothy washes Solomon's car after his murder, she sees her neighbors "standing in the street and just staring at me" and she asks herself, "is it that fascinating watching me trying to keep Solomon's car clean? Don't they wash their own cars? Of course they do, and I don't come and stand and look at them, so I don't see the point of this communal gawping" (Phillips 55-56). She becomes increasingly incensed, feeling as if she is "putting on a show" or performing for an audience (Phillips 56). Dorothy and Solomon are both strangers — "people who Weston folk feel comfortable talking about" and staring at (Phillips 35). Under the weight of these stares, they feel pressure to act in certain ways. Weston is a kind of Foucauldian world in which stares police the borders within the country and community.

While staring can become confrontational, eye contact also reveals vulnerability that can serve as the basis for empathetic connections. When he first gets to England, Solomon describes how “nobody is looking at anybody else” and though they are “all strangers to one another... they seem determined to make sure that this situation will remain unchanged” (Phillips 144). If people want to belong to a community, Solomon suggests, they need to look at one another. When Dorothy talks to the geography teacher with whom she has a brief and tragic affair, she “looks into his eyes and sees the vulnerability beneath the bluster” (Phillips 197). She looks at him and recognizes him as someone suffering just like herself. For Phillips’s characters, this mutual vulnerability allows anger to dissipate.

Emotional vulnerability similarly forms the basis of Dorothy and Solomon’s relationship, though they never tell their stories to one another in full. Dorothy gains similar understanding into Solomon’s history when she watches him wash his car, a ritual in which “his every movement would appear to be an attempt to erase a past that he no longer wishes to be reminded of” (Phillips 237). Watching this scene, “she looks at him and she understands,” recognizing herself in Solomon — seeing him as another “lone bird” (Phillips 13). “In search of connections independent of shared memories or territorial ties,” Dorothy and Solomon ground their relationship in empathy and vulnerability instead of nationality (Woolley 51). When Solomon is locked in a cell in the detention center, he watches his cellmate Said die, thinking of Said’s family “until he cannot bear to look any more” (Phillips 72). Watching people not only acts as a protective tool; in staring at one another, the characters share their vulnerabilities and pain, creating the basis for a community of strangers.

After they've recognized their similar feelings of isolation, Dorothy and Solomon seek a connection that moves beyond these guarded stares and truncated conversations. Dorothy is important to Solomon because he sees her as someone who he can trust with his story. In one of the few moments narrated in the first-person and the present tense, Solomon explains that "[Dorothy] is a woman to whom I might tell my story" and that without the opportunity to tell his story, "I am a one-year-old man who walks with heavy steps. I am a man burdened with hidden history" (Phillips 266). Without a chance to tell his story, Solomon's history is erased. He is "voiceless," the creation of his refugee narrative has blocked all but the last year of his life from view (Gunning 146). After he "straighten[s his] shirt collar and... adjust[s his] tie," Solomon "knock[s] on her door" again, preparing to offer to drive her to and from her doctor's appointments. He concludes this section with the short, declarative sentence, "I knock again" (Phillips 266). The plot of *A Distant Shore* is narrated in a circuitous and meandering way, revealing Solomon's death in the first quarter of the book, but then circling out to trace how he and Dorothy arrived at that moment. The present tense of this final scene creates a kind of ironic urgency, knowing as we do that he will not get the chance to "knock again."

### ***Conclusion***

Literature leaves space for contradictions and uncertainties within refugee narratives, freeing them from the linear push of the processes of resettlement, asylum, and repatriation. *What is the What* begins after the end of Valentino's legal story — after he has been resettled in the United States — and then circles back to tell how he came to be in Atlanta. Over the course of the novel, Eggers shows that even after resettlement, Valentino's movement is still forced and

his belonging in the United States is incomplete. *The Foreign Student* alternates between scenes set in the past in Korea and those set in the present in Sewanee, and does not reveal Chuck's torture — in legal terms, the “push factor” behind his departure from Korea — until the last twenty pages. At the most basic level of structure, then, these novels undo the linear thrust of legal refugee narratives. There is no one border that refugees can cross to reach safety. Once they've crossed a territorial border — often no easy feat, as Valentino's arduous journey in *What is the What* shows — refugees encounter boundaries within their new community. Borders are reflected onto individual bodies, dividing citizens from non-citizens. These “cultural” and ideological institutions delimit the geographic boundaries of the state, but are also “reproduced” in quotidian encounters between ordinary people (Paasi 470, 471). Chuck, Solomon, and Valentino all cross borders, changing their names<sup>46</sup> and severing their connections with their families as they pass through “the temporal and spatial dimensions of the here and there, the then and now,” but they encounter barriers even after reaching their supposed destination (Butler and Spivak 18). The refugees move across space and time but never seem to arrive fully in their new communities.

