A Levinasian Critique of Feminist Theories of Vulnerability

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Abstract

The starting point of the embodied being as vulnerable, instead of autonomous and self-interested is held in common, offering a greater possibility of liberating the liberal subject from unjust institutional restraints, is shared. However, whether embodiment, as inherently and inescapably vulnerable, is prior to one's relations with others is in question. In Levinas's philosophy, one's desire for what can be possessed, whether material things or symbolic gifts like recognition, is ruptured in the face-to-face encounter, where one is confronted with one's fundamental and all-encompassing responsibility to the Other. This is, however, a completely positive description of human nature, in his philosophy. By responding to the call of the Other, one is opened to the infinite, and can thereby access one's deepest potential for finding and making meaning. This possibility is not given its due in many contemporary feminist presentations of vulnerability analysis, which focuses on the necessity of state responsiveness. This is not necessarily in opposition to any particular idea in Levinas's account, but it does lack a foundational understanding of human nature.

Keywords: Embodiment, Ethics, Feminism, Levinas, Vulnerability

I. Introduction

Martha Fineman, in the article 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) gives an account of vulnerability as a necessary constituent of the human condition, in opposition to what she sees as the dominant idea that the autonomous, rational agent is the archetypal subject. She grounds vulnerability in human embodiment, the physical manifestation of the potential to be harmed, but does not limit it to the tangible.

In her account, there is equal regard given to the affective and societal aspects of the condition of vulnerability, without taking it out of its position within embodiment. From this, the notion of resilience is redeveloped from the standard of sovereign being, so as to refer to a social phenomenon rather than an intrinsic human trait. Emmanuel Levinas, too, finds a central role for the understanding of vulnerability as a constituent of human existence in his philosophy. In his work, however, the understanding of this vulnerability is not intended to serve any explicit social or political purpose. Rather, the conception of vulnerability as a defining element of the subject leaves room for a positive account of vulnerability, as opposed to Fineman's account, in which it is not necessarily negative, but does entreat compensation from the state. In post-liberal streams of feminist thought, 'vulnerability analysis demands that the state give equal regard to the shared vulnerability of all individuals' (Fineman 2008, 20). Levinas's ethics, in contrast, sees vulnerability as making no demands on the state, but does account for the embodied being as that which emits a summons, a call to responsibility. In this case, however, it is to be received by the Other.

II. Vulnerability Analysis: Martha Fineman's Thought

Fineman situates herself first within the tradition of liberalism in order to build on top of it, as she seeks to escape, or at least expand, the confines of what most fundamentally characterises the subject. She first suggests that the standard determinant of man has historically been thought of as rationality, that which allows personal decision-making informed by an understanding of what is right and wrong. From this, Fineman takes issue with the moral emphasis that has been placed on individual autonomy and self-sufficiency in the dominant cultural streams. Hence, the framework for a legal subject lacks any explicit or implicit reference to the embodied condition of vulnerability and overlooks the complex dynamics of responsibility and neediness in which all are enmeshed. Fineman contends that this has allowed the state to pull back 'from fulfilling one of its traditional roles in the social compact: to act as the principal monitor or guarantor of an equal society' (Fineman 2008, 6). In order to uphold meaningful social equality, she argues that a richer and more nuanced understanding

of vulnerability is necessary. This understanding must not conflate vulnerability with helplessness, victimhood, or weakness, but ground vulnerability as 'a universal, inevitable, enduring aspect of the human condition that must be at the heart of our concept of social and state responsibility' (8). To do this, she uses the body as a point of departure to explore interdependency and comes to the conclusion that the condition of vulnerability ought to be ameliorated by the state.

