

Special Section: “On the politics of social suffering”**What’s the trouble with humanity?
A feminist critique of Judith Butler’s
ethics of vulnerability****Ingrid Cyfer**

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Abstract

The article addresses Judith Butler’s thought on ethics of vulnerability. The main goal of the article is to approach the concepts of vulnerability, recognition and representation considering the way each of them engage in the process of subject formation Butler presents in different phases of her work. This comparison will function as a guide to locate and interpret Butler’s theoretical inflections along her trajectory; and it will also work to ground a feminist critical analysis of her ethics.

Keywords

Feminism, Judith Butler, Nancy Fraser, critical theory

**¿Qué pasa con la humanidad?
Una crítica feminista de la ética de la vulnerabilidad de Judith Butler****Resumen**

El presente artículo aborda el pensamiento de Judith Butler sobre la ética de la vulnerabilidad. El objetivo principal del artículo es aproximarse a los conceptos de vulnerabilidad, reconocimiento y representación, teniendo en cuenta la forma en que cada uno de ellos participa en el proceso de formación de los sujetos que Butler presenta en las diferentes fases de su trabajo. Esta comparación servirá como guía para ubicar e interpretar las inflexiones teóricas de Butler a lo largo de su trayectoria. De igual manera, servirá para fundamentar un análisis crítico feminista de su ética.

Palabras clave

Feminismo, Judith Butler, Nancy Fraser, teoría crítica

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In the 1980's, Nancy Fraser published the article "Foucault on Modern Power: empirical insights and normative confusions". Her main point then was that, although Foucault offers indispensable theoretical tools for critical theory, his project is incomplete.¹ According to Fraser, Foucault's contribution resided in his concept of power, which combines its repressive and productive dimensions, as well as in his genealogical method, as a strategy to access such practices. These would be his empirical insights regarding the formulation of a diagnosis of the present time. Nevertheless, says Fraser, Foucault seems to assume that his conception of modern power is "both politically engaged and normatively neutral,"² but this assumption would undermine the critical power of his project. For Fraser, in order to be equipped to answer the questions that his own account of modern power raises, "Foucault needs, and needs desperately, normative criteria for distinguishing acceptable from unacceptable forms of power. As it stands now, the unquestionable original and valuable dimensions of his work stand in danger of being misunderstood for lack of an adequate normative perspective".³

Nearly ten years after this article, right after the publication of Judith Butler's *Gender Trouble*, Fraser criticizes Butler using the same sort of argument with which she had first opposed Foucault. In an article entitled "False Antithesis: a response to Seyla Benhabib and Judith Butler", Fraser stresses that the feminist genealogy, put forward by Butler, contributes to the diagnosis of the power relations within the feminist movement but suffers from normative shortcomings directly related to her Foucauldian heritage.⁴

Once again, Fraser claims that the normative confusion in Foucault's framework has to do with the absence of a criterion to distinguish acceptable from unacceptable forms of power, and the consequent impossibility of justifying the distinction between just and unjust exclusions, or even more or less unfair ones. Butler's argument in *Gender Trouble*, then, would leave no escape from this vicious circle where the empowerment of some implies the exclusion of others. However, as Fraser says, if this is so, then "what is the point of feminist struggle?".⁵ According to Fraser, Butler cannot respond to this question because she does not succeed in articulating her theoretical critical considerations with the Foucauldian post-structuralist framework.

Nevertheless, in the 2000's Butler engaged in an "explicit normative turn", as Brigitte Schippers puts it,⁶ that can be found right through her late work on ethics. Indeed, from her so-

called "ethical turn" Butler no longer refuses to formulate a normative criterion to distinguish political equality from political inequality. Her reflections on this issue will especially emerge after the articles collected in *Precarious Life* (2004), *Undoing Gender* (2004b), *Giving an Account of Oneself* (2005), and *Frames of War* (2009).

From a broader angle, the goal of the present article is to explore the path Butler has chosen to overcome the so-called "normative confusions" of her early work as well as her strategy to integrate it with her "empirical insights", as Nancy Fraser once put it.

The response I propose here is that Butler's ethical turn offers some important normative gains which are able to justify a key political agenda in relation to contemporary critical theory. To my mind, Butler's project is required for the task of interpreting and countering the violence and political hatred we can see spreading throughout the world. There is no way to discuss emancipation (in any sense critical theorists have ever ascribed to it) without addressing the entanglement between ethics, politics, vulnerability and violence as Butler inspires us to do. However, I am not so convinced that the theoretical tools she has chosen to ground this agenda are the best. This is why the focus of this paper is to highlight the shortcomings of those tools that might be hindering such a crucial ethical and political project for the present time.

In order to justify this position, I will compare the concepts of *vulnerability*, *recognition* and *representation* considering the way each of them engage in the process of subject formation that Butler presents in different phases of her work. This comparison will function as a guide to locate and interpret her theoretical inflections and to make a feminist critical analysis of her ethics.

My starting point is to summarize Butler's position regarding these concepts in her earlier work. I will then approach the shifts concerning these very same issues in her ethics of vulnerability. Finally, I will contrast Nancy Fraser's most general meaning of justice, namely "parity of participation", with Butler's account of political inclusion in order to accomplish the main purpose of this article, that is, to offer a feminist critique of Judith Butler's ethics of vulnerability.

The comparison between Butler and Fraser in this regard might seem unfair at first sight, since Butler has never engaged in formulating an account of justice, as Fraser did. But what is going to be compared here are two conceptions of political equality, two approaches to the frames of the political space identified

1. N. Fraser [1981] (1989, p. 33).

2. *Idem.*, p. 19.

3. *Ibid.*, p. 33.

4. N. Fraser (1997, p. 216).

5. *Idem.*

6. B. Schippers (2014, p. 32).

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with a feminist perspective, which is a standpoint shared by both authors. The other reason I believe this comparison is appropriate and fruitful is that, since their first debates in the 1990's, Fraser has consistently acknowledged Butler's strengths regarding the diagnosis of exclusion, as well as Butler's shortcomings regarding her refusal to articulate a normative positive criterion that would ground her critique of exclusion. Hence, I believe that stressing the theoretical differences that remain between these authors, even after Butler had finally articulated her normative criterion, might be helpful in highlighting the normative and empirical weaknesses that we can still find in Butler's late work. To be more precise: I believe that the normative positive criterion offered by Fraser's theory is helpful in clarifying whether Butler's ethical turn had overcome her previous normative deficits, as well as the impact her ethics has on the resources available to provide a powerful and situated diagnosis of exclusion.

The discussion I will develop intends to justify two fundamental claims which will together provide what I am calling here a "feminist critique of Butler's ethics of vulnerability". The first claim is that the account of agency in Butler's ethics, especially the agency of the outsiders, is weakened by its intrinsic connection with the entanglement between passivity and responsibility that she borrows from Emmanuel Levinas. My second claim is that the normative criterion we can find in her ethics is too abstract for a feminist and situated critique.

Gender identity: subordination and exclusion

In *Gender Trouble*, Judith Butler presents a sophisticated and influential discussion on the so-called "question of the subject". Butler borrows from Foucault the idea that the subject is produced by disciplinary norms that claim to merely represent her. To be sure, these norms establish prohibitions and regulations that control political life. But their effects go beyond these negative terms. The structures of power also provide positive terms that constitute the subject, producing her representation, that is, the conditions of her own intelligibility.

Based on this Foucauldian analysis of the subject formation, Butler maintains that the subject of feminism is constituted by exclusionary social practices naturalized by power relations. In

order to denaturalize these practices that produce the subject, Butler offers a feminist genealogy of the category of woman in *Gender Trouble*. The purpose of the feminist genealogy is to reveal the exclusions concealed by discursive categories that claim to be representative of certain social groups. But this sort of critique does not intend to fix misrepresentation, simply because there is no way to fix it. There is no category comprehensive enough to encompass every asymmetry and difference within the group that it claims to represent.

Butler's understanding of the process of subject formation, therefore, entangles subordination and exclusion, since it is the subordination to the regimes of power that produces subjects that can be represented as socially intelligible subjects. This representation, in turn, is exclusionary, since it cannot grasp the fragmentation and complexity of subjectivity.

Butler's genealogy offers political and theoretical challenges to feminism. First, as Amy Allen has observed, *Gender Trouble* is one of the first works to criticize the sex/gender system,⁷ arguing that sex is a social and cultural construction as much as gender insofar as the very idea of "natural" is itself an effect of gender norms.

In order to ground that statement Butler provides a *theory of performativity*.⁸ She argues that gender is constituted by cultural performances. People express and reproduce norms of femininity and masculinity that are supposed to be grounded in nature, although nature is simply an effect of discursively constrained performative acts. That means that there is no inner essence expressed through masculinity or femininity.⁹ And if there is no original essence from which gender identities derive, the category of women itself loses its reference and becomes very unstable. After all, if its consolidation depends on cultural performances instead of natural facts, every performance puts its consolidation at risk; and this risk is the precise site of resistance.¹⁰

The theory of performativity Butler presents in *Gender Trouble* has raised lots of controversies and critiques. Some of the critiques would accuse her of proposing a deterministic account of the process of subject formation, leaving no room for agency. After all, if the subject is the very product of power and there is no outside power, where would critique come from?¹¹

Butler has responded to this sort of criticism arguing that she does not support any deterministic account of the subject since she proposes that resistance is perfectly possible within power

7. A. Allen (1999, p. 66).

8. *Idem.*, p. 67.

9. J. Butler [1990] (2007, p. xxvii).

10. The drag queen is Butler's example of such a "risky performance" because she would subvert the distinction between natural body and gender identity. A person born with a masculine anatomy performing a feminine identity would express the artificiality of the biological ground of femininity and masculinity at once. Her parody of femininity would reveal the fallacy of the original or a primary gender identity since it reveals the imitative structure of gender itself. *Ibid.*, p. 175.

11. S. Benhabib (1995, p. 26-8).

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relations, subverting but never transcending them. Nevertheless, if her defense against determinism is accepted, then she might be embracing the other extreme, namely, voluntarism. After all, resistance seems to be simply a matter of deciding to engage in the parody of gender norms. Moreover, it seems that this voluntaristic resistance would be more likely to be an individual act than a collective action.¹²

Trying to escape from both extremes, Butler will elucidate and to a certain extent reformulate her theory of performativity in her following work, *Bodies That Matter* (1993), which stresses that she understands performance as *citation*,¹³ rather than a founding act.¹⁴ This means that the reproduction of the hegemonic cultural definitions of sexuality depends on its reiteration by the individual. Performativity, then, is presented as a ritual. Therefore, gender performance could not be interpreted as an act that derives from an individual choice, as Bordo has assumed;¹⁵ it rather becomes a "compelled reiteration of norms that construct individuals as sexed and gendered".¹⁶

However, if the idea of compelled reiteration clearly dismisses a voluntaristic subject, it does not fully respond to the critique of social determinism. Butler acknowledges this, and in order to surpass this difficulty, she had to explore the motivations of these reiterations. If it is not a free choice of a subject that precedes the act, then what moves the subject towards this repetition?

This is one of the central problems explored in *The Psychic Life of Power*, published in 1997, whose main argument is the idea that we are not subordinated to power as helpless victims, but that we somehow participate in the process of subject formation. According to Butler, the motivation to take active part in this process results from a human "narcissistic attachment to one's continuing existence".¹⁷ And this attachment to exist implies a desire to subordinate, since the process of subject formation in *The Psychic Life of Power*, as well as in *Gender Trouble*, entails the subject's capitulation to subordination.¹⁸

The origin of this desire would be the baby's primary dependence on the caregiver. In infancy, establishing connections is, after all, a condition of our survival in the literal sense, since our very physical existence depends on these liaisons. Butler says that this primary dependence would inscribe into the human

psyche the relation between recognition and survival throughout our lifetime. But while in childhood what is at stake is physical survival, in adulthood it is social survival.¹⁹ Butler argues, then, that resistance would mean a "willingness not to be" or a critical desubjectivation.²⁰

So, there are apparently only two options available to the subject: either to exist and be subordinate or to resist and sacrifice one's own existence. However, the latter option, the subversive one, does not seem very attractive. After all, if we are agents in the construction of our identity driven by a narcissistic need to exist, insubordination seems to require a sort of a "social suicide".²¹

Butler seems at this point to be able to clarify why the subject subordinates herself to the norm, which explains her participation in the process of her own subordination. Nevertheless, this explanation offers no answer to the motivation to subvert social norms. Therefore, we can say that in *The Psychic Life of Power* we cannot really find a completely convincing response to the accusations of determinism. Indeed, her strategy to avoid social determinism seems to lead her close to a sort of a "psychic determinism".

A few years later, Butler tried to elucidate and improve this response in "What is Critique? An essay on Foucault's virtue" (2002) where she explains that her own account of critique is inspired by the ideas Foucault presented in a lecture called "What is critique?," where he sketched some of the arguments he would develop in the well-known essay "What is Enlightenment?"²²

One of the main ideas of Butler's paper is that critique should be cast as a *virtue*. But virtue here is not understood as compliance with established norms. Instead, it is a critical relation to them that basically has two aspects: exposure of the limits of a pre-given epistemological horizon, and the subject's self-transformation.²³

When a certain performance raises doubts on a given field of categorization, it suggests, explicitly or not, the limits of the epistemological horizon in which this categorization has taken place. Self-transformation, in turn, is connected to the practice of critique understood as a form of stylization, that is, as forms of "art".

12. S. Bordo (1999, p. 277).

13. Butler borrows this concept from Derrida. See J. Derrida "Signature Event Context" [1971] (1982, p. 320).

14. J. Butler (1993, p. 51 e ss).

15. S. Bordo (1999, p. 277).

16. A. Allen (1999, p. 73).

17. J. Butler. (1997b, p. 113)

18. *Ibid.*, p. 12.

19. *Ibid.*, 100-4.

20. *Ibid.*, 130.

21. A. Allen (2008, p. 83).

22. M. Foucault (2002, 1984).

23. J. Butler (2002, p. 216)

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Thus, there would be no way of relating to the norms (accepting or rejecting them) without a stylized response of the self to the ethical demand raised by the norm. This stylization of the self, in turn, would correspond to a "practice." And this is a virtuous practice because taking a critical distance towards the norm demands courage and putting our very formation as subjects at risk.²⁴ Hence, critical practice seems to require that we give up our narcissistic need to exist, and that we also give up social recognition. Indeed, in another 2004 essay, "Bodies and Norms Revisited", Butler acknowledged that her account of resistance requires the "suspension of the narcissistic gratifications that conforming to the norm supplies".²⁵ But in *The Psychic Life of Power's* framework, it is quite difficult to understand this suspension. After all, where does the desire to give up our existence come from if we understand the process of subject formation as a process of subordination to which we are passionately attached because of a narcissistic desire to exist?

It seems that this puzzle has pushed Butler to explore new forms of relating subordination and recognition. And this search has taken her to an ethics of vulnerability where narcissism will need to leave some room for the responsibility for the Other. And the way she will do so is by taking grief as a resource for politics:

To grieve and to make grief itself into a resource of politics is not to be resigned to inaction, but it may be understood as the slow process by which we develop a point of identification with suffering itself. The disorientation of grief (...) posits the "I" in the mode of unknowingness. *But this can be a point of departure for a new understanding if the narcissistic preoccupation of melancholia can be moved into a consideration of the vulnerability of the others.* Then we might critically evaluate and oppose the conditions under which certain human lives are more vulnerable than others, and thus certain human lives are more grievable than others. From where might a principle emerge by which we vow to protect others from the kinds of violence we have suffered, if not from an apprehension of a common human vulnerability?²⁶

Hence, as Butler announces in the quotation above, the path she takes towards her ethics departs from this disoriented "I", which while passing through the process of grief, cannot help but be aware of human vulnerability.

Ethics of vulnerability: visibility and inclusion

With *Precarious Life* (2004), *Giving an Account of Oneself* (2005) and *Frames of War* (2009), Butler started to move beyond the entanglement between subordination and recognition. This move has been mostly driven by an approach to human vulnerability in a quite different way from that which we can find in *The Psychic Life of Power*. While here vulnerability is connected to a narcissistic need to exist that would lead us to take an active part in our subordination to the norms, in her later work on ethics, vulnerability is related to an ethics of non-violence that considers the Other's vulnerability prior to our own.

It seems that the most important shift here is the emphasis she puts on the Other. It is a shift because in her previous work she had maintained her focus on the social norms that produce the subject, and this is why she has been accused of being socially deterministic. In *The Psychic Life of Power*, she tries to escape from this accusation, highlighting that the subject's engagement with the process of her own formation has a psychic motivation. But this motivation still focuses on the relationship between the subject and the norm, portraying ontology as a function of power.²⁷

Nevertheless, in Butler's more recent account of the process of subjectivation she supplements the approach to ontology she had inherited from Foucault with a conception of *relationality*. Hence, we might say that in Butler's ethics, ontology is understood not only as a function of power, but also as a relation to the Other.²⁸ As she puts it, what is missing in Foucault (and in her previous work), is the idea that critique may be motivated by a desire of recognition, be this desire to offer or to demand recognition to another:

What he [Foucault] does not say it is that sometimes calling into question the regime of truth by which my own truth is established is motivated by the desire to recognize another or be recognized by another. The impossibility of doing so within the norms available to me compels me to adopt a critical relation to those norms. For Foucault, the regime of truth comes into question because "I" cannot recognize myself, or will not recognize myself within the terms that are made available to me. In an effort to escape or overcome the terms by which subjectivation takes place, my struggle with norms is my own. His question effectively remains "Who can I be,

24. J. Butler (2002, p. 226). Emphasis added.

25. J. Butler (2004a, p. 191).

26. J. Butler [2004] (2006, p. 30). Emphasis added.

27. B. Schippers (2014, p. 30).

28. *Idem*.

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given the regime of truth that determines ontology for me?
He does not ask the question "Who are you?"²⁹

Butler finds her way out of these limitations in Adriana Cavarero's critique of Hegel's account of recognition which draws on the work of Emmanuel Levinas and (especially) Hannah Arendt. Relying on this background, Butler will maintain that there is a necessary connection between the norm and the Other, as well as a necessary connection between power and ethics. Her main point is that the relation to the Other is not pre-social since it unfolds in a sphere of normativity. So, the normative frame is the condition that makes the encounter between myself and the Other possible.³⁰

From this it follows that I do not really confer recognition on you only by myself since the language I use to do so does not belong to me alone. In Butler's words:

In a sense, I submit to a norm of recognition when I offer recognition to you, which means that the "I" is not offering this recognition from its own private resources. Indeed, it seems that the "I" is subjected to the norm at the moment it makes such an offering, so that the "I" becomes an instrument of that norm's agency. Thus the "I" seems invariably used by the norm to the degree that the "I" tries to use the norm. Though I thought I was having a relation to "you," I find that I am caught up in a struggle with norms. But could it also be true that I would not be in this struggle with norms if it were not for a desire to offer recognition to you? How do we understand this desire?³¹

Hence, in her ethics the Other is introduced in the process of subject formation because of a desire *to offer recognition*, which is quite different from the narcissistic need to exist, Butler described in *The Psychic Life of Power*. But where would this desire come from?

Butler acknowledges that in a Hegelian vein this question would sound misleading, since for Hegel recognition is never a pure offering. The moment I give it is structurally the same moment I receive it.³² Her project, however, is to understand the encounter with the Other in a "post Hegelian reading of the scene of recognition" so this would be a basis for "an ethics based on our blindness to ourselves".³³ She wants to move beyond Hegel's concept of reciprocal recognition because instead of focusing on what the I can see (the structural sameness of the encounter with the Other), she wants to stress what the I cannot see, which is not only the Other's opacity to ourselves, but also our own opacity to ourselves. This latter is what de-centers the "I", and, in doing so, fails her self-identity.

Therefore, the ethics she proposes emerges from the limits of acknowledgment itself, from its ethical failure. To acknowledge our own opacity to ourselves and that of the Other implies experiencing the very limits of knowing. And to be aware of these limitations would raise a disposition of generosity. If I cannot know myself I will need to forgive myself; and knowing that the others are also opaque to themselves, I will need to offer forgiveness to them as well.³⁴

The scene of the encounter with the Other that Butler outlines is mostly inspired by Emmanuel Levinas,³⁵ for whom this situation is inaugurated with an address that we do not wish for and that holds us "hostage"³⁶ since we cannot avoid being captured by it. This address that we cannot avoid or control is already violence since to be addressed means to be deprived of will and the possibility of choosing not to respond.³⁷ So, it is in a terrain of a passive relation to the Other that the "I" emerges.³⁸ This scenario of passivity constitutes a preontological scene of subject formation, when, before becoming an ego, we are constituted as an object. To become an object is the consequence of being addressed, which in Levinas' framework means being "persecuted," since the address is unwished for. So, before any possibility of agency, we are acted upon, and we are the object of violence.

29. J. Butler (2005, p. 25). At a first sight, it seems that we could say that the scene of recognition in *The Psychic Life of Power* includes the other when it comes to Butler's approach to dependency. But in this work, the other doesn't seem to play any significant role in the process of subjectivation besides a motivational one, that is, the role of explaining the origin of the desire to subordinate to the norm. That's why Butler herself admitted, in the passage quoted, she needed to rethink the scene of recognition, in order to include alterity in the process of subjectivation.

30. *Idem*.

31. *Ibid*, p. 26.

32. J. Butler (2005, pp. 26-7).

33. *Ibid*, 41.

34. *Ibid*, 43.

35. Butler's turn to Levinas has puzzled a great number of her readers, especially because levinasian ethics seems to be too metaphysical for an author like Butler. Besides this, it also seems to suggest that ethics precedes politics, which doesn't seem to be Butler's approach, at least not until her ethical turn. Despite these objections, Butler offers some reasons for this theoretical choice. One of them has to do with her declared intention in grounding her ethics of non-violence in Jewish thought on ethical responsibility informed by the experience of the Holocaust. But there is another one, that for me sounds far more appealing, which is that Levinas provides a ek-static notion of the self that is not dyadic, that is, a notion of the self that is beyond itself from the start. See, especially, J. Butler (2005, cap. 3).

36. E. Levinas (1990, p. 117).

37. J. Butler [2004] (2006, p. 140).

38. J. Butler (2005, p. 87).

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This address is, in Levinas' vocabulary, made by what (or who) he calls *the face*. In this preontological beginning there is no narrative available; the face "does not speak." But, despite this, it makes an ethical demand upon me by vocalizing "the agony that is not yet language or no longer language".³⁹ So, the face's address cannot be refused or fully understood.⁴⁰

This uncomfortable (or violent) encounter with the face causes a double effect: the temptation to murder and the ethical impossibility of murder. The temptation to murder might come from a will to revenge, of reacting against the violence of the address; and the ethical impossibility of murder comes from the responsibility the persecuted has *for* the persecutor.⁴¹

This counter-intuitive linkage between persecution and responsibility *for* the Other, as Butler points out, might sound outrageous at first sight. But in order to understand it better it is necessary to be aware that Levinas separates responsibility from the ability of being an agent, of choosing, and of providing accountability.⁴² Responsibility in Levinas emerges from passivity, from being exposed to violence. As Butler clarifies:

We do not take responsibility for the Other's acts as if we authored those acts. On the contrary, we affirm the unfreedom at the heart of our relations to the Other, regardless of what the Other does, regardless of what I might will. Indeed, responsibility is not a matter of cultivating a will, but of making use of an unwilling susceptibility as resource for becoming responsive to the Other. Whatever the Other has done, the Other still makes an ethical demand upon me, has a "face" to which I am obligated to – meaning that I am, as it were, precluded from revenge by virtue of a relation I never chose.⁴³

The prohibition of killing the Other comes from the exposure of her vulnerability to death, her precariousness that cannot even be vocalized or narrated.⁴⁴ The face is, for Levinas, a cry of human suffering that is beyond any representation.⁴⁵ Hence, the Levinasian face seems to be precisely what the I cannot see, as Butler says, our own blindness and opaqueness to ourselves and to the Other. The impossibility to represent the face points to the limits of knowing ourselves and the Other. And it is from this very impossibility that Levinas' ethics emerges, as well as Butler's.

Summing up, Butler's ethics comes from opacity, emerges from the unknowing, and this is why it is both an ethics of vulnerability and an ethics of non-violence. After all, as she defines violence as the "act by which a subject seeks to reinstall its mastery and unity",⁴⁶ non-violence should mean embracing the opacity of the Other as well as our own, embracing our common vulnerability.

This suggests a necessary connection between vulnerability and the ethical duty of "shall not kill" since hiding the Other's vulnerability would suspend that duty while it might encumber the possibility of apprehending our shared vulnerability. This means, in Butler's words, to *dehumanize* the Other, to exclude some people from the political frame where the ethics of vulnerability operates or, in short, to exclude people from humanity.

a) Humanity, Ethics and Politics

What could humanity mean for a poststructuralist author like Butler who has dedicated her work to contesting universal categories for their exclusionary implications?

Butler's point in using such an expression foreign to her usual anti-humanistic vocabulary is not to suggest that there is a universal human essence "based on a single model of rationality" but rather to raise the following questions: "Who counts as humans? Whose lives are livable?"⁴⁷

Hence, we might say that her account of the human points both towards some shifts and to some continuities. Regarding the continuities, we can see that Butler remains faithful to the entanglement between power, resistance and the process of subject formation. But since her ethical turn she has reformulated her "concern with the 'subject' by exploring the possibilities of 'the human'".⁴⁸ As Schippers points out, this shift is so critical in Butler's recent work that we should read it as:

(...) a political philosophy of the human. [After all] (...) The key question for Butler is 'what makes for a livable life?' By posing the question of life in relation to livability, or rather, by opening 'life' up to a critical investigation, she articulates a new conception of the human (...) that departs in significant ways from her previous emphasis on the subject and on structures of subjection".⁴⁹

39. J. Butler [2004] (2006, p. 139).

40. *Ibid*, 131-2.

41. E. Levinas (1990, p. 8).

42. E. Levinas (1981, p. 105).

43. J. Butler (2005, p. 91).

44. J. Butler. [2004] (2006, p. 140-1).

45. E. Levinas (1985, p. 86-7).

46. J. Butler (2005, p. 64).

47. J. Butler [2004] (2006, p. 20, 90).

48. B. Schippers (2014, p. 38).

49. *Ibid*. p. 30, 41.

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The question of the human understood as an investigation of the conditions of its livability points directly to the link between *recognizability and frame*. As she puts it, frames organize our view of the world, our schema of intelligibility that generate the norms of recognizability so "our very capacity to discern and name the 'being' of the subject is dependent on norms that facilitate that recognition."⁵⁰ This is why Butler claims that critique should be understood as the expansion of the range of lives *recognizable* as human lives. But this expansion "is not a matter of a simple entry of the excluded into an established ontology, but an insurrection at the level of ontology, a critical opening up of the question, What is real? Whose lives are real?"⁵¹

Butler exemplifies a successful example of this sort of expansion through the visibility of the precariousness of the lives of Vietnamese children during the Vietnam War: it was the "pictures of children burning and dying from napalm that brought the US public to a sense of shock, outrage, remorse and grief." It was because these lives were visible in their precariousness that they entered the field of recognizability, that they became recognizable as human lives.⁵² A second approach to this very same idea of challenging the frames of recognizability concerns:

(...) those forms of nonviolent resistance that mobilize vulnerability for the purposes of asserting existence, claiming the right to public space, equality, and opposing violent police, security, and military actions. We may think that these are isolated moments in which a group decides in advance to produce a blockade or to link arms in order to lay claim to public space or to resist being removed by the police. And that is surely true, as it was in Berkeley in 2011 when a group of students and colleagues were assaulted by police forces on campus at the very moment they were practicing nonviolent protest. But consider as well that for trans people in many places in the world and women who seek to walk the street at night in safety, *the moment of actively appearing on the street involves a deliberate risk of exposure to force. Under certain conditions, continuing to exist, to move, and to breathe are forms of resistance.*⁵³ (my emphasis)

One of the examples mentioned by Butler of this sort of critique is the March against Homophobia and Transphobia that takes place every year in Ankara, the capital of Turkey.⁵⁴ Despite the risks that the March brings, gay and transpeople occupy the space from which they are excluded and in doing so trouble the borders

of public sphere that excludes them. In my view, we could also portray as an example of this kind of critique the protests in Rio de Janeiro, Brazil, against the murders of Marielle Franco and Anderson Pedro Gomes, who were both shot dead on March 14, 2018, in a targeted assassination.

Marielle was a black lesbian woman, raised in one of Rio de Janeiro's favelas and, as a councillor and a human rights activist, was very critical of state violence in the city. Anderson Pedro Gomes was her driver, having been working with her for only two months in a temporary job.

Right after the crime, crowds gathered together all over Brazil in spontaneous protests that demanded justice and investigation of the crime, but they were also, maybe primarily, a public mourning of Marielle's and Anderson's lives as well as a public exposure of the protesters' shared vulnerability. In exposing themselves to the risk of violence, people on the streets might have troubled the borders of public sphere where recognizability operates in a similar way to the March in Turkey seems to do, at least in Butler's view.

The idea that critique is to be understood as the expansion of the *recognizable* lives does remind Butler's account of resistance as troubling the hegemonic norms that we could already find in *Gender Trouble*. But the way Butler's idea of grievability functions in her "philosophy of the human" adds extra layers of complexities to her account of agency.

Grievability is an ethical ideal for politics, a normative criterion that is at once epistemological, ethical and political; epistemological, because it defines lives which are livable; ethical, because it distinguishes recognizable lives from unrecognizable ones; and political, because the exclusion from the frames of intelligibility and recognizability is political since "the prohibition on certain forms of public grieving itself constitutes the public sphere on the basis of such prohibition".⁵⁵

This complexity, though, as Drew Walker stresses, might bring some shortcomings in terms of the political agency of the excluded:

Butler's insistence on the grievability of all lives as an ethical ideal for politics seems difficult to dispute. But as I am arguing here, the problem with this perspective arises from the way that Butler accounts for the relationship between the human and its others. This image of the human relies upon a model of visibility and invisibility, of the real and the derealised. In this way, Butler's position presumes that the solution to the

50. J. Butler (2009, p. 4-7).

51. J. Butler [2004] (2006, p. 33).

52. *Ibid.*, p. 150-1. Emphasis added.

53. J. Butler (2016, p. 26).

54. J. Butler (2011).

55. *Idem.*, p. 37-38.

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problems of violence and injustice depends upon the recovery, recognition and making-visible of the humanness of the other. The result, however, is that *Butler overlooks, for instance, both the ways that her "dehumanized" others do in fact appear in the public realm, and the possibility that this analysis itself devalues the struggle of those whose lives are read as derealised and spectral. As such, the power to determine these conditions appears to rest with a dominant, or even hostile, other.*⁵⁶

This is why Walker claims that we need to develop a "politics of the human that resists the language of the dehumanized (...) in order to dramatize those moments where (...) human agency expresses itself in spite of attempts to stifle it or snuff it out".⁵⁷ It seems to me that Walker is proposing that we keep Butler's account of agency understood as performativity, as troubling the frames, the norms, and leave aside that account of agency related to offering recognition, to recognize the Other's vulnerability by making her precariousness visible in the public sphere.

However, it is not easy either to detach Butler's ethics from the concept of humanization and grievability, nor is it simple to detach both of them from the idea of passivity that she extracts from Levinas.⁵⁸ After all, for Butler to do so would mean to get rid of the Other in the process of subject formation, and the Other is precisely what she adds in her ethics. Although Butler's ethics keeps the idea of resistance as troubling the frames, it cannot do without the passivity of the excluded, since she needs to rely on this passivity in order to introduce alterity into the process of subjectivation without surrendering to a scene of recognition where there would be room for reciprocity, intersubjectivity, mutuality, and autonomy.⁵⁹

Hence, since passivity is ingrained in Butler's ethics, it seems that we cannot disentangle agency from the passivity of the dehumanized, or, to use Butler's earlier vocabulary, unintelligible people.

Summing up, it seems that when it comes to agency, Butler's later work includes two conceptions; one related to the recognition we offer to the Other, and a second connected with her previous account of performativity. The first relates to the case of the Vietnamese children Butler has mentioned. Following Walker, I believe this one crucial fault can be found here: it assigns a passive role to the unlivable lives in the process of their own humanization.

Indeed, introducing the Other into the process of subjectivation, as she did in her ethics, would be a risky move for the idea of detaching agency from intentionality and mutuality if she had not introduced passivity in the scene of recognition; at least this seems to be Butler's assumption. But it is this very same passivity that is at odds both with the agency of the outsiders and the agency of the insiders since this first account of agency does not make clear what would be the outsider's role in the process of their own humanization (what would Vietnamese people have done to be humanized?), nor why insiders would recognize outsiders as livable lives (what triggers the process of humanization?).

The second conception of agency is deeply connected to her previous account of performativity, as mentioned before, but with a stronger emphasis on the risk it implies. Not only the risk of losing intelligibility but also the risk of the exposure of our vulnerability to the Other. However, despite this important addition, let's say, the "relational and normative increment" of her ethics, we might still ask whether her mostly Levinasian approach to the Other would continue to expose her ideas to the sort of critique that Nancy Fraser and other authors made in the 1990's, especially regarding the debates in the *Feminist Contentions*.⁶⁰ I will address this issue in the next section.

Judith Butler and Nancy Fraser on Framing the Political

In one of her critiques of Judith Butler's normative weakness, Fraser observed that Butler's main normative commitment throughout her whole work is to make visible the operations of exclusion and to contest them. But in order to oppose exclusion, Fraser argues, Butler should offer a positive normative category, namely, inclusion:

I would press Butler to be more explicit about what she is doing, and if she is not willing to do it, I and other people can do it for her and say this is what really lies behind you. I think the category of "exclusion" is very important for Butler, as a normative category. The idea that there are many kinds of exclusions, some quite radical, in which the very possibility of a certain kind of subject is simply precluded, others, a little bit less radical, in which that subject might be allowed to exist

56. D. Walker (2015, p. 145). Emphasis added.

57. *Ibid.*, 142.

58. Laplanche is also a key author for Butler in her formulation of her account of passivity when it comes to primary passivity. See J. Butler (2005, p.76 and ss).

59. Butler's disagreements with Jessica Benjamin on this issue are quite illuminating in order to understand Butler's critique of mutual recognition. In a nutshell, her main argument is that mutual recognition implies purifying intersubjective relations of power. In order to avoid this, Butler finds in Levinas' account of passivity a way to introduce the Other into the scene of recognition while still being faithful to the Foucauldian idea that there is no outside of power. See J. Butler (2004b).

60. Benhabib *et al.* (ed) (1995).

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but only very much outside her view of what is considered acceptable. I think that the normative thrust of her work is to try to make visible these operations of exclusion and to contest them. So I would say that a positive normative category for her is inclusion, as opposed to exclusion. This seems to be useful, but I do want to point out that it is less radical than something like my key normative idea, which is "parity of participation". Parity of participation is a standpoint that allows you to condemn exclusion, certainly, but also to condemn inclusion on less than equal terms. So I think it is a stronger normative category than simple exclusion/inclusion contrast, which I think she mainly works with.⁶¹

In a 2012 interview, Butler seems to have changed regarding this refusal to offer a normative criterion, as Fraser requires her to do. Actually, when asked whether she had altered her position towards normativity in her recent work, her answer was:

Yes, I think that *Undoing Gender* (Butler 2004b) and *Precarious Life* (Butler 2004a) both reconsider the idea of normativity. But I think there is a specific sense of normativity that we find in German philosophy that does not translate easily into other languages (and so is perhaps not as universal as it claims to be). If I say, as I do, that there are certain obligations between human animals that must be honored, I seem to be pointing to obligations to protect and shelter the lives of others. I have tried to make this argument recently by drawing on Levinas and Arendt. In Germany, this is often called a 'normative' argument, but probably in the US and in France it would be understood as a point within ethical philosophy.⁶²

Indeed, as Shippers puts it, Butler's ethics represents a clear move towards normative theorizing that "should put to rest those critics who have faulted Butler for not providing her reader with a normative compass against which to evaluate political claims".⁶³ However, although Butler's late engagement in normative arguments is pretty clear, it is not so clear, as Shippers assumes, that criticisms regarding Butler's normative deficit should be "put to rest" very easily. As Danielle Petherbridge has noted:

Butler is overly cautious about the potential normative underpinning of her work and tends to fluctuate between an ethical account of recognition and an understanding of normativity in terms of subjugating forms of "normalization." (...) Therefore,

although Butler gestures toward a normative view of vulnerability, her own equivocation about the terms of this conception and her ambivalence about the association of normativity with normalization foreclose the potential of her account.⁶⁴

It seems to me that Petherbridge's point goes in a similar direction to Fraser's when it comes to stressing that Butler does not offer a strong normative category, one that could be radical enough to ground a "standpoint that allows you to condemn exclusion (...), but also to condemn inclusion on less than equal terms".

Indeed, Fraser has been insisting on an approach that addresses this question by distinguishing different dimensions of justice. Her point in doing so is to make a sharper diagnosis as well as a more accurate prescription of the political remedies designed to correct injustices. Initially, she distinguished two dimensions: economic and cultural. But in her latter writings, Fraser realized she needed to complete her theory with a political dimension of justice in order to grasp injustices in a world where the Keynesian-Westphalian frame can no longer be taken for granted.

The political dimension of justice addresses two different kinds of political injustice: ordinary political misrepresentation and misframing. The first level of misrepresentation raises debates about the merits of distinct electoral systems and also the justice of rules that take or not gender, race, sexuality, and class exclusions into account. These are questions that belong to the sphere of political justice that usually takes place in a national frame.⁶⁵

The second level of misrepresentation corresponds to that which constitutes norms of exclusion and inclusion, rules that distinguish members from non-members, outsiders from insiders. This is a sort of misrepresentation, according to Fraser, which is similar to the kind of social injustice suffered by people that are excluded from what Hannah Arendt called "the right to have rights." To be deprived of this right would be a kind of "political death, since it implies being deprived of the possibility of authoring normative claims, and this deprivation would turn them into 'non-persons' with respect of justice".⁶⁶

Summing up, according to Nancy Fraser, a theory of justice for our time must include three dimensions: redistribution, recognition and representation, including the two levels of the latter. These dimensions allow us to identify different sorts of injustice and their respective suitable remedies. But, above all, the most important thing about her normative framework is that it would offer the necessary political and theoretical tools to approach what she claims to be the most central political questions of our time: how

61. N. Fraser (2011, p. 205).

62. R. Willig (2012, p. 142).

63. B. Schippers (2014, p. 43).

64. D. Petherbridge (2016, p. 6).

65. N. Fraser [2009] (2010, p. 18-9).

66. *Ibid.*, 19-20.

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to integrate struggles against injustice within the so-called Post-Westphalian frame?

In Butler's work on ethics, it seems we can find a discussion on political equality that addresses this "problematic of *framing*", as Fraser calls it,⁶⁷ since Butler states she is mainly preoccupied with the borders that distinguish members from non-members of a political community. Indeed, it is the global violence which is committed and naturalized against people who are strange to any community that leads her to argue that vulnerability might ground a normative criterion of equality, the *egalitarian grievability*. Moreover, Butler's understanding of "dehumanization" does not seem any different to what Fraser calls misframing injustice, which is "turning human beings into non-persons in respect of justice". After all, at the end of the day both authors seem to be preoccupied with the political death and social injustices that come from banning some people from the public sphere.

Nevertheless, it seems that insofar as Butler offers a conception of equality restricted to that misframing dimension of justice, she cannot offer a normative category that is powerful enough to approach certain sorts of injustice, including those grounded in gender roles. But, of course, she claims that this is not the case:

If someone is lost, and that person is not someone, then what and where is the loss, and how does mourning take place? This last is surely a question that lesbian, gay, and bi-studies have asked in relation to violence against sexual minorities; that transgendered people have asked as they are singled out for harassment and sometimes murder; that intersexed people have asked, whose formative years are so often marked by unwanted violence against their bodies in the name of a normative notion of what the body of a human must be. These movements centering on gender and sexuality and efforts to counter efface those who are physically challenged. It must also be part of the affinity with anti-racist struggles, given the racial differential that undergirds the cultural viable notions of the human, ones that we see acted out in dramatic and terrifying ways in the global arena at the present time.⁶⁸

Butler certainly has a good point here. But would this be the case if she were addressing issues such as gay marriage, equitable salaries for men and women, racial and gender quotas in parliament or the sexual division of labor in the domestic space? There is no doubt Butler would agree that these are very serious inequalities and exclusions related to the reification of gender identity. But her normative criterion does not greatly help to address this sort of

question. For instance, Caucasian women, who occupy powerful positions in the market, often earn lower wages than their male counterparts. But would it be accurate to consider that this results from a "dehumanization" process that would make these women's lives disposable or their lost invisible and ungrievable?

From a feminist standpoint, Butler's conflation of different kinds of injustices in a general conception of dehumanization is quite problematic because it misses the central role gender, race, class and sexuality play in the idea of belonging, and especially, of belonging in *equal* conditions. Sunera Thobani makes this point quite clear when she claims that there is a racial blindness in Butler's account of humanity:

Butler's 'human' subject is generalized to such a degree that a discussion of power relations between white and non-white subjects can be evaded. Such power relations, however, cannot be willed away, even by the most sophisticated and ardent of attempts of inclusion of 'others' in the category of the human.⁶⁹

Accusing Butler of relying on a generalized 'human' subject that conceals power relations is, to say the least, an unexpected critique of the author of *Gender Trouble*. But the most surprising thing is that this kind of critique, that seems completely out of place in Butler's early work, does highlight an important shortcoming in Butler's ethics. And I believe this is so because in Butler's ethical turn she does not provide tools to capture social and political inequalities in a way that could help us to understand how power structures gender, sexual, class and racial relations in the domestic space, in the market, as well as the implications these inequalities have for preventing some groups from fully participating in the political sphere.

A way of responding to this critique would be by claiming that Butler does grasp a more contextualized diagnosis of exclusion when she makes the difference between *precariousness* and *precarity*. Butler defines precariousness as an existential concept that seems to be interchangeable with vulnerability, while precarity would refer to the more specific process of rendering some lives more unequal than others.⁷⁰ In making this distinction Butler seems indeed to be embracing different modes of unlivability or *the political problem of the human*, as Moya Lloyd calls it.

In order to address such a problem, Butler mentions a variety of examples of different forms of precarity. Some of them emphasize its political dimension (such as the conditions of arbitrary state violence); some stress its economic character (such as the exposure to unemployment or being part of an "expendable labor force"); some address its symbolic character (such as police harassment

67. *Ibid.*, p. 2. Emphasis in original

68. J. Butler [2004] (2006, p. 32-3).

69. S. Thobani (2007, p. 181).

70. J. Butler (2009, p. 25).

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against sex workers, homo and transphobia, etc.).⁷¹ Hence, it seems that Butler did attempt to approach the concrete and differentiated ways that recognizability operates with the concept of precarity. Nevertheless, as Lloyd observes:

In none of these discussions (...) does Butler ever explore in detail the actual mechanisms that give rise to the concrete precarisation of a particular population beyond referring to it as a general "political" process induced by police actions, economic policies, governmental policies, or forms of state racism and militarization' (...). She appears to consider it sufficient for argumentative purposes simply to note that bodies are made precarious-or precaritized- politically in a variety of different ways.⁷²

Moreover, neither the link nor the definition of precariousness and precarity are sharply defined. As Mills notes, in *Frames of War*, Butler conflates these concepts when she refers to a "differential distribution of precariousness". Now, if precariousness is the universal existential condition of embodied selves, how could its distribution be differentiated? Indeed, the distinction between precariousness and precarity that could help to situate Butler's diagnosis and escape from the charge of providing a too abstract normative criterion seems to be "overwhelmed by the limitations in approach in fully reckoning with precarity".⁷³ In other words, despite Butler's differentiation between precarity and precariousness, she did not succeed in approaching the 'situatedness' of the political problem of the human.

As I suggested before, Petherbridge's considerations on the normative deficits of Butler's work on vulnerability remind me of Fraser's critique of Butler's account of inclusion. And I guess the same could be said of the discussion Thobani, Lloyd and Mills raise regarding the abstraction of Butler's ethics. In short, despite the differences we may find between these authors,⁷⁴ I believe they share the idea that Butler's normative criterion is not strong enough because it is too abstract to grasp the wide range of social, political and symbolic injustices in contemporary societies.

Judith Butler's Ethics of Vulnerability: Empirical Confusions?

As mentioned before, Nancy Fraser said that she and other authors could do the job of articulating Butler's critique of exclusion with

the conception of inclusion implicit in Butler's whole work. After doing so, Fraser continues, she could confront it with her own category of "parity of participation" and justify why it is stronger than Butler's account of political inclusion.

Although I believe Fraser is right in many of her critiques of Butler, she appears not to completely capture Butler's shifts throughout her work. Indeed, Fraser seems to downgrade the differences between Butler's approach to exclusion and inclusion as Fraser claims Butler's conception of inclusion was already implicit in *Gender Trouble*. To be sure, there might be one there. But whatever may be the idea of inclusion implicit in her critique of exclusion, be it justifiable or not with the theoretical tools she had at hand by that time, it is not that which is outlined in her recent work. And if they might be both guilty of a number of flaws, as Fraser argues, they are flawed in different ways.

I believe there is an important shift in her ethics that Fraser seems to be missing which can be better grasped if we compare the way the concepts of recognition, representation and vulnerability are used in her argument in different phases of her work. Regarding the concept of vulnerability, we can see that it is directly addressed in *The Psychic Life of Power* in a way that seems consistent with the framework of *Gender Trouble*. As mentioned before, in her earlier work, Butler relates vulnerability to the instability of social recognition and our narcissistic need to be acknowledged as intelligible beings. Since Butler's ethical turn, though, "vulnerability" operates in a different way. When she reaches a Levinasian approach to vulnerability, it is now related to something that is precisely the opposite of narcissism: the primacy of the Other.

Regarding representation, the theoretical move is not that radical. Indeed, in both phases Butler relates full representation to reification. But there is still a quite important change here. In her later work the very impossibility of full representation instead of being related to the necessary exclusion implied in the process of subject formation is also connected to a criterion of political inclusion, or, more precisely, of an expansion of the political sphere. Public grief implies the exposure of human suffering communicated by the Levinasian face whose unrepresentability is precisely what humanizes itself. And "humanization" is what includes the Other in humanity, that is, in the group upon which the ethics of non-violence operates.

Finally, in respect to her account of recognition, we could say that in *The Psychic Life of Power* recognition is necessarily connected to subordination to the norm. And, as the norm is an

71. M. Lloyd (2015, p. 176).

72. *Idem*.

73. C. Mills (2015, p. 49).

74. Although I think the critiques of Petherbridge, Thobani, Lloyd and Mills address the same point Fraser has raised before, I believe these authors acknowledge Butler's ethical turn had complicated Butler's normative categories, something I am not sure Fraser is (or was) sufficiently attentive to. I discuss this point in the next section.

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instance of exclusion, it is also attached to political exclusion. In *Giving an Account of Oneself and Precarious Life* and *Frames of War* though, recognition is related to the process of humanization, which is a political inclusion. So, although the idea of the impossibility of being fully identified persists, the understanding that recognition always implies exclusion and subordination to the norm is modified. The recognition we offer to the Other is inclusive. One of the most important aspects of this shift seems to be the disentanglement of dependency, subordination and recognition. This move, together with the more important role Butler confers on alterity in the scene of recognition is what opens up the way for her to offer an ethics of vulnerability.

But there is also some continuity in those moves. To be sure, Butler was careful enough in order to remain faithful to central ideas of her previous thinking, namely, to the idea that recognition is not symmetrical and reciprocal, that representation never grasps the ambivalence and complexities of the subject, and to an understanding of agency detached from intentionality. Butler appeals to Levinas precisely not to leave power outside the scene of recognition as well as not relying on a "doer before the deed". In other words, in order to keep these ideas and move beyond the claim that "to exist implies capitulating to one's subordination", she openly avoids normative approaches like that which Fraser would expect her to embrace.⁷⁵

One could say, however, that Butler could find her own way to surpass all of the normative confusions that Fraser has accused her of. But this interpretation is precisely what I tried to contest in the previous section of this article. There, I argued that the unveiling of the power relations that shape social roles and identities, which was the strong point of her critique of exclusion, is the weakness of her conception of inclusion as a process of "humanization" insofar as the latter conflates every kind of injustice into a sole, comprehensive and quite radical form of political exclusion.

From this point follows the first claim of this paper. In Butler's ethical turn we can find two conceptions of agency: one related to the recognition of the Other's vulnerability; and another associated to the occupation of the public spaces we are not allowed into. I believe those two conceptions are intertwined in Butler's ethics since, in order for her to remain faithful to the core of her previous thought, she could not introduce alterity into the scene of recognition without relying on the idea of passivity.

The second claim of this article is that in Butler's ethics her normative positive criterion is, surprisingly, too abstract to approach

situated inequalities, especially if it is taken in its intersection with class, sexuality and race. Although she does not ground her conception of humanity in some sort of universal rational subject, her idea of equality is still too general for a feminist critique. To be sure, not being excluded from humanity or not being a displaced person in the world, as Hannah Arendt argued, is a crucial dimension of political equality. But on the other hand, to be recognized as a human being does not seem to be enough for feminist critical theory.

In other words, it seems to me that in Butler's ethics we can find an unexpected abstraction of the diagnosis of exclusion, and I believe this is a consequence of her attempt to overcome some of the shortcomings of her previous work, especially its normative weakness, that she herself seems to have recently acknowledged. But in order to make her ethics compatible with some of the key ideas she raised before, notably her rant against mutual recognition and intentionality, the path she has chosen to do so, at the end of the day, seems to lead her to an unexpectedly generalized normative criterion when it comes to political equality.⁷⁶

Finally, let me conclude by arguing that despite the criticism I have developed throughout this article, I believe Butler's current project must be embraced by contemporary critical theory. To my mind, Butler's recent work has been able to grasp some of the most crucial theoretical-political problems of our time. On one hand, she has confronted the entanglement between subjection, critique and psychoanalysis, something that enriches the resources for her diagnosis of oppression in a way Nancy Fraser has never been willing to do.⁷⁷ In taking seriously this intrapsychic dimension, Butler has committed herself to exploring a quite embodied, conflictive and ambivalent account of agency and recognition while still providing a normative criterion of political and ethical equality. In doing so, she has been able to construe a conception of non-violence that challenges both the representation of the Other (or the self) as the incarnation of absolute evil (or absolute good) without falling into any kind of cynical nihilism.

In a nutshell: as the world becomes a more violent and polarized place, I find Butler's recent ideas both inspiring and disappointing. Inspiring when it comes to articulating the most crucial ethical and political problems of the present time; and disappointing when it comes to the way her recent normative insights might be producing some important empirical confusions.

75. J. Butler [2004] (2006, p. 140). See also E. Ferrarese (2011) and S. Benhabib (2013).

76. Regarding this point, I depart from Fraser. As mentioned before, Fraser considers that Butler's strength is precisely in her diagnosis of exclusion. But my point here is that when Butler offers her normative criterion, she cannot provide an accurate diagnosis of exclusion. And this, I believe, seems to where Fraser's idea of combining Butler's Foucauldian strategy of formulating a diagnosis of exclusion with the normative criterion that she herself provides faces its major and perhaps unsurmountable obstacles. I address that issue in my PhD thesis *A tensão entre modernidade e pós-modernidade na crítica à exclusão no feminismo* (2009, State University of São Paulo, USP).

77. I address this issue on I. Cyfer. (2017, p. 247-274).

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What's the trouble with humanity?

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