In her work on legal and literary justice, Wai Chee Dimock argues that we need a theory about the novel's “structures of failed resolution, about the range of satisfactions it refuses to claim, let alone to grant” (Dimock 176). This is especially needed in refugee discourse, in which the law insists that a return to the sovereign state is an ultimate solution. Novelistic

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<sup>46</sup> In each of the novels I read, the refugees' names changed at least once over the course of the book. Valentino begins the story as Achak. Chuck is named Chang until he goes to work for the Americans who decide to rename him. Solomon is called Gabriel until he meets Mike and chooses a new name. In Chris Cleave's *Little Bee*, we learn at the very end of the novel that Little Bee was named Udo before she fled Nigeria. This name change is not just a loss of history, it also signals a kind of dissociation for the characters, like when Solomon says that “I was no longer my mother's Gabriel. It was Solomon who learned of Mike's death.... It was Solomon. I was Solomon” (Phillips 264).

representations of refugees show a broader picture of refugee experiences, capturing a wider timeline and insisting that the past and the present can not be split by crossing an arbitrary territorial border.

## Chapter Four: Fiction's Self-Reflexive Storytelling

Using refugee characters as narrators of their own stories, fiction offers a glimpse into parts of stories that remain unspoken, even by the characters themselves. In a sense, they allow refugees to narrate their own silence. While human rights reports move from “the factual to the personal,” sandwiching testimonies inside a legal frame, fiction “engages in a reverse gesture,” unveiling violence in society through these personal narratives (Norridge 101-102). That reversal privileges individual voices over legal dictates, creating a space for refugees to be more than just victims. Refugees in novels tell complex, contradictory, and incomplete stories that would not suffice as evidence in a court of law. Engaged in a self-reflexive consideration of the ethics and effects of representing refugees, these novels embrace the figural elements of language, creating a “self-flaunting multiplicity of reference” that creates forms of “allusive, elastic, circuitous” justice (Dimock 25). While the legal discourse of human rights reports is set up to get people across political borders, its literary counterpart works on overcoming interpersonal boundaries.

In this chapter, I will briefly examine how *What is the What*, *A Distant Shore*, and Chris Cleave’s novel *Little Bee* exhibit a metanarrative about the ethics of representing refugees. In her reading of *Little Bee*, Mireille Rosello argues that refugee stories are “caught within a frame of reference and will either, at least to a certain extent, reinforce or question it” (“Refugee Aesthetics” 8). Each of these novels depicts instances of this legal discourse in action: collecting stories for advocacy purposes, writing stories in resettlement applications or being asked to share them in an asylum interview. Narrating these moments of discourse, the novels show that legal stories — just like legal status derived from having crossed state borders — do not encompass all elements of displacement. The novels reveal the ways these moments of coercive storytelling are

replicated in everyday interactions with ordinary people, but they also offer a more hopeful possibility, modeling a relational storytelling rooted in empathy.

Refugees' stories mediate their entry into communities and facilitate their movement across international borders. *A Distant Shore* examines the forms of legal storytelling that asylum seekers must master, advocating for relational storytelling instead. Solomon is arrested on what Phillips implies are false accusations of sexual assault, and must provide evidence for this criminal case as well as his immigration case. His survival becomes doubly dependent on his ability to "help" himself by providing "relevant facts" that the lawyers can use to construct a case (Phillips 143). *A Distant Shore* displays criminal law and refugee law colliding, showing how the jurisdictional border between these two is not as distinct as human rights advocates and international lawyers would like it to seem.

When it is Solomon's chance to save himself, he is first unable, and then unwilling to speak. Solomon tells his lawyers that he was in France for "A few days," but his criminal defense lawyer named Stuart Lewis insists on establishing a more concrete time frame. He retorts, "And you would have no idea whether a few was three or four, or seven or eight, am I right?" (Phillips 100). As Stuart Lewis's questions growing increasingly pointed, Solomon continues to sit in silence, unable to help "ascertain these facts" because he does not know them — during his journey he could not always tell "if it was day or if it was night" (Phillips 100). After Katherine, Solomon's asylum lawyer, suggests they ease up on the questioning in case Solomon's memory has been affected by his trauma, Stuart Lewis replies that he is "only trying to establish dates, not state of mind" (Phillips 101). But despite her attempts to ease the tension, Katherine too needs empirical evidence to build her case. Solomon's "refusal to participate" in the interviews is

reflective of both “the hostility of these communicative conditions” and the fact that he does not have any concrete facts to give (Woolley 58). Showing behind the closed doors of the asylum interview, *A Distant Shore* reveals the ways in which this focus on verifiable facts is incompatible with the trauma that refugees and asylum seekers experience. When Stuart Lewis asks him another question, Solomon hears it, “but his mind blocks it, like a boxer might parry a blow. He stares blankly at the lawyer” (Phillips 102). The lawyers keep asking questions until Solomon, “realising that he can trust neither of them... begins to shake his head” (103). For an asylum seeker like Solomon, “certain types of stor[ies] can be articulated but others cannot be spoken” (Gunning 145). He must tell a story that confirms an image of victimhood, leaving out details that might confirm the lawyers’ preconceived stereotypes.