Vulnerability, when conceived not as an exceptional situation, but as a defining feature of human existence, creates the foundation for many of the most vital elements of wellbeing, including depth of meaningful relationships built on the basis of mutual care. In this sense, vulnerability is somewhat paradoxical. Vulnerability is at the root of pain and suffering, whether physical or emotional, as well as the capacity for love and meaning making. Martha Nussbaum, who, like Fineman, considers vulnerability from the post-liberal feminist perspective, a tradition beginning with the gradual abandonment of individualistic thinking insofar as it overlooks human relations. Nussbaum writes of this paradox that 'it suggests that part of the peculiar beauty of *human* excellence just *is* its vulnerability' (Nussbaum 1986, 2). The vulnerable condition is not inherently limiting, although it does impose limits, and it is integral to human flourishing. Nussbaum further suggests that 'if it is true that a lot about us is messy, needy, uncontrolled, rooted in the dirt and standing helplessly in the rain, it is also true that there is something about us that is pure and purely active' (2). Flourishing is thus produced through an *unequal* balance between embodied vulnerability and rational agency, as rational agency cannot alleviate the embodied condition, though the embodied condition does influence rationality. These are set up as two inseparably entangled, but not necessarily mutually constitutive, components of humanity. To best visualise what the expanded meaning of vulnerability might be, Nussbaum uses the analogy of a plant, which grows with 'a yielding and open posture towards the world' (340). In this picture, both embodied and environmental conditions are clear, as are those of interdependency, distinct from dependency, and the limited perspective of finitude.

Maintaining the centrality of embodiment allows the exploration

of meaning making to continue in light of corporeal associations. Corporeal interactions, however, are of course never only positive, and Fineman accounts for this. It is due to one's being embodied that they can be abused physically, and equally possible and present in the condition of vulnerability is the potential for one's psychic expressiveness, as well as their autonomy, to be violated through their body. This is not Fineman's intended focus, but it is important to her overall project, which is to reconsider vulnerability so that it 'can act as heuristic device, pulling us back to examine hidden assumptions and biases that shaped its original social and cultural meanings' so as to make the term 'valuable in constructing critical perspectives on political and societal institutions' (Fineman 2008, 9). While vulnerability can be generative and lead to holistic fulfilment, it inescapably refers to an ineradicable absence of protection against any kind of harmful forces, and thus there is room for an institutional layer of shelter against these forces, designed not to alter the human condition, a futile mission, but to better allow the vulnerable subject to flourish without sacrificing or denying the depth of any part of their vulnerability. Hence, vulnerability has the potential to be 'a useful hermeneutic tool for better equality' (Mao 2018, 3). A greater understanding of vulnerability as a shared condition, one that cannot be evaded, as distinct from a temporary situation or one experienced by a certain group, has the power to create more equitable societal foundations.

With the intention of emphasising the necessary role of institutions and social structures in addressing vulnerability as a non-exhaustive constituent of the human condition, without reducing that condition to one of dependency or frailty, Fineman deliberates on responsiveness. Responsiveness in this context is that on the part of the state, to offer recognition of and resources to address material vulnerabilities. Fineman argues that it is the responsibility of the state to create institutions designed to address the disparities in vulnerability that lead to social inequalities and injustices. For example, publicly funded healthcare takes some of the weight of the burden of how easily injured or incapacitated the human subject can be, due to the physical perilousness of embodiment. From this idea, Fineman works towards a rethinking of resilience. Not to be thought of as an individual trait, resilience in the context of vulnerability analysis refers to a state in which the

subject is understood within the social web, and this web offers a 'means of protection against risk', which is inseparable from the understanding of the vulnerable subject (Fineman 2008, 15). The position of the subject within the web is also determinative of the kind and degree of their vulnerability, and this shines even more light on the requirement for the state to maintain institutions 'constructed around a well-defined responsibility to implement a comprehensive and just equality regime' (Fineman 2008, 19). This constitutes the site of conferring resilience to the naturally vulnerable subject, as resilience can only be received, and is never, in Fineman's account, innate.

This development of resilience can be compared to the conception of autonomy in feminist theories that are trying to work their way out of the tradition of liberalism, understood as that which maintains the political paramountcy of the sovereign individual. Fineman writes that 'because the shared, universal nature of vulnerability draws the whole of society - not just a defined minority - under scrutiny, the vulnerability approach might be deemed a "post-identity" analysis of what sort of protection society owes its members' (Fineman 2008, 21). It is these protections that prepare the ground, plant the seed, and provide the necessities for the resilience that is thereby produced. Similarly, she argues that 'autonomy is not a naturally occurring characteristic of the human condition, but a product of social policy' (23). Autonomy is thus something that can be cultivated through and only within the web of supportive socio-political institutions, and not something that can be seen as intrinsic to the human condition. The human is born vulnerable and dependent, is liberated to a significant degree of this dependency through growth but remains vulnerable. Autonomy and resilience are pursued and fostered through life, in relation to others in one's social world, but do not constitute the human condition, even though they might become defining features of human life. This is an aspect of the post-liberal feminist thought that is opposed to, but open to dialogue with, Levinas's understanding of human vulnerability, especially in light of embodiment.

III. The Levinasian Perspective

Levinas's theory of vulnerability is grounded in his ethical philosophy. Vulnerability in this account is not to be understood as an abstract concept, nor as a situation that changes in degree, but as a fundamental constituent of one's humanity, without any implied variance in distribution It is not a characteristic one possesses, even if it is innate, but a fact of one's existence. This fact is made tangible by the condition of embodiment, and Levinas chooses to focus specifically on the human face, as it goes unclothed and is singularly expressive. He starts at the point of the face-to-face encounter. Here, a call is released through the embodied vulnerability of the Other's face, which appears 'without defense … which stays most naked, most destitute' (Levinas 1985, 86). Stressed by Levinas but not by Fineman is the irreducibility of the Other that is illuminated by their embodiment. No one can be replaced nor substituted, the only possibility of experiencing of Other as the Other, as opposed to their objective body, is to do so in their totality, and with this power, 'the face is what forbids us to kill' (Levinas 1985, 86). There is thus a resistance in the face, something that keeps the Other always imperceptibly out of reach, protecting the existence of some kind of secret that can never be fully revealed - this is the rupture of infinity in the Other. In this sense, the vulnerability of the face can serve a protective role and carries with it a spiritually liberating potential.

Furthermore, the call emitted from the face of the Other has a transformative power. When confronted by the Other, and met appropriately, the needs of the Other become the responsibility of the Self. One becomes 'he who finds the resources to respond to the call' (Levinas 1985, 89). Crucially, however, and in starkest contrast to Fineman's account of vulnerability, is that this responsibility is not suggestive of any kind of reciprocity. One must not have concern for any claim he or she might have to the Other, but only his or her obligation to the Other, which is paramount. This makes clear one's subjection to the Other, although not his domination, as one becomes a hostage to the Other, but through this, still maintains the irreducible irreplaceability that characterises each person in the face-to-face encounter. Otherwise, the summons to responsibility that comes from the face would not be possible, as

there would be no concrete individual to assign the burden of one's neediness. Here is a point of irreconcilable difference between Levinas and contemporary feminist thinkers, for whom the equitability of responsibility, within the social web that includes all members of a society, is at issue. Fineman, for example, strives to put all members of society on an equal grounding, in order to alleviate the added dependency that comes with the inevitable crises that occur in life, whether related to physical health, environmental disaster, economic distress, or emotional pain. Levinas, however, makes the asymmetry of encounters within the social web his ethical foundation.

This asymmetry becomes more evident in the face-to-face encounter. Implicit in the summons that is released by the face is an ordering, one that always puts the Other above the Self. Levinas describes 'a commandment in the appearance of the face, as if a master spoke to me' (Levinas 1985, 89). A hierarchy is thus suggested, but one that is permeable and leaking, with room to accommodate the existential freedom of its constituent members. This theme is to 'denote something essential to defining us as human through ethical significance' (Mao 2018, 2). Hence, in Levinas's system, the unequal grounding of members of a relation, the perfect absence of reciprocity, is constitutive of the human condition of vulnerability. More specifically, and to return to the central element of the face, its 'exposedness is precisely an ethical responsibility for the other which is the signification of being human' (*ibid.*). Fineman, in opposition, holds vulnerability to be that which establishes a need for and produces a solicitous response, and is itself the means to bring about a socio-political situation that is better equipped and intended to address disadvantage and inequality. Levinasian vulnerability has no functionality and serves no active purpose. It is in some sense passive, although this passivity does call one to responsibility. This contrast suggests another opportunity for dialogue between Levinasian ethics and recent feminist vulnerability analysis, again around the shared significance of embodiment.

A positive understanding of Levinas's vulnerability is that 'it is positive not because it yields something good, but because it is Goodness itself' (Mao 2018, 4). Embodiment is thus not the good,

nor something that allows access to the good, but it is the site of access to the good and establishes one's responsibility for what grants access to the good. In light of Levinas's conception of the social web, wherein the Other is always already above and before the Self, infinitely, an understanding of interdependency is not necessary, because an equality of neediness and mutual obligation is not the goal. Reciprocity has no role to play. If there was, Levinas suggests that then the Other 'dissolves into relations' (Levinas 1987, 50). The Other would lose what sends out the call to responsibility, this would be diluted and made impotent, or at least enfeebled. What is most important is that 'for Levinas, the ethical relation is not constituted by an ontological synchronization. Rather, it is a production of the process of overbidding' (Mao 2018, 5). While Fineman is not dealing with ontology per se, it is precisely a synchronisation of vulnerabilities, an established give and take of responsibility, that she argues is needed to do justice to all members of a society. In this way, the division of the public and private spheres is kept at the centre of the theory, and state intervention is sought for both.

There is no space for a public and private sphere in Levinas's philosophy, because his point of departure, the face-to-face encounter, is prior to the existence, or even the implied existence, of the state. It is purely anarchical. One is responsible to the Other before they are encumbered with this or any other responsibility from the state. Rather, 'I am responsible for him, without even having *taken* on responsibilities in his regard; his responsibility is *incumbent on me*' (Levinas 1985, 96). Fineman might suggest that the state need not be the origin of the responsibility but can still act as its authority and the means of enforcement. For Levinas, this would require a misunderstanding of the order of responsibility and subjectivity. Subjectivity is not the basis for responsibility, it is exactly the opposite. Levinas writes that 'responsibility in fact is not a simple attribute of subjectivity, as if the latter already existed in itself, before the ethical relationship. Subjectivity is not for itself; it is, once again, initially for another' (Levinas 1985, 96). The Self is constituted in part by its pre-existing responsibility for the Other. This is close to Levinas's most fundamental thesis, that ethics is prior to ontology. This thesis is not found in vulnerability analysis. Instead, the vulnerable subject is the starting point, always

understood in relation to others, and morality follows and sets the grounding for institutions that protect the subject and alleviates more acute situations of vulnerability.

IV. *Going Further*: *Incorporating Judith Butler*

Hence, Levinas and Fineman share the task of restructuring the framework that assumes Cartesian dualistic, self-interested subjects as the members of a community. However, 'Levinas calls for an alteration of this world, and he argues that positing a subject who is vulnerable to being responsible for the others would orient us to this alternation' (Mao 2018, 6). This is a nuanced difference from the intention of vulnerability analysis. In Fineman's exhortation, the understanding of the self as vulnerable is first. The knowledge that the embodied self can be harmed is the foundation for the appreciation of the relationality that characterises human existence, as this is based on the knowledge that the others with whom one shares their life, to whatever degree, can be injured, and thus might require one's help, and that they are ultimately finite, and can thereby change one's life through the experience of grief and loss. Judith Butler offers a theory of vulnerability that pivots around the experience of and potential for loss and ends up much closer to Levinas than Fineman does. Butler describes the subject as formed most fundamentally by the relation between the Self and Other. Accordingly, 'one is undone, in the face of the other, by the touch, by the scent, by the feel, by the prospect of the touch, by the memory of the feel' (Butler 2004, 24). The death of someone with whom one has a relationship of any kind, a universal experience, marks a permanent change in one's sense of self.

This kind of change does not imply any particular magnitude, it could be completely transformative or almost imperceptible. What is important is that the reality of embodiment, the ever-present possibility of harm and death, not only of the self but of the others with whom one lives, founds the condition of vulnerability. In Butler's account, the complicated web of connections to others is even clearer than in Fineman's writing, and the concept of vulnerability is understood more explicitly as generative, that is, as a grounds for intimacy and meaning making. Here, Butler is closer to Levinas insofar as she puts equal weight on the body as that which has the capacity to be hurt and to be healed through its own

tactility, as a means of connecting with others. Furthermore, this account is aligned with Levinas's premise that vulnerability is first that to the Other, and hence, 'being vulnerable to responsibility for our fellow human beings becomes a positive, even essentially positive human condition' (Mao 2018, 6). At this point, it is clear that in Levinas's writing, vulnerability is prior to any sense of individualised identity. This is another critical chasm in conceiving vulnerability between Levinas and contemporary feminist theorists. While both perspectives on vulnerability view it as existing prior to the formation of identity, as opposed to establishing an element of identity in itself, because it is a universal constituent of humanity, the order of autonomy and interdependency comes into question.

Levinas's presentation of vulnerability does not presuppose an autonomous subject on the basis of the subject's self-sufficiency or individual capacity to make decisions but does see an autonomy insofar as it is in a parallel relation to interdependency. In light of the subject being vulnerable and 'related to the other before establishing his/her identity … this subjectivity of vulnerability can lead to genuine inter-human relatedness beyond a relatedness via bodily dependency' (Mao 2018, 7). The importance of vulnerability, visible through human embodiment, as the site of the rupture that allows openness to the infinite, is clear, as it is that which 'produces the ethical subjectivity that is essential to humanity' (*ibid.*). The misconception that Fineman sees is that the subject is conceived in law as at his core an autonomous agent, instead of someone who is born into inescapable relations with others and is always at the mercy of physical and institutional positions, which can often be based heavily on chance. Hence, one is vulnerable first and foremost to physical harm, whether due to accidents, financial problems, social discrimination, and so on. What Levinas sees instead is that one's first vulnerability is that of being responsible to, for, and by the Other, and therefore must exist within the web of asymmetrical relations before any self-referential framework can be employed to understand subject constitution. This becomes even more obvious when Butler's work is again considered and responds to the question of the material stakes of responsibility.

Butler characterises the web of personal relations all are born into and from which they cannot remove themselves as being

'composed neither exclusively by myself nor you, but is to be conceived as *the tie* by which those terms are differentiated and related' (Butler 2004, 22). This shows Butler going a step further than Fineman, and still staying closer to Levinas, as her concern in coming to understand vulnerability is not for any individual member of society, but rather the binding between members. Levinas also uses this term in describing relationality and writes that 'the tie with the Other is knotted only as responsibility, this moreover, whether accepted or refused, whether knowing or not knowing how to assume it, whether able or unable to do something concrete for the Other' (Levinas 1985, 97). Hence, for Levinas, the tie between two subjects is maintained not by their responsibility to each other, because there is no reciprocity assumed in his account, but by the responsibility one has to the Other. This responsibility, however, need not be a material one. All that is necessary is 'to be human spirit, that's it' (89). Unlike Fineman, Levinas takes the responsibility to be present for the Other, to be with him in solicitous proximity, as primary. Fineman, instead, puts first the meeting of one's material needs, which often unlike solicitude, can be met by the state. It is thus clear why Fineman is concerned with the state while Levinas stays grounded in the anarchical nature of the face-to-face encounter.

Conclusion

In conclusion, the potential for vulnerability analysis to be enriched by Levinasian ethics is profound. The starting point of the embodied being as vulnerable, instead of autonomous and self-interested is held in common, offering a greater possibility of liberating the liberal subject from unjust institutional restraints, is shared. However, whether embodiment, as inherently and inescapably vulnerable, is prior to one's relations with others is at question. In Levinas's philosophy, one's desire for what can be possessed, whether material things or symbolic gifts like recognition, is ruptured in the face-to-face encounter, where one is confronted with their fundamental and all-encompassing responsibility to the Other. This is, however, a completely positive description of human nature, in his description. By responding to the call of the Other, one is opened to the infinite, and can thereby access their deepest potential for finding and making meaning.

This possibility is not given its due in Fineman's presentation of vulnerability analysis, as she focuses on the necessity of state responsiveness. This is not necessarily in opposition to any particular idea in Levinas's account, but it does lack a foundational understanding of human nature. This ambiguity leaves concepts including subject constitution, human flourishing, obligation, and ethics, understood to be a plane prior to morality, in need of being fleshed out and refined. An incorporation of Levinas's account of vulnerability and the relation between the Self and Other offers a means to do so, without compromising the fundamental aim of creating a more just culture.

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