Encounters with Vulnerability: The victim, the fragile, the monster, the queer, the abject, the nomadic, the feminine, the shameful, and the rest …

Conference Proceedings Review by Nayeli Urquiza Haas and Arturo Sánchez García

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The concept of vulnerability is receiving increasing attention in dialogues about the representation of the body in feminist theory, embodiment in phenomenology, in ideas of relationality in affect theories, and imaginaries of governance for law and rights, among others. There are synergies in those that might derive from a common interest in evoking the figure of wounding or 'vulnus' in Latin and the ethical and political possibilities it enables: the metaphor of the open body and the experience of pain that it references radical openness of embodied experiences (Turner 2006). As an ontological and political concept, the notion of vulnerability discloses the limits of humanist philosophies. Typically the anthropocentric idea of 'human' in – Western liberal politics – have produced a fiction of disembodied subjectivity that has imposed itself as the measure for everyone. The 'vulnerable subject' holds a hope for the reconciliation of embodied subjectivity in representation, regulation, and normalisation (Fineman 2008). In those terms, in this workshop we were urged to re-think and re-encounter the different forms of relating to ourselves and others. There are caveats in the powerful concept of vulnerability. One of them is an ubiquity (Murphy 2012) that enables a heuristic that reveals, among other things, the ambivalent potential in human and non-human

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relations. The dialogues in this workshop tested the capacity of vulnerability to accommodate justice in an academic and political context where discursive iterations about risk and victims have been dangerously overexposed in the existential rhetoric of terrorism, global crime and viral epidemics. Whenever the deployment of vulnerability is only applied to 'marginal' subjectivities and exceptional situations, ideologies about the body as a naturally-given are reified, effacing the deeply political, exclusionary, and gendered and cultural affiliations.

In the workshop we talked about scenarios of persecution and political sacrifice of sex workers and drug users[1], and of illegal young immigrants in Greece[2]. We encountered the bodies of old women[3] and people in situations of bare need[4], bodies that are politically capitalised to represent the 'other' of the political subject. Whenever we tried to talk about vulnerable embodiment, the reductive images of the vulnerable 'body' kept leaking in. The implosion of the political, the biological and the national holds its authority over life and death, revealing the elusive directions that vulnerability discourses can be diverted into. In those terms, we cautiously tiptoed around vulnerability's ethical provocation and potentialities. It opened a path through the promises, risks, violence, enclosures and openness of the theories of vulnerability and their interaction with gender, law and sexuality.

Promises

The opening panel interrogated what vulnerability can promise to human rights and justice claims: what is it that the concept brings about that is supposed to improve or expand our ethico-political relations? Alice Margaria questioned the extent to which vulnerability addresses substantial issues in human rights. She likened Martha Fineman's vulnerability thesis to the doctrine of positive obligations developed by the European Court of Human Rights inasmuch as it 'advocates for the creation of responsive structures which empower the individual, thus actualizing autonomy'[5]. A vulnerability approach does not abandon autonomy as an important quality of human life, but it does not reduce it or privilege it over other qualities, as traditional liberal human rights theories do. Agents' responsibility is not simply reduced to their individual choices, but judged within the wider framework of the state's responsiveness.

The potential of vulnerability to make claims of justice may not lie in ethics alone, but in aesthetic expressions. Urszula Lisowska's reading of vulnerability through Martha Nussbaum's capabilities approach restores the role of aesthetics in justice theories[6]. Imagination encourages the trans-positionality of the self. It offers cognitive images of the value of good when one abandons its own isolated position. The value of good does not stand on itself, but ought to be tempered by the recognition of the needs of the other (referring to Amartya Sen's work), guiding the content of the ethical attachments that the vulnerable subject is open to. While philosophy has focused on the force of ethics alone to push forward social justice demands, ethics must be moved first by aesthetical imagination.

Vulnerability's Aporias: Between Violence and Care

Despite the promises of social and individual justice evoked by the vulnerability heuristic, its potential is limited by its own ambivalent nature. Reading vulnerability through the work of Adriana Cavarero (2009) and Ann V. Murphy (2012) among others, Tiffany Page[7] traced the role of negative states of being, like suffering, in the formation of subjectivity and how that alters traditional ethical premises. While Murphy argues that vulnerability is too ambiguous to elicit a substance for ethics, unable to provide the substance of someone else's state of vulnerability, Page reworked this problem through a non-fixed notion of the self that can find continuity within negativity.