Denise and her father drop the charges, and Solomon’s inability to tell his story in the form the law requires seems to be temporarily forgiven. But as he moves throughout England, the initial interrogation is replicated in the interactions he has with ordinary people. Just as borders pervade the interior of a country, requiring that refugees continue to negotiate their own belonging, so too does the asylum interview reappear in an unofficial form. Each person Solomon encounters asks him the same questions as the law did: “how long he has been in England, and why he came, and how he arrived, and if he came alone” (Phillips 155). In these interactions, Solomon must again sift through his story and sort out which details are safe to share. When Denise asks Solomon if “You got a wife? And can you sing or dance or do something like that?”... he stops himself” before responding “that he was a soldier, and that soldiers do not sing or dance” (Phillips 165). Refugeeeness is ultimately a performative act in which speech and behavior confirm and create identity. It is predicated on vulnerability and

“well-founded fear.” Revealing his past as a soldier would compromise Solomon’s claim to that vulnerability. He must perform credible fear, making himself appear vulnerable in order to ensure that the British people he encounters are not afraid of him. Though Mike and Mum and Dad — Mike’s elderly landlords who take Solomon in — welcome Solomon into their lives, they also inundate him with questions. He describes how “whenever [Mike] asked me a question I was always polite and careful in the manner in which I responded” (Phillips 243). As with Dorothy, he decides not to tell Mike that he had been a soldier. After Mike realizes his questioning makes Solomon uncomfortable, he quickly stops, but Mum takes up where he left off, seeming “to regard it as her duty to question” him (Phillips 252). Though these characters all help Solomon belong in England, their questioning replicates the structure of the asylum interview.

In both these legal and casual settings, Solomon “is free to tell of his experiences which confirm the version of the refugee subject made possible within rights discourse” but he cannot share details that would compromise his status as victim (Gunning 145). *A Distant Shore* shows how even storytelling outside of the courtroom or the interview replicates the same structures of interrogation, with individual acts of storytelling carrying the burden of the internal cultural borders. While official stories help refugees navigate physical borders between states, they must keep retelling and reframing their stories even after they’ve been resettled.

In *What is the What*, official stories are limited in the same ways that they are in *A Distant Shore*. Valentino describes how “[t]he first step in leaving Kakuma was the writing of our autobiographies,” explicitly tying movement to storytelling (485). The boys know that “no deprivation was insignificant” and that “those who felt persecuted in Kakuma or Sudan would be

given special consideration,” but as they struggle to “put everything down on paper,” they realize that “the majority of life would be left out of this story” that could only contain a “sliver of a version” of their lives (Eggers 485, 486). Each of the boys has more than one version of their story, choosing which details to highlight in each discursive context they encounter. As Valentino puts it, “we tell the most dire stories” when trying to apply for refugee status or “trying to convey the urgency” of the violence in Sudan (Eggers 28). Even after he had deliberated over each detail, Valentino “held the folder close for days” as he tried to figure out if “this picture, these words, were truly me” (Eggers 486). By acknowledging the limits of these official stories, Eggers emphasizes their inability to capture the full scope of a life.

Over the course of the rest of the book, however, stories seem to have utility, even if they are always incomplete, hyperbolic, or oversimplified. Regardless of whether Valentino’s application for resettlement actually captured his true story, it procured him an opportunity to leave Kakuma. Stories also work once Valentino comes to the United States: a newspaper article about Sudan leads to an abundance of new job opportunities for the Lost Boys and Mary’s attempts to tell their stories yield funding (Eggers 20, 164). Valentino’s relationship with Phil, his sponsor, is also facilitated by storytelling. The novel describes how “on the days [Valentino] did not” share his story with Phil, he helped Valentino with everything else” that he needs to thrive in the U.S. (Eggers 177). Valentino trades his story for Phil’s sponsorship, gaining a mentor and a friend. Even though they are always incomplete, the tactical stories Valentino tells seem to accomplish their goals.

Yet *What is the What* is ultimately ambivalent about the ability for stories to bridge the cultural borders within places like Atlanta or Stoneleigh. The novel is structured as a series of

miniature stories rooted in different memories, each addressed to a different stranger Valentino encounters. With each new story, Valentino stresses the limits of his audience, saying that they “know nothing about what I saw in Africa” (Eggers 28). Valentino calls for a community made of storytellers, but this vision is challenged by the final lines of the book when he asks, “[h]ow can I pretend that you do not exist?” suggesting that to do so “would be almost as impossible as you pretending that I do not exist” (Eggers 535). And yet, the pages preceding were filled with people pretending that Valentino did not exist. When TV Boy “effectively eliminate[s]” Valentino “from his view,” his ignorance and ambivalence is a metonym for the American nation’s response to the refugee. Valentino is able to forgive his listeners’ ignorance, but he challenges their unwillingness to listen his individual story over the noise of the stereotypes they hold. When Valentino tries to tell his neighbor Edgardo his story, Edgardo interrupts him, saying “I read three newspapers a day... [and] I get enough of that. I know about your war. Tell me some other story” (Eggers 13). Stereotypes are silencing mechanisms that ensure that no one will listen to Valentino’s personal story.

