LIVING DISABILITY:

WAYS FORWARD FROM DECONTEXTUAL MODELS OF DISABILITY

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By: CHANDRA KAVANAGH, B.A., M.A.

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AUTHOR: Chandra Kavanagh, B.A. (Memorial University) M.A. (Ryerson University)
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Lay Abstract

Living Disability: Ways Forward from Decontextual Models of Disability consists of six separate articles that provide both theoretical and pragmatic commentaries on decontextual approaches to vulnerability and disability. The first three articles examine contemporary approaches to understanding vulnerability and disability, and explore what a contextual theoretical approach, one that puts the experiences of people with disabilities at the centre, might look like. The second three articles provide a bioethical examination of practical ethical questions associated with the treatment of people with disabilities when it comes to social and political positions on disability and sexuality, solidarity with people with disabilities, and the relationship between people with disabilities and objects.

Abstract

Living Disability: Ways Forward from Decontextual Models of Disability consists of six articles that provide both theoretical and pragmatic commentaries on decontextual approaches to vulnerability and disability. In *What Contemporary Models of Disability Miss: The Case for a Phenomenological Hermeneutic Analysis* I argue many commonly accepted models for understanding disability use a vertical method in which disability is defined as a category into which people are slotted based on whether or not they fit its definitional criteria. This method inevitably homogenizes the experiences of disabled people. A hermeneutic investigation of commonly accepted models for understanding disability will provide an epistemological tool to critique and to augment contemporary models of disability. In *A Phenomenological Hermeneutic Resolution to the Principlist-Narrative Bioethics Debate Narrative,* I note narrative approaches to bioethics and principlist approaches to bioethics have often been presented in fundamental opposition to each other. I argue that a phenomenological hermeneutic approach to the debate finds a compromise between both positions that maintains what is valuable in each of them. *Justifying an Adequate Response to the Vulnerable Other* examines the possibility of endorsing the position that I, as a moral agent, ought to do my best to respond adequately to the other's vulnerability. I contend that, insofar as I value my personal identity, it is consistent to work toward responding adequately to the vulnerability of the other both ontologically and ethically. *Who Can Make a Yes?: Disability, Gender, Sexual Consent and 'Yes Means Yes'* examines the 'yes means yes' model of sexual consent, and the political and ethical commitments that underpin this model, noting three fundamental

disadvantages. This position unfairly polices the sexual expression of participants, particularly vulnerable participants such as disabled people, it demands an unreasonably high standard for defining sexual interaction as consensual, and allows perpetrators of sexual violence to define consent. In *Craving Sameness, Accepting Difference: The Possibility of Solidarity and Social Justice* I note realist accounts typically define solidarity on the basis of a static feature of human nature. We stand in solidarity with some other person, or group of people, because we share important features in common. In opposition to such realist accounts, Richard Rorty defines solidarity as a practical tool, within which there is always an ‘us’, with whom we stand in solidarity, and a ‘them’, with whom we are contrasted. I argue that by understanding Rorty’s pragmatic solidarity in terms of the relational view of solidarity offered by Alexis Shotwell, it is possible to conceptualise solidarity in a manner that allows for extending the boundaries of the community with whom we stand in solidarity. In *Translating Non-Human Actors* I examine Bruno Latour’s position that nonhuman things can be made to leave interpretable statements, and have a place in democracy. With the right types of mediators, the scientist can translate for non-humans, and those voices will allow for non-human political representation. I wish to suggest that, like scientists, people with disabilities are particularly capable of building networks that facilitate translation between humans and non-humans.