A common premise – for example in empathy discourses – is that one's own vulnerability, an ontologically fixed quality, is what enables the self to move towards the other. After Descartes' mind and body dichotomy, chaos originates within the self, inaugurating the scepticism of the other's existence. But as some queer and feminist theories recognise, the self is an uncertain category constituted through constant social practice. If, as Levinas encourages us to think, ethics precedes ontology, an uncertain vulnerability is more likely to be the genesis of ethics. By acknowledging the self in a constant process of becoming with others, the shape of our ethical responsibilities might be relocated. It seems that there is always an infinite responsibility towards the other that is hard to deny, and while we are constantly hostage and inextricably bound to our ethical relations, we are simultaneously exposed to alterity, in our shared ontological vulnerability.

Dis(encountering) Risk: Vulnerability and Governance

Vulnerability theories confront their limits in their inability to provide moral commands, fragmenting their normative appeal (Murphy 2012), and that is why they can be colonised too easily by neoliberal governance (among other frames) (Munro and Scoular 2012). Performing like a metaphor, the material properties of vulnerability can be assimilated and appropriated by ideologies and dogmas, and even reclaimed as if they contained redemptive qualities[8]. To represent some individuals or groups as 'particularly vulnerable' (a phrase commonly used in human rights legal instruments, as in the case of human trafficking[9]) is misleading because it departs from the paradigm of the invulnerable 'man'. Operating through the frames of 'protection', people *experiencing* vulnerability become objectified by risk discourses, as it emerged in the workshop in the context of sex work and human trafficking[10], young people's migration[11], crime[12], people living with HIV-AIDS[13], among other discourses. Those experiences were illustrated by Jamie Grace's remark (reading through Zygmunt Bauman's and Jane Fenton's work): the sustained ontological anxiety about the others lends to their adiaphorisation (Bauman 1995)[14], the production of the vulnerable as morally irrelevant, or at its best, morally neutral[15].

Anxieties may be redoubled onto the vulnerable, figuring them as threatening subjects. The most threatening quality of these 'monsters' becomes the way they push the boundaries of the community's sense of safety. Their embodied differences are feared because of the 'excess' of affect they elicit though embodiment, vitality, movement and inherent change. The vulnerable becomes an unstoppable embodiment of life (Shildrick 2002) that constantly reminds us of the change that occurs – outside and within – the fragile confines of a 'body' (both human or non-human). The instinct for survival favours the bounded body: to protect it from wounding, viruses, and the threatening environment. However, vulnerability is a constant feature of life, marked by the changes of time and experience. Age, illness, maternity, excess or lack of food, water, sexuality, touch, breathing, secretions, sweating, and the many endless embodied processes in a life-time keep the body as evidently porous, shifting and moved by others, a fragile organism that not only breaths in and out the oxygen in the atmosphere.

Ethical Provocations in Corporeal Relatedness

The most striking encounter between vulnerability and affect theories happens in the desire for relationality: beyond closed-off bounded bodies, encounters happen in the 'space in between' subjects (and objects) in the impersonal intensity they generate (Anderson 2010, 165). In so far vulnerability is thought as a becoming, it constantly animates encounters between bodies, and at the same time encourages intensities of resistance. The recent protests in Gezi Park in Turkey evoked the vulnerability of a country's memory, and its hope performed in music and chants. For McLane Heckman[16] those were not only animated by individual bodies singing, but affected by a political collective trans-individuation. Interdependence was not merely a relation between individuals, but a 'coming together'. The celebration of the new social trans-individuated projects, where a group or collective 'comes together' joyfully, expands the boundaries of respectability through radical redefinitions of love (at one level, in a protest, at another level, maybe in the constellational experiences of polyamory[17]).

Now, we ought to be careful about how the beautiful image of 'coming together' can accommodate contradictory projects. In a (not-so-new) project of trans-individuation, the state appropriates the structure of the coming together only to reinforce the notion of respectability. Through this sleight of hand, it replaces reciprocal love and affect with loyalty towards the state, and rules of membership within the nation. The animated version of the state claims there to be a 'vulnerable state', we ought to be careful not to stretch the trope of vulnerability into powerful unanimated machines, as Emily Jones is warning us about [18]. The ontological position of the vulnerable collective subject is co-opted by the state vis-à-vis other states. But let us put aside the provocation of the state being likened with vulnerable subjects: the power of the vulnerable body, as we have tried to explain, generates indeed both anxiety and comfort; we are with others, and the others can also impinge on our possibilities for being. But the state cannot afford those possibilities. The state mimics vulnerability in order to amplify its own sovereign power and borders[19]. The vulnerable state, like any other institution, requires an entire different frame of justification for its relation with others.

The 'B' Word

Speaking about, or on behalf of, the vulnerability of others must remain constantly vigilant to Foucault's 'biopower', the sovereign power over life (Dillon 2004).The production of knowledge about the other is more than the simple exercise of an observer, but part of a practice of power that does and undoes the others. That is the case of the biopolitical exercise that produces the interdependent relation between the politics of care, the *bodily need of the other*, and narratives of gender and culture. Tiina Vaittinen problematised the feminist debates on care and the vulnerable subject through Joan Tronto's analysis of 'the standpoint of the most vulnerable and most privileged receivers of care' (Ethics of Care 2009) as well as Giorgio Agamben's 'bare life'. In the face of the 'bare need' of the vulnerable body, sovereign power is altered, organising the moral relations that are simultaneously of care and violence, neutralising the political potential of the bare body. Highlighting the cultural attributions imposed on the notion of care, Marjo Lindroth and Heidi Sinevaara-Niskanen reflected upon the colonial production of indigeneity as a 'lovingly embrace of biopower', where the indigenous is a subject resilient to colonialism, and at the same time has a privileged position of care towards, for example, climate change. The vulnerable indigenous subjects are produced through the mediation of empathethic biopolitics, as the authors claimed[20].

All You Need is Law

Martha Albertson Fineman's article on the 'vulnerable subject' functioned as the most cited reference point for the articulations on vulnerability and law in the workshop. She troubles the investments on law, when liberal law has a limited framework for the complexity offered by the vulnerability heuristic. In liberal politics, the language of equality and non-discrimination is running out of steam. Fineman's work accepts the human condition as irremediably open and dependent, universal and particular. The epistemological barriers of the complexity of the human (and possible non-human) condition cannot be overcome as without distancing ourselves from the 'either-or' binaries of Modernity. The experiences of vulnerability outside the paradigms of the infantilised female subject[21] or of victims[22] remain unintelligible in law, and circulate only in drama triangles of co-

dependent and pre-given relations[23]. That is the fate of family law courts, unable to recognise the economic dependency between partners beyond the dependent woman, and therefore to respond to men living interdependently or same sex couples after the dissolution of partnerships[24]. In the same vein in criminal law, it is the victim who appropriates the long lasting vulnerability, making impossible even to imagine a meaningful forgiveness for the offender that our original notion of vulnerability might aspire to[25].

Vulnerable Academics

The interdisciplinary workshop fleshed out the connection between vulnerability and the affective states of care, hope, joy, and the representations that connect us to injury, suffering, illness, and death. In its radical openness, the vulnerable subject is always encountering and being encountered, moving towards and being moved by others. In that sense, the context where embodied selves move through cannot be reduced either to the rational mind moving the body or the body moving the mind, as dualistic epistemologies would argue. Instead, the embodied self is constantly relational, for better or worse.

Academics are not exempted from the implications of being vulnerable to others. Linnea Åshede pointed out the ethical difficulty of researching a subject who (literally) cannot answer back: can we ever avoid speaking for or down to the subjects of research? She noted the different modes of vulnerability that appeared in her own writing about the subject of desire and desirability in Roman mythological group scenes featuring Hermaphroditus[26].The study of the concept of sexual difference in another culture urges the researcher's awareness of the power that knowledge production has in pathologising and normalising. Through an engagement with Donna Haraway and Sara Ahmed, she described her encounter with 'the cultural/sexual "other"' (the hermaphrodite) and the way her vulnerability provoked 'various strategies to consolidate said position by means of transferring the vulnerability "back" onto its perceived origin'[27]. These encounters with alterity are disorienting. They radically change the self and therefore demand self-reflection, a cautionary one, since the encounter does not always happen with the consent of the subject/object actors that we study. The vulnerable scholar tends to respond by rejecting the perceived personal vulnerability through the possessive gaze of

knowledge and dissection of the subject/object of study, who is turned again into 'the vulnerable', open and forcibly transformed by the observer.

Ubiquity

At the end, vulnerability did prove to be a ubiquitous concept. It holds a conceptual power that traverses and interpenetrates all kinds of disciplines and intellectual, geographical, and methodological projects. The PECANS encounter highlighted contemporary trajectories of vulnerability through different kinds of relations, matter, intensities, and non-human 'force fields' (Connolly 2013). Vulnerability proved to encompass not only the trauma or the suffering embedded to its etymology, as we suggested at the beginning, but it is now intimately related to broader experiences of 'affect'. Our dialogues of vulnerability are embodied in sensitivities that point beyond the 'vital forces […] that can serve to drive us toward movement, toward thought and extension, that can likewise suspend us (as if in neutral) across a barely registering accretion of force-relations, or that can even leave us overwhelmed by the world's apparent intractability' (Seigworth and Gregg 2010, 1). The potential of vulnerability lies in its density and breadth, its ubiquity promises creativity, justice, and vitality, and yet, it humbly accepts negativity. Vulnerability remains in a constant process of metamorphoses, and therefore it encourages a delicate balance between the intellectual, political and ethical choices we invest in.

Endnotes

1 Ntina Tzouvala, "HIV, Prostitution and the Law: Moments of Vulnerability, Moments of Resistance." (Paper presented at PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013).

2 Sofia Vlachou, "Youth through the *Symplegades* (Clashing Stones)." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

3 Hannah Bows, "Vulnerability, Older Women and Sexual Violence." (Paper presented at PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013).

4 Tiina Vaittinen, "The Power of the Vulnerable Body: A New Political Understanding of

Care." (Paper presented at PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013).

5 Alice Margaria, "Vulnerability and Human Rights: Is it a Framing or a Substantive Issue?" Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

6 Urszula Lisowska, "Vulnerability as a perceptional category: Martha Nussbaum's capabilities approach from the perspective of political aesthetics." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

7 Tiffany Page, "Exposed, Menacing and Forbidden: Vulnerability as a Violent Responsibility." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

8 Ali Jav, "Male Rape: The Unseen World of Male Rape." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

9 Representation involves here both linguistic deployment of victims in human rights instruments, and the imaginaries that have been normalised in international campaigns of human trafficking, as Kelly Prince reminded us in her paper "It is Not our Job to Turn them into Victims!' – The 'Ideal Victim', Universal Vulnerability, and Power Dynamics in the Human Trafficking Agenda." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

10 Kelly Prince, "It is Not our Job to Turn them into Victims!' – The 'Ideal Victim', Universal Vulnerability, and Power Dynamics in the Human Trafficking Agenda." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

11 Supra iii.

12 Jamie Grace, "The Voices of Adiaphorisation: Who Speaks with the Authority to Marginalise the 'Risky' along with the 'Vulnerable'?" Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

13 Ntina Tzouvala, "HIV, Prostitution and the Law: Moments of Vulnerability, Moments of Resistance." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

14 Zigmunt Bauman argued that 'adiaphorization is achieved by excluding some categories of people from the realm of moral subjects, or through covering up the link between partial action and the ultimate effect of co-ordinated moves, or through enthroning pro-

cedural discipline and personal loyalty in the role of the all-overriding criterion of moral performance.' See Zygmunt Bauman, *Life in Fragments: Essays in Postmodern Modernity* (Oxford: Blackwell, 1995), p. 149.

15 Jamie Grace, "The Voices of Adiaphorisation: Who Speaks with the Authority to Marginalise the 'Risky' along with the 'Vulnerable'?" Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

16 McLane Heckman, "Bodies that Move: Performativity and Vulnerability in the Gezi Park Protests." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

17 Deidre Ruane, "It's Not About The Sex: Polyamory's Troubled Relationship with the Mainstream." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

18 Emily Jones, "Vulnerable subjectivity; Redefining Knowledge and the Law." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

19 Ntina Tzouvala illustrated this same figure with the production of narratives of hygiene in Greece against the exposure of sex workers (supra ii), and Sofia Vlachou with the production of ideas of citizenship and its conditions for inclusion (supra iii).

20 Marjo Lindroth & Heidi Sinevaara-Niskanen,"Imposing Vulnerability: The Biopolitics of Indigeneity." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

21 Supra ix.

22 That is the paradox of women sex offenders that Siobhan Weare exposed in "The Vulnerable Victimising the Vulnerable: Women as Co-Perpetrators of Child Sexual Abuse" Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

23 David Hampson, "The Paradox of Vulnerability." Presentation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

24 Charlotte Bendall, "Ancillary Relief and the Construction of Vulnerability." (Paper presented at PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, Nov 22–23, 2013).

25 Grace (supra xiii). There is potential in considering terms of acceptance and recognition in the space of therapy as a non judgmental – and yet institutionalized – encounter determined by open perception, as suggested by David Hampson (supra xxiv).

26 Linnea Åshede, "Hermaphrodites, Satyrs, and Scholars – Who can be Vulnerable?" Pres-

entation, PECANS: Interdisciplinary workshop for postgraduates and early career academics in the area of law, gender and sexuality, Newcastle University, November 22–23, 2013.

[27] Ibid.

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