Both *What is the What* and *A Distant Shore* are wary of the incursion of the norms of legal discourse into interpersonal conversations. Both appear hopeful about the power of one-on-one connection as Valentino’s relationship with Phil and Solomon’s relationship with Dorothy offer a glimpse at the power of stories to facilitate friendships rooted in empathy. But both are also, in different ways, deeply pessimistic. Solomon’s friendship with Dorothy is no match for the internal cultural borders that mark him as an outsider, and his other friends subject him to questioning that replicates the form and power dynamics of the asylum interview. Ultimately, Solomon ends up murdered, his corpse abandoned in a ditch. Valentino’s fate is not nearly as

tragic, but his existence in Atlanta feels tenuous nonetheless, his belonging in the community undermined from the very first pages of the novel. While legal stories work directly to bring about their desired effects, the more literary work of empathy takes time to effect change.

Literature's slow-moving, empathy-based work accommodates this self-reflexive questioning in a way the law cannot. The structure of Phillips's novel similarly restores dignity to Solomon's voice in spite of the non-linear, contradictory nature of his story. Solomon's story is told through "dreams, hallucinations and fragmented memories" in a way that would be unacceptable in refugee law, but that acknowledges "the troubling and disruptive nature of [his] experience" and accounts for the trauma he has experienced (Woolley 65). The novel weaves together chapters narrated by Solomon with those narrated by Dorothy. Though Dorothy's story "first-person narratives structurally predominate" because they begin and end the novel, her story does not diminish Solomon's (Di Maio 253). The chapters with Solomon's story are concentrated in the middle of the novel, making his story feel more cohesive than it really is.

This cohesion is heightened by the way that Dorothy's increasingly unstable mental state slowly reveals her to be "an unreliable narrator of her own memories" (Courtman 279). Like the asylum-seeker in Blasim's "The Reality and the Record," Dorothy ends up in a mental asylum, and her story is read with scrutiny and discredited once it has been deemed unreliable. While Blasim's story draws our attention to the asylum seeker's mental illness only at the end of the story, revealing the vulnerability of claims to verifiable truth, the unreliability of Dorothy's narration is apparent early on. Set up against Dorothy's madness, Solomon's stories garner less skepticism. Her mental illness tempers the power that her voice—as a middle-class white British

citizen—would normally have over the voices of refugees like Solomon. The story that raises suspicions and must be evaluated is no longer that of the asylum seeker.

*What is the What* does something similar at the level of authorship. Numerous scholars have honed in on this self-reflexive push that is rooted in part in the book's unique genre. The novel employs a metanarrative to allow "us to move beyond simply considering what might be done for subjects like Valentino to include how we too are made by his story" (Peek 129). Daniel O'Gorman similarly suggests that *What is the What* will help its readers to imagine, rather than know with certainty, the experience of Sudanese refugees. "Rather than helping the reader to 'know precisely' the experience of the Lost Boys," he argues that the novel draws "attention to exactly how little she knows of it" (O'Gorman 667). The contradictory title of the book, "*What Is the What: The Autobiography of Valentino Achak Deng; a Novel*" performs two functions: the claim to "autobiography" evokes the power of testimony, while the fictitiousness implied by the label of "novel" frees the text from questions of accuracy. Life-writing has been a powerful tool for postcolonial authors who have used it to "move the reader and produce collective 'witnessing publics'" (Whitlock 9). But it has also demonstrated just how fragile actions based on these testimonial transactions can be. Grounding a story's power on its demonstrable truth renders it vulnerable to efforts to discredit or disprove details rather than taking in the full scope of the narrative. The scandals surrounding the authenticity of testimonies like *I, Rigoberta Menchu* or *A Long Way Gone* by Ishmael Beah show how this can play out. In fictionalizing Valentino's story, *What is the What* protects itself from attacks based on the authenticity or veracity of the story. In the preface, Valentino himself writes that they "had to pronounce *What is the What* a novel" because "some of the events took place" when he was young (Eggers xiv). He asserts that, in

spite of this label, “all of the major events in the book are true” and that “the world I have known is not different from the one depicted within these pages” (Eggers xiv). While *What is the What* does not purport to tell verifiable facts, it does lay claim to truth in a more general, historical sense, shifting the focus off of the individual. It “forces readers to recognize the presence of many other voices waiting to be heard” and refuses being read as a definitive, singular story (Yost 161). Instead, it argues for the importance of the personal and particular story and calls for an empathetic response.

The connection between literature and empathy has a deep history in literary criticism. Martha Nussbaum has written that novels “construct and speak to an implicit reader who shares the characters certain hopes, fears” and who “for that reason is able to form bonds of identification and sympathy with them” (7). One strand of scholarship on human rights and literature often falls back upon this idea of literature as an empathetic tool. In their introduction to *Theoretical Perspectives on Human Rights and Literature*, Elizabeth Swanson Goldberg and Alexandra Schultheis Moore articulate a common argument that “the personal story rendered literarily can illuminate the names and faces of those whom we cannot know, but with whom we are imbricated” (“Introduction” 10). For Lynn Hunt, the rise of the epistolary novel in the eighteenth century is an inextricable component of the emergence of Enlightenment rights discourse. The epistolary form removed the narrator, allowing readers to “read the letter along with” its recipient, and cultivating a heightened sense of identification with the characters which translated into an empathy for other community members (Hunt 43). This empathy is central to the act of advocacy, which revolves around the belief that telling stories will promote empathy, which in turn will prompt a “witnessing public” to action (McLagan).

Other scholars, however, have taken issue with this all-too-easy connection between literature, empathy, and activism, suggesting several ways the “work” of literature can go awry. For Rachel Potter and Lyndsey Stonebridge, “the problem is in assuming that more empathy leads to justice” (6). The connection between empathy and action, much less justice, is a fragile one. Lauren Berlant has described how “sentimental politics” places empathy at the center of civic life, creating a belief “that changes in feeling, even on a mass scale, amount to substantial social change” (54). “A good fictional cry” might let us off the hook, the act of empathizing replacing anything more concrete (Dawes, *Evil Men* 210).

While literature can “work” by creating empathetic connections, Chris Cleave’s novel *Little Bee* shows just how vulnerable those connections can be. *Little Bee* (published as *The Other Hand* in the UK) is the story of a friendship between Sarah, a well-off English woman with a fancy home and job in London, and Little Bee, the refugee she first meets on a beach in Nigeria. The novel depicts Sarah as Bee’s savior, perpetuating power asymmetries and raising questions about the politics of the book as a whole. Cleave’s novel models a new form of storytelling in which stories help refugees not because of any material changes that the stories bring, but because they are an opportunity to build empathetic connections between the citizen and the refugee. While *A Distant Shore* and *What is the What* aspire to this kind of storytelling, Valentino’s stories are ignored and Solomon dies before he can share his story with Dorothy. In *Little Bee*, this kind of storytelling is reciprocal. It is defined by the question that Lawrence asks Sarah: “What if the story is that we are in the story?” (Cleave 233).

In *Little Bee*, official storytelling does not save any of the refugees. At the very beginning, Bee describes how “you must look good or talk even better” to be allowed to stay in

the United Kingdom, or else “they get repatriated” or “sent home early” (Cleave 3). Later she adds one more way to get out of the detention center to her list: having a story that has been officially verified and deemed proof of credible fear. Bee is released from the detention center with three other women. They leave without official papers, and are in the country illegally. One of the other women, the “girl with no name,” has an official story, with stamps “that said in red in this is TRUE” (Cleave 75, 11). The girl with no name commits suicide after she learns that she was released illegally and that her official story is now useless. Bee describes watching the “chain dangling from the roof” that the girl with no name used to hang herself, noticing how “every link was joined to the one before and the one after” and how

it was too strong for a girl like me to break. . . Like you could pull on the grown-up end and sooner or later you would get to the child, just like pulling a bucket out of a well. Like you would never be left holding a broken end, with nothing attached to it at all (Cleave 70).

The chain, at once a metaphor for the power of personal trauma and of collective history, shows how even with a story that is legible to the law, there is no detaching the refugee’s past from her present and her future.<sup>47</sup> As Little Bee herself puts it, “the film in your memory, you cannot walk out of it so easily. Wherever you go it is always playing. So when I say that I am a refugee you must understand that there is no refuge” (46). Refugeeeness is not something that disappears when a refugee crosses an international border to ostensible safety, or even when they return to their home country — belonging must be constantly negotiated. When Bee discovers the girl’s body in the middle of the night and realizes that she “could take this girl’s story for my own,” she leaves the papers alone (Cleave 79). They might help her win her asylum case, but refugeeeness isn’t that

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<sup>47</sup> Interestingly, this metaphor of the chain appears in other refugee novels as well. It is used in a very similar way in *Ru*, a novel by Kim Thuy about a family of Cambodian refugees in Canada. *Ru* shares some of the same thematic concerns of the novels I examine here, but is structured as a series of prose poems.

easily escaped. As Yevette, a Jamaican woman Bee escaped with, declares, “dere is only one place where de proper procedure ends, an dat is de-por-tay-SHUN” (Cleave 73). *Little Bee* depicts the limits of official storytelling processes in which an asylum seeker fluent in English (Bee) and one with a verified asylum claim can still be detained indefinitely.

Cleave weaves together Sarah and Little Bee’s stories and lives, showing through their relationship the ways in which events on one continent can impact lives on another. When Sarah, wants to write an article about refugees, one of her coworkers tells her, in a moment of dramatic irony, that the problem is that refugees aren’t “an issue that affects anyone’s own *life*” (Cleave 204). The point of Cleave’s novel, of course, seems to be that refugees *do* affect everyone’s lives. When Sarah tells Lawrence, the man she is having an affair with, that “Little Bee has changed me,” he responds with scorn, telling her “[w]e see the world’s problems every day on television. Don’t tell me this is the first time you’ve realized they’re real” (Cleave 207-208). For Sarah, hearing Bee’s story in her own words seems to make real the existence of atrocity and displacement in a way the television never could. Bee eventually becomes real for Lawrence too, as he must reconcile himself to the fact that she is a person with agency and a story of her own. He tells her that he “thought about what would be best for Sarah, and what would be best for me” but that he “honestly didn’t even think about what you’d do” (Cleave 189).

This project of reimagining refugees as the subjects of their own stories is reinforced by the novel’s structure, which weaves together Sarah’s and Bee’s stories. The two first-person narrators begin entirely separate, but begin to echo and interrupt one another, creating a new image of the self as “relational, rather than autonomous” and the world as one in which “the self is at once affected by and affecting the other’s stories and perceptions” (Savu 92). At moments,

the narrators seamlessly blend their voices and memories, until Sarah says she “couldn’t remember the point at which [Bee] had stopped telling the story and I had picked up remembering it” (Cleave 116). At one point, while she is listening to Little Bee, Sarah remarks that she wishes her “brain did not fill in the frightful details like this” (Cleave 102). While Bee tries to “report” her story “as matter-of-factly as” she can, Sarah can’t keep her imagination from impinging on it (Cleave 108). This imaginative, empathetic exchange is precisely what the experience of reading human rights novels is meant to be for scholars like Lynn Hunt, who argues that “the novel has worked its effect through the process of involvement in the narrative” (56).

If the story *is* in fact that “we are in the story” as Lawrence suggests, the novel remains inconclusive about the responsibility we hold to the refugee, as well as who the main actor in the story is. In *Little Bee*, Sarah, Andrew and Lawrence all come to represent “something like the imagined reader” of Bee’s story, their actions aligning with the possible responses of readers of the novel itself (Hart 30). For Andrew, Sarah’s husband, stories and empathy are no replacement for action. He writes a letter to Little Bee saying that “[w]ords are nothing. The person I am is the person you saw on that beach. He knows where the commas go, but he wouldn’t cut off one finger to save you” (Cleave 193). Echoing the arguments of literary scholars who question the connections between story, sentiment, and action, Andrew maintains that his words and his empathy will never be enough to atone for his moment of inaction that cost Little Bee’s sister her life.

Ultimately stories aren’t enough to save Bee herself either. In spite of telling her story to Sarah and cultivating a relationship rooted in a kind of reciprocal empathy, Bee is deported after

she phones the police when Sarah's son goes missing on a busy London street. In a surprising act of courage and companionship, Sarah and her son get on Bee's plane as it is about to leave the gate, returning with her to Nigeria. The two decide to collect stories of human rights violations from other Nigerians in order to prove that Bee's asylum claims are valid. Even the many stories they gather aren't enough to save Little Bee, as she gives herself up to the soldiers on the beach in Nigeria at the end of the novel in order to, once again, save Sarah's son Charlie.

*Little Bee* gives us several characters for whom storytelling isn't enough, but it also gives us Sarah, for whom storytelling is a call to action. Until she hears Little Bee's story, Sarah remains "dully aware that refugees are detained and embarrassed about it, but neither as knowledgeable or as upset as she ought to be" (Hart 30). After befriending Little Bee, however, Sarah becomes dedicated to collecting stories and leveraging them, unofficially doing the work of a human rights reporter. The novel cuts off before their project is finished, leaving Sarah's ending unknown. Will she keep collecting the stories of the millions of Bee's fellow "floating people" after Bee herself is dead? (Cleave 80). Or will she be overwhelmed by Bee's death or her task and return to her mundane life in the suburbs of London? Cleave leaves these questions unresolved, and the nature of Sarah's future unknown.

The uncertainty about how we are meant to understand Sarah at the end of the novel leads to a fundamental question about the power of literature and the degree to which it can be read as containing the possibility of being at once revolutionary while also complicit in power asymmetries. Cleave's novel has been interpreted in contradictory ways, with some scholars lauding it as an example of the ways literature can overturn the dehumanization of refugees, while others condemning it for doing exactly the opposite. For Mireille Rosello, the novel

reimagines the relationship between refugees and British citizens, showing “constantly” that both “play the role of the storyteller” and that their stories are inextricably intertwined (“Refugee Aesthetics” 11). In her reading of the novel, Rosello emphasizes the fact that “both the ‘girls in the village’ and the (Western) reader... learn, from *Little Bee*, what it means to be a refugee in Britain” (“Refugee Aesthetics” 13-4). Agnes Woolley, on the other hand, concludes that we must “balance” the novel’s faith in “storytelling against the extent to which the novel undermines these aims by re-enacting, rather than counteracting, the harmful effects of a polarized world” (184). Woolley focuses on the way the novel’s paratexts—the Q&A with Cleave at the end of the novel, as well as the links to research on his website—present *Little Bee* “as a valid representation of asylum” on the basis of an exterior “empirical reality” (183). She is also concerned about the moments when Sarah and Bee’s narration blends together, arguing persuasively that at times it verges on appropriation.

Cleave’s novel could be read, as Rosello argues, as upholding a model of empathy and relational storytelling. If the emphasis is placed on Bee’s effects on Sarah — who is metonymic of white upper-middle class England<sup>48</sup> — spurring her to use her journalistic platform to advocate for all refugees, the novel captures the possibility for personal relationships to have political ramifications for the community. Even in this positive reading, however, empathy and storytelling are not enough to save Bee herself. On the other hand, Woolley shows how the novel could also be read as reenacting hierarchies between the citizen and the refugee. This reading would move towards a recognition of the danger of a personal empathy that prevents us from gaining the distance needed to undertake a critical examination of the power differences between

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<sup>48</sup> At one point Sarah remembers a time when the country’s “contours cleaved to the curves of [her] own body” (Cleave 198).

the refugee and the citizen. Like Brecht's alienation effect — in which empathetic identification precludes a critical view of social structures<sup>49</sup> — or Paul Bloom's critique of emotional empathy's limited scope, this reading of *Little Bee* would emphasize the way Sarah's position as a humanitarian savior is reified over the course of the novel. Regardless of which reading we ascribe to, Cleave's novel demonstrates the ways that literature like all discourse, is bound up with power.

While legal stories of refugees are constrained by the requirements of verifiability and victimhood, their literary counterparts are limited by indeterminate meaning. These different interpretations of *Little Bee*'s relation to the power asymmetries of refugee law reveal the indeterminate nature of literary justice. Novelistic representations of refugees are a kind of “transposition of [the] clean abstractions” of refugee law “into the messiness of [literary] representation,” making the texts “less efficient, less goal oriented” than the law (Dimock 169). The indeterminacy that these transpositions create, however, allows literature to self-reflexively register its own resolutions “as a loss, a strain, a necessary abstraction that necessarily does violence to what it abstracts” (Dimock 9).

Cleave, Eggers, and Phillips each depict scenes of official human rights storytelling, showing refugees giving testimony in a resettlement application, an asylum and criminal court case, and on an unofficial fact-finding mission. Through a metanarrative, these novels highlight the weaknesses of literature, providing compelling evidence that stories alone are insufficient. Though it avoids falling prey to this vulnerability through its hybridized genre of fiction and life

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<sup>49</sup> Brecht defines epic theater as “a technique of taking the human social incidents to be portrayed and labelling them as something striking, something that calls for explanation, is not to be taken for granted, not just natural” in order to “allow the spectator to criticize constructively from a social point of view” (125).

writing, *What is the What* points to the ways that literature can be undermined by its own claims to veracity. The characters in *A Distant Shore* never even get to tell their stories to one another, demonstrating the slow timeline of the work of storytelling, which must first build conditions conducive to the exchange by breaking down stereotypes and discovering mutual vulnerability. Finally, *Little Bee* emphasizes the ways that literature, like law, is inflected with power relations. Although literature can lead us to empathy, “the test of that new imaginative capaciousness is... in the concrete willingness to change constitutions and laws” that overthrow power relations rather than perpetuate them (Scarry, “The Difficulty” 105). Literature leaves things undetermined and unresolved, creating that “imaginative capaciousness” but making direct and immediate action implausible.

## Chapter Five: Conclusion

I began with a short story by one refugee, Hassan Blasim, and I want to end with the words of another. I've asserted all along that human rights and humanitarian discourse leaves little space for refugees to speak for themselves, and I want to make space in my scholarship for those missing voices. Author of *The Sympathizer* and a short story collection entitled *The Refugees*, Viet Thanh Nguyen describes his own experience of being a refugee in an op-ed for *The New York Times*, lyrically articulating a number of the themes running throughout this project. He declares himself “not an immigrant” but “a refugee who, like many others, has never ceased being a refugee in some corner of my mind” (Nguyen). Like Butler and Spivak, Nguyen asserts that refugee stories are not linear and teleological — they do not have an end point and cannot easily be subsumed into broader cultural narratives that romanticize migration. He also describes how refugees' lives continue to run up against xenophobic borders: his parents “became successful, at the cost of being shot in an armed robbery” — somehow being a refugee is itself enough to be perceived as “simply un-American” (Nguyen). Nguyen also outlines the traumatic nature of the journey of refugees, describing his own memories as “fragments of a dream, hallucinatory and unreliable,” but “imprinted in the body” and manifest in the senses. Though Nguyen has “no guarantee [his memories] are true,” his story echoes the themes of *The Foreign Student*, *A Distant Shore*, *Little Bee*, and *What is the What* in uncanny ways. This resonance suggests these diverse works of fiction may unearth a kind of truth of the experience of describing displacement, even if the experiences of the displacement itself bear little resemblance to one another.

Images and stories of refugees seem to be everywhere. They enter our libraries and our living rooms as the subjects (and authors) of novels and poems, magazine features and political debates. In her 2014 book, Agnes Woolley describes a “representational anxiety” that limited the number of refugees narratives in fiction and film (21). In the intervening years, that anxiety appears to have lessened. Alongside a growing number of cultural texts, legal and political work on refugees has increased as a response to rising displacement around the world. Despite their parallel growth and common subject matter, these two conversations remain separate, referencing each other only obliquely. As this project has shown, that should not be the case. Legal and literary representations of refugees complement one another and are each concerned with negotiating overlapping borders and modes of belonging.

The law is an essential component of refugeeness, bound up as it is with the sovereign state. Refugee law and human rights and humanitarian law are each distinct, but they are used in conjunction with one another by many of the same organizations as they go about their advocacy work. These organizations gain their power from information they’ve gathered and framed, directed either to the general public in hopes of raising funds or support, or to lawmakers and the United Nations in hopes of affecting policy decisions. In order to leverage this information, it must be made of corroborated fact, often taking the form of witness testimony. After the testimonies are collected, they are assembled into reports and press releases, drawing on the moral weight of the work as well as the expertise of international law.

Moral and expert authority provides the power of NGOs’ language. In exchange for this power, though, these forms of authority cast stringent limits on the kinds of stories that human rights organizations can tell. Press releases use moral authority as their persuasive frame, arguing

that states should change their behavior in order to advance human dignity. It allows them to argue for the reduction of human suffering, but at the same time it is dependent on the vulnerability of the people it is trying to aid. Michael Barnett and Liisa Malkki ascribe this paternalism to the refugee regime, emphasizing the ways that it acts on behalf of refugees, treating them as objects of discourse instead of speaking subjects who know what is in their own best interest. Alongside moral authority, human rights organizations rely on their ability to use international law, crafting complex legal arguments that speak the language of the state. Like moral authority, this expertise also has a silencing effect. Framed by the jargon of international law, refugee voices are made to sound unsophisticated and weak, their power stemming only from the violence that has happened to them. Legal representations of refugees remain stuck in this discourse, helping protect people as they cross the borders between states, but silencing their voices in the process.

Literature pushes law beyond itself, suggesting that gaining legal belonging is not necessarily the same as being accepted into a community. Refugee novels depict resettlement and other so-called durable solutions as incomplete, conditioned on a hospitality that bears within it the possibility of hostility and violence. In *What is the What*, Valentino's resettlement is undone by the robbery, his privacy violated and his belongings — given to him as gifts by community members — taken away. Even his movement becomes forced, as he decides to leave Atlanta in case the burglars' friends come after him. Valentino is welcomed by part of the community, but even that is not enough — his belonging is fragile, premised on a hospitality that is easily revoked. Susan Choi's *The Foreign Student* explores the ways that state borders become cultural ones, constantly restaging the moment in which this hospitality is granted or denied. Though

Chuck legally belongs in Sewanee, he is unable to overcome the internal cultural borders that pervade the American South. He remains on the margins of this new community, his belonging always incomplete. Similarly, in Caryl Phillips's *A Distant Shore*, Solomon lives in a community divided between the old and the new residents. As a newcomer and also a refugee, he is the victim of several hate crimes and is effectively isolated from the rest of the town. He receives threatening mail, has graffiti painted on his wall, and eventually ends up dead. The only hope Phillips offers comes from Solomon's relationship with Dorothy, an elderly white woman who is also marginalized by the community. Dorothy and Solomon face the stares of the rest of the community together, and just before Solomon is killed, he describes wanting to tell her his whole story. Replicating the reciprocal vulnerability and storytelling at the heart of Solomon and Dorothy's relationship, literature can capture and convey the diverse personal narratives of refugees and other displaced people. These novels expand the story beyond the moment of supposed arrival, challenging the linearity of legal representations of refugees and suggesting that getting people across state borders does not guarantee their safety.

Refugee novels propose storytelling, grounded in empathy, as a way of negotiating internal boundaries, offering a critique of the very processes that they themselves are engaged in. Refugees are cast as narrators of their own stories, giving them a kind of narrative authority that the law cannot. This self-reflexive narration occurs in moments like those when Solomon describes censoring the stories he tells his friends, or when Valentino addresses his memories to the people he encounters at the gym or in the hospital. In literature, refugees are given the chance to narrate their own silence, revealing the parts of their stories excluded by the requirements of the law. It leaves questions unanswered and plot-lines unfinished. It is this indeterminate

meaning and lack of resolution that allows it to depict refugees as complex and fully human subjects rather than reducing them to their victimhood. But the indeterminate meaning also compromises literature's ability to achieve a concrete goal or communicate a particular moral. The uncertain ending of Chris Cleave's *Little Bee* reveals these limits, being read by scholars as both revolutionizing the encounter between the refugee and the citizen and perpetuating dehumanizing power relations.

Without law, “human rights is a purely rhetorical device” (Dudai 249). The two genres must be put in conversation with one another, allowing law to provide political power for fiction and allowing fiction to provide a more capacious image of the refugee. Pulling these two genres together also allows us to consider the different kinds of subjects they create. In this broader discourse, refugees could be “understood to have agency [and] the capacity to act” (Khor 19). Human rights law creates a kind of juridical subjecthood, reducing humanity to a legal status that can be undermined and even stripped away (Esmeir). Literary texts can create new kinds of subjects — forcing people like Lawrence in *Little Bee* to recognize the agency that refugees possess — but they can also perpetuate the same modes of dehumanization as the law. This discourse, then, can be “a site of struggle over the ideology of human rights” (Khor 18). Judith Butler proposes in *Precarious Life* that “perhaps we make a mistake if we take the definitions of who we are, legally, to be adequate descriptions of what we are about” (25). What literature can do is provide an alternative locus for those descriptions, a way of fleshing them out and accommodating the extralegal components of refugees' lives.

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