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Introduction

Living Disability: Ways Forward from Decontextual Models of Disability consists of six separate articles that provide both theoretical and pragmatic commentaries on decontextual approaches to vulnerability and disability. The first three articles examine contemporary approaches to understanding vulnerability and disability, and explore what a phenomenological hermeneutic approach, one that puts the experiences of people with disabilities at the centre, might look like. The second trio of articles provide a bioethical examination of practical ethical questions associated with the treatment of people with disabilities when it comes to social and political positions on disability and sexuality, solidarity with people with disabilities, and the relationship between people with disabilities and objects. The project as a whole comes together both in terms of thematic content, and methodology. The central themes of relationality, experience, vulnerability, disability, and context are investigated using a phenomenological hermeneutic approach that, once applied, produces practical ways forward for responsible interaction between vulnerable people. The phenomenological hermeneutic approach to bioethical inquiry begins from a foundation of uncritical preunderstanding that colours the experiences we have of the vulnerable others with whom we interact every day. Our unexamined, uncritically held positions are a determining factor in how we relate to others we perceive as vulnerable, such as those people with disabilities. Despite the fact that our experience of vulnerable others is always coloured by our uncritical pre-understanding, it is through an openness to experience inquiry into the preunderstanding is triggered. For example, my interaction with a person with autism, and my treatment of that person, may be partially determined by my uncritically held beliefs about what it means to be autistic. However if in context of interacting with this person my immediate experience does not fully align with the assumptions of my preunderstanding, and if I am open to the dissonance of that experience, it may trigger an investigation into my uncritically held beliefs. Such an investigation can lead to further curiosity, including the collection of experiences and resources that can develop into understanding proper. As this understanding becomes fully incorporated into my experience, it recedes back into preunderstanding, which then colours future experiences. This process is the bioethical version of a traditional hermeneutic circle.

In *What Contemporary Models of Disability Miss: The Case for a Phenomenological Hermeneutic Analysis* I argue many commonly accepted models for understanding disability use a vertical method in which disability is defined as a category into which people are slotted based on whether or not they fit its definitional criteria. This method, and the models of disability developed in accordance with it, inevitably homogenizes the experiences of disabled people. A phenomenological hermeneutic investigation and critique of commonly accepted models for understanding disability provides epistemological tools that make it possible both to critique and to augment contemporary models of disability. This article follows the same methodology as the previous article insofar as it begins with an investigation of the relevant preunderstanding framework that governs how I view vulnerable others, in this case the various models of disability that have been widely accepted in both academic literature and popular culture. This investigation into the preunderstanding that underpins my notion of what it means to be disabled is initiated by experiences with disabled others that contradict those commonly accepted models of disability. This investigation both demonstrates, and recommends, a phenomenological hermeneutic approach to disability. Digging in to uncritically held beliefs about disability *demonstrates* a phenomenological hermeneutic approach to understanding disability because it begins from a preunderstanding framework represented by commonly used models of disability, investigation into that preunderstanding is prompted by the experiences of disabled people that reveal this uncritical preunderstanding and all of its flaws, which leads to to further curiosity including the continued collection of experiences and resources that can develop into understanding proper through the phenomenological hermeneutic approach. This investigation *recommends* a phenomenological hermeneutic approach to understanding disability because unlike all other models of disability this is the only approach that can account for the multiplicity of divergent experiences reported by disabled people rather than dismissing those experiences as meaningless or inaccurate.

In *A Phenomenological Hermeneutic Resolution to the Principlist-Narrative Bioethics Debate Narrative*, I note narrative approaches to bioethics and principlist approaches to bioethics have often been presented in fundamental opposition to each other (Arras 1991, McCarthy 2003). I argue that a phenomenological hermeneutic approach to the narrative versus principlist debate finds a compromise between both positions that maintains what is valuable in each of them. A phenomenological hermeneutic approach to narrative bioethics begins not from principles, nor from narratives, but from a preunderstanding framework that contains both principles and narratives. Before it is possible to engage in bioethical inquiry, to understand the problems and solutions that bioethics presents, a preunderstanding framework made up of of stories, beliefs, rules and experiences is already endorsed by the inquirer by her very existence in the community. In the case of bioethics, the preunderstanding that grounds any bioethical inquiry includes the community's consciously and subconsciously held beliefs, stories, symbols, rules and practices concerning health, illness, disability and so on. Understanding arises from a critical investigation of preunderstanding, triggered by new experiences. When a hermeneutic investigation of the preunderstanding is triggered by an experience, the thinker can seek out further experiences and resources to confirm the accuracy of her newfound understanding. With regard to the bioethical debate between narrative inquiry and principlism, the phenomenological hermeneutic approach to narrative bioethics finds a middle road between the understanding of accuracy that underlies Arras's principlist account of bioethics and the version of accuracy that underlies the radical postmodern edge of narrative bioethics.

In *Justifying an Adequate Response to the Vulnerable Other* I ask is it possible to endorse the position that I, as a moral agent, ought to aspire to respond adequately to the other's vulnerability? Here an adequate response to vulnerability refers to a responding to an other in a way that respects her vulnerability, and supports her personal identity. I contend that, insofar as I value my personal identity, it is consistent to work toward responding adequately to the vulnerability of the other both ontologically and ethically. In this opening article I lay the groundwork for a phenomenological hermeneutic approach to addressing vulnerability in others, such as the vulnerability often associated with disability. This article serves as the initial stage of the hermeneutic circle wherein I begin from an uncritical preunderstanding of my own identity as an agent, and through the questions raised by the experience of relating to and interacting with vulnerable others I am compelled to reconsider the ontological and ethical responsibilities associated with being a vulnerable other among vulnerable others.

The first three articles in this project examine the preunderstanding framework that underpins contemporary approaches to understanding vulnerability and disability, as well as our ethical responsibilities to disabled and vulnerable others. This examination is prompted when, instead of ignoring experiences that do not align with our preunderstanding of what it means to be disabled or what it means to be vulnerable, we allow those experiences to inspire curiosity. It is through an experientially driven investigation into our uncritically held beliefs that we are able to explore what a phenomenological hermeneutic approach, one that puts the experiences of vulnerable people at the centre, might look like. The second trio of articles associated with this project provide a bioethical examination of practical ethical questions associated with the treatment of vulnerable people, specifically people with disabilities, when it comes to social and political positions on disability and sexuality, solidarity with people with disabilities, and the relationship between people with disabilities and objects. The initial trio of articles and the second trio of articles share both thematic content, and methodology. Like three first three articles, the second three articles are defined by themes of relationality, experience, vulnerability, disability, and context that are investigated using a phenomenological hermeneutic approach. However, whereas the first three articles seek to provide a theoretical framework for a phenomenological hermeneutic investigation of vulnerability and disability, the second three articles provide a practical application of a phenomenological hermeneutic investigation of vulnerability and disability to pressing ethical issues. This practical application achieves two aims; first it produces practical ways forward for securing responsible interaction between vulnerable people, and second it demonstrates the value of a phenomenological hermeneutic investigation of vulnerability and disability through the production of these practical ethical recommendations.

In *Who Can Make a Yes?: Disability, Gender, Sexual Consent and 'Yes Means Yes'* The 'yes means yes' model of sexual consent, and the political and ethical commitments that underpin this model, possess three fundamental disadvantages. This position unfairly polices the sexual expression of participants, particularly women and vulnerable participants such as disabled people, it demands an unreasonably high standard for defining sexual interaction as consensual, and, by denying the body's capacity for expressing sexual consent, this model allows perpetrators of sexual violence to define consent. As is the case with the previous three articles this article begins with an investigation into what has become an uncritically held preunderstanding of sexual consent and its relationship to vulnerability. 'Yes means yes' has become dogma as opposed to a consciously held position and as such it informs sexual interactions without the position itself receiving its due consideration. It is through a description of sexual experience, especially the sexual experiences of vulnerable people such as those people with disabilities, that the failings of the 'yes means yes' position are revealed. The communication between people that allows for both to willingly participate in shared projects, such as sexual contact, is complex. We say 'no' when we mean 'yes', and 'yes' when we mean 'no'; We consent and refuse with eye contact, facial expressions, touch and reactions to touch. Positions such as 'yes means yes' attempt to simplify and hierarchise sexual consent in an effort to clarify which sexual interactions can be classified as consensual and which can be classified as not consensual. However, rather than investigating how people actually negotiate consent, the ‘yes means yes’ model prescribes one style of expressing consent, verbal consent, and relegates bodily consent to a subordinate position. It is through a phenomenological hermeneutic investigation of the ‘yes mean yes’ model of sexual consent, an investigation that is initiated by the divergent experiences of vulnerable participants that the failings of this model are brought to light.

In *Craving Sameness, Accepting Difference: The Possibility of Solidarity and Social Justice* I note realist accounts typically define solidarity on the basis of a static feature of human nature. We stand in solidarity with some other person, or group of people, because we share important features. In opposition to such realist accounts, Richard Rorty defines solidarity as a practical tool, within which there is always an ‘us’, with whom we stand in solidarity, and a ‘them’, with whom we are contrasted. These boundaries are not static but alterable. I argue that by understanding Rorty’s pragmatic solidarity in terms of the relational view of solidarity offered by Alexis Shotwell, it is possible to conceptualise solidarity in a manner that allows for extending the boundaries of the community with whom we stand in solidarity. In this article I continue to demonstrate the value of the phenomenological hermeneutic approach to ethical issues like the question of solidarity insofar as this approach allows for the possibility of examining uncritically held beliefs, in this case our uncritically held preunderstanding of what it means to stand in solidarity with one another, based on the divergent experiences of vulnerable people such as those people with disabilities. It is through this examination that we are able to see the negative ethical implications of choosing only to stand in solidarity with those with whom we have a particular characteristic in common.

Furthermore, it is this phenomenological hermeneutic approach, and the role of unfamiliar experience within this approach, that reveals the centrality of the imagination in facilitating the development of a more inclusive community with whom one can stand in solidarity.

In *Translating Non-Human Actors* I note that Bruno Latour posits an immanent confrontation between those of us who subscribe to a distinction between Nature and Culture, and those who do not. In positing this confrontation, Latour begins to reveal the exigency of translating between human and non-human actors. Throughout his work, Latour tasks the scientist with translating for non-humans. In this article I suggest that, like scientists, disabled people are particularly capable of building networks that facilitate translation between humans and non-humans. Furthermore, I argue that supporting disabled people as possible translators for voiceless non-humans is a savvy approach for those who wish to translate the voices of non-humans in a manner that contributes to the realisation of a non-human democracy. This final article provides a third demonstration of how a phenomenological hermeneutic investigation of uncritically held beliefs can be used to identify immediate solutions to complex ethical conundrums, solutions that would be inconceivable had such an investigation into the assumptions of the preunderstanding not taken place. In this case through the divergent experiences of hybrids, that is beings that do not fit neatly into the categories of Nature and Culture, we are forced to examine our presumption that Nature and Culture are meaningful categories into which the world can be neatly slotted. By noting that the experiences of certain people, such as people with disabilities, level a challenge to the modern Nature/Culture divide we can also employ the insight of those people to help to responsibly and ethically navigate a world where that divide no longer inheres.

Living Disability: Ways Forward from Decontextual Models of Disability consists of six separate articles that provide both theoretical and pragmatic commentaries on decontextual approaches to vulnerability and disability, but more than that these six articles both outline and demonstrate a phenomenological hermeneutic methodology for a meaningful investigation of the divergent experiences of vulnerable people. The first three articles illuminate the theoretical underpinning that determine the contemporary conversation concerning vulnerability and disability, and offer alternative ways forward for examining these concepts fruitfully based on a phenomenological hermeneutic methodology. This new theoretical apparatus can then be used to offer practical solutions for the pressing ethical questions facing disabled people and their communities such as, 'what does ethical sex between and among vulnerable people look like?', 'to whom do I owe my solidarity and why?', and 'who has the right or even the capacity to speak for the voiceless?'. Overall this project engages in an examination of the central themes of relationality, experience, vulnerability, disability, context using a phenomenological hermeneutic approach that, once applied, produces practical ways forward for responsible interaction between vulnerable people.

What Contemporary Models of Disability Miss:

The Case for a Phenomenological Hermeneutic Analysis

Chandra Kavanagh

Abstract: Many commonly accepted models for understanding disability use a vertical method in which disability is defined as a category into which people are slotted based on whether or not they fit its definitional criteria. This method, and the models of disability developed in accordance with it, inevitably homogenizes the experiences of disabled people to preserve the integrity of the definition of disability that a given model provides. A hermeneutic investigation and critique of commonly accepted models for understanding disability will provide an epistemological tool that makes it possible both to critique and to augment contemporary models of disability.

Keywords: phenomenological hermeneutics, medical model of disability, social model of disability, methodological critique, disability studies

Many commonly accepted models for understanding disability, including the medical and social models, use a vertical method in which disability is defined as a category into which people are slotted based on whether or not they fit its definitional criteria. This method, and the models of disability developed in accordance with it, inevitably homogenizes the experiences of disabled people to preserve the integrity of the definition of disability a given model provides. This adoption of a vertical method, which I call the "misleading methodological commonality," persists across contemporary models for understanding disability, including the medical, social, relational, affirmational, and religious models. I argue that a hermeneutic investigation of these five models of disability provides an epistemological tool that makes it possible both to critique and to augment them. Rather than dismissing them, it is possible to provide an account of disability that carefully considers and incorporates the varied experiences of disabled people by examining how disabled people experience themselves as disabled.

A note about terminology: Throughout this document I will use both person-first and identity-first language. I adopt Elisabeth Barnes's (2016) justification for the choice to use the term "disabled people" rather than "people with disabilities" because the term "disabled people" "mirrors our usage of other terms which pick out minority social groups" (6). A common reason given for choosing to use person-first language is to highlight the fact that people are not defined by their status as disabled (Liebowitz 2015; Centers for Disease Control and Prevention 2017). But I agree with Barnes that the term "disabled person" no more defines a person than the terms "gay person" or "Jewish person" defines those people.

Before beginning an investigation into common models of disability, the characteristics and functions of models more generally must be made clear. Charles Lave and James March (1993) define a model as "a simplified picture of a part of the real world" (3). The model reflects some aspects of the real world and can be employed to improve understanding regarding the experiences or concepts to which it is applied. Lave and March note, "Since a model only has some characteristics of reality, it is natural to have several different models of the same thing, each of which considers a different aspect" (3). This aspect of models is uniquely important when considering the methodological critique that follows. No model can hope to contain every aspect of what it represents. However, these models are not being critiqued on the basis that they have left out an aspect of disability that ought to be included in each model. Rather, they are being critiqued because even when considered together, as a result of their methodological commonality, they systematically leave out some experiences of disability. Additionally, while the models of disability presented here are painted with a sweeping brush, it is worth noting that there is a wide variety of disagreement and overlap within and among models.

1. The Medical Model of Disability

Tobin Seibers (2008) argues that "the medical model defines disability as individual defect lodged in the person, a defect that must be cured or eliminated if the person is to achieve full capacity as a human being" (3). This model of disability can be broken down into three central components. First, disability is a mental, physical, or psychological deficit that afflicts what otherwise could have been a normal person. Second, disability is a medical problem that requires a medical solution. And, third, the site of the disability lies within the individual, so any action undertaken to solve the problem of disability should be directed at the individual.

As a result of its dedication to a deficit approach, the medical model of disability splits the disabled person into two sides: the normal individual and the deficit that results in disability. According to Jackie Leach Scully (2008), "[I]n the medical framework, what I will call the *bad thing* of disability – whatever it is that makes being disabled undesirable – is connected in a linear fashion to a clinically identifiable abnormality" (19; emphasis in the original). She continues that on the medical model, the experiences and characteristics of disabled people are preemptively classified, and anything that is considered positive or valuable about a disabled person is attributed to her capacity to approximate normalcy while the challenges and obstacles she faces are often attributed to her disability. The medical model relation that divides identity from problematic disability has a long history not only in medicine but also in theory, literature, art, and pop culture. Lennard Davis (1997) claims that "in literature, central characters of novels are imaged as normal unless specific instruction is given to alter that norm, and where a disability is present, the literary work will focus on the disability as a problem" (68). Given that disability is the problematic outcome of deficiency, any action or treatment that could be used to remove, or even minimize, this deficiency would unquestionably be welcome. Thus, because medical institutions are typically those tasked with repairing damaged or deficient bodies and minds, they are also tasked with repairing disabled people. From this foundation, the medical model suggests medical treatments and cures that seek to erase or overcome the interruption of disability, allowing the disabled person to become normal, or at least more normal than they were prior to medical intervention.

The medical model understanding of disability relies on defining disability as an individual deficit that can be addressed with medical treatment, that is, a problem to be solved. But what happens when a disabled person's experiences do not coalesce with this framework? For instance, Tom Shakespeare (2014) raises a challenge to the medical model's understanding of disability provided by autistic people who see their condition not as a problem in need of a solution but as a fundamental component of their identities. Shakespeare makes reference to activists in the neurodiversity movement who "have been challenging the devaluing and pathologization" of autistic experience. Proponents of neurodiversity assert that "different ways of thinking and relating are not impairments, but just differences" (152). That is to say, autistic thought and behavior is not disordered or problematic; it is simply different from other, more recognizable styles of thinking and behaving.

The notion that given the right circumstances, what the medical model takes to be an inevitably problematic deficit could be experienced as a mere difference presents a challenge. How can disability be experienced as a neutral or even beneficial difference when, according to the medical model, it is the problematic outcome of physical or mental deficiency? In order to maintain the integrity of a system that understands disability only as a problem to be solved, any experiences of disability that do not fit this description are excepted, minimized, or denied.

2. The Social Model of Disability

While the medical model of disability retains its hold on many major social institutions in the modern Western world (Scully 2008; Shakespeare 2014; Tremain 2005), there has been a concerted push from disability activists, academics, and even some policy makers in the last forty years toward a social model of disability (Shildrick 2012, 22). The social model rejects the medical model's assumption that disability is the result of a deficit in the disabled individual. While the medical model draws a direct causal relationship between impaired bodies or minds and the challenges of disability, the social model separates "impairment" from "disability." Scully (2008) provides a synopsis of this central claim when she posits, "*Impairment* in the strong social model is an individual biological manifestation such as hearing loss, *disability* is the disadvantage. . .caused by a contemporary social organization" (25; emphasis in the original). Impairment refers to particular mental or physical differences, while disability is an elastic social category.

On the very strongest social model accounts, impairment is no more than a particular difference in a vast constellation of human phenotypic variation. Phenotypic variation covers the entire network of human difference, including both those people categorized by the medical model as "species-typical" and those categorized as having impairments (Buchanan et al. 2000, 150). Furthermore, phenotypic variation makes possible the rejection of the deficit approach to disability because it describes human difference in a way that is not value-laden. Scully (2008) notes that replacing the normal/impaired binary with the concept of phenotypic variation allows "us to start from all physicalities and then see which are actively disadvantageous" (31), rather than starting from an idealized "normal" phenotype and describing any deviation from that phenotype as "impaired."

On the social model, "disability" is the disadvantageous experience associated with having, or being perceived to have, a phenotypic difference not accepted or accommