

Diana Tietjens Meyers. *Victims' Stories and the Advancement of Human Rights*. Oxford University Press 2016. 276 pp. \$115.00 USD (Hardcover ISBN 9780199930388); \$33.95 USD (Paperback ISBN 9780199930401).

In this day of dire warnings about the arrival of yet another 'migrant caravan' headed toward the U.S.-Mexico border, it is worth re-examining just who is worthy of legal protection under our nation's immigration laws and whether our concept of victimhood does justice to the individuals seeking protection from human rights violations. *Victims' Stories and the Advancement of Human Rights* by Diana Meyers provides a timely and useful template for doing just that and, along the way, illuminates how conventional narratives regarding victims undermines their inherent moral worth and dignity.

Meyers begins by asking how victims' stories contribute to a culture of human rights. According to Meyers, philosophers such as Cavell, MacIntyre, and Rorty conceptualize moral problems as a form of storytelling, which impels us to ask what actions an agent might engage in that would be morally commendable given the circumstances. Moral storytelling raises micro-level questions about what comes next for the victim, which entails what is owed to such survivors. At the same time, it also raises macro-level questions concerning what types of moral storytelling contribute to the building of a human rights-based culture which, in turn, 'augment the protections they afford' and 'fortify non-victims' commitment to human rights norms.' (3) It is at the macro-level that Meyers' focuses her project.

This echoes philosopher Todd May's argument for 'narrative values,' which allow us to assess the meaning of our lives as if we were characters in a story, rather than as discrete events. Undoubtedly, narrative can be a powerful tool that not only cues us into the meaning of our own lives so that we might live more consciously in accordance with our values, but also the meaning of the lives of others so that we might help others achieve self-realization. Meyers doesn't doubt the power of narrative to enhance our understanding of precisely why human rights abuses are wrong. However, whether narratives about victims of human rights abuses are useful for promoting a culture of human rights and dignity largely depends upon how victimhood is conceptualized.

Herein lies the relevance of Meyers' book: many of our paradigms concerning victims adversely affect our analysis of their stories, which, in turn, actually dehumanizes the very people that we are presumably trying to help. She identifies two dominant paradigms of victims of human rights abuses: one stigmatizes them as pathetic, passive, and helpless in the face of overwhelming force and cruelty; the other valorizes victims as heroic nonviolent warriors bravely fighting against oppression. This observation squares with that of human rights law professor Makau Mutua who has written about how the 'grand narrative of human rights' consists of metaphors about 'savages' pitted against 'victims' and 'saviors.' For Meyers, such polarized views are wrong not only because they 'are out of keeping with well-established social practices regarding how victims are to be acknowledged' (18), but because they deny the complexity and nuance of individual experiences and moral agency.

This is not merely a matter of semantics. There are real-world consequences to such conceptualizations and they are primarily born by the victims themselves. By injecting innocence as a criterion, both paradigms 'block recognition of certain victims of human rights abuse' (18), which leads us to absurd and inhumane conclusions that adversely impact the best human rights practices.

Thus, when in reference to domestic violence survivors from *femicidal* cultures, such as Honduras—where there is less than a five percent chance that authorities will arrest and convict

perpetrators of sexual violence against women (including murder)—former U.S. Attorney General Jeff Sessions states that asylum law was never meant to protect victims of ‘private crime,’ he is not only making a questionable statement about the nature of crime (arguably if something is labeled a ‘crime’ i.e., conduct that is officially proscribed and entails legal sanctions, there can be no ‘private crime’ in any legal regimen); he is also making a statement about who is morally pure enough to deserve legal protection. This schism between the public and the private, whereby justice is seen as operating only within the public sphere, has historically disadvantaged women and ignores how human rights abuses are experienced by them. Moreover, since survivors of domestic violence are often viewed as ‘complicit’ in their abuse, they may be viewed as ‘undeserving’ of legal protection.

Similarly, after the terrorist attacks of September 11, 2001, U.S. immigration laws were changed to bar applicants who provided ‘material support’ to terrorist groups. The unintended effect, however, was to bar human rights abuse survivors from legal protection, as in the *Matter of A-C-M* case, which found that an El Salvadoran woman who was kidnapped, enslaved and forced to cook, clean, and launder for a guerrilla group provided material support to a terrorist organization and was therefore barred from protection, even though her kidnappers were the kind of organization the law was designed to protect Americans from, and she was the kind of victim asylum laws were designed to protect.

Although Meyers doesn’t specifically address asylum law, her analysis is relevant to it. ‘Victims’ stories are as various as the individuals who tell them and the abuses they recount,’ writes Meyers, and yet attorneys who represent victims of human rights abuses before immigration judges are often forced to place victim narratives into an easily recognized ‘format of victimhood,’ so that adjudicators may quickly identify them as a legitimate and worthy of protection.

As Meyers points out, ‘[t]he unreliability of trauma victims’ recall, especially under pressure, is well documented in the medical literature,’ (10) and yet this vulnerability is precisely what is attacked in immigration court and asylum office settings. Although the fragility of memory (e.g., the tendency to conflate individual acts of violence where violence is repeated and sustained) can be mitigated to some extent through expert testimony, the victim’s ability to recall exactly what she stated in the manner in which she stated it in her original declaration is a primary means by which the factfinder determines whether she is credible.

Adjudicators of asylum cases typically rely upon ‘country conditions reports,’ e.g., reports, articles, and affidavits by scholars, journalists, human rights observers, governmental and non-governmental organizations, and others on the social conditions in the victim’s native country. Such reports verify the context in which human rights abuses occur and help prove that the experiences suffered by victims rise to the level of persecution rather than mere crime, which may be a one-off event. However, in reality, such reports are also used to shoehorn victim narratives into an acceptable format.

Overburdened judges and asylum officers rely on the ‘family resemblances’ between paradigmatic (i.e., successful) cases and those that fail to fit neatly into those paradigms are often rejected unless the asylum-seeker employs an attorney who is able to educate the adjudicator about how their unusual case ‘fits’ into a preexisting paradigm. The fact that the vast majority of immigrants in legal proceedings do not have access to legal counsel and those without counsel are more likely to be deported compounds the institutional impact of official reliance on ‘faulty’ victim narratives. Indeed, prosecuting attorneys seeking to deport asylum seekers often focus their inquiry on whether victims sufficiently act like pathetic victims—for example, whether victims stayed and worked after their alleged violation, even if working enabled them to earn money to flee their circumstances—thereby denying the complex intermingling of agency and victimhood in most victims’ stories.

It is for these reasons, that, in place of the pathetic and heroic victims, which require an inhuman degree of moral purity and innocence, Meyers calls for a ‘burdened agency’ criterion, one that ‘better aligns with a realistic understanding of human subjectivity and agency and allows for a more inclusive understanding of who is a bearer of human rights and under what conditions right-holders become victims of rights abuse.’ (18)

While Meyers deftly argues that such stories invoke normative content and alert us to the existence of rights, she also painstakingly unpacks the structure of narrative, and examines the role of empathy in moral knowledge while elucidating the ethical dilemmas associated with the use of victims’ stories. Moreover, in response to the concerns raised by her own analysis, Meyers develops ethical guidelines for various human rights projects (justice, aid, research) and specifies the responsibilities of individuals who participate in volunteer-based human rights projects. In doing so, *Victims’ Stories* centers on works from a number of ethicists, aestheticians, and emotion theorists that are far too numerous to list here, but which include Anthony Amsterdam and Jerome Bruner (narrative and law), Jenefer Robinson (the morally instructive value of narrative), and Sonia Kruks (gendered embodiment). In addition, the author utilizes examples drawn from literature, literary criticism, psychology, and the biographies of survivors such as Mohamedou Ould Slahi (*Guantanamo Diary*), Ishmael Beah (*A Long Way Gone: Memoirs of a Boy Soldier*).

Although there are moments where Meyers’ detailed analysis threatens to overshadow her fundamental argument, *Victims’ Stories* nonetheless remains a powerful work that provides tools for thinking about our moral responsibility to victims, how public narratives about victimhood are implicated in our failure to live up to that responsibility, and how we might reconcile the gap that exists between the ideals of human rights and their implementation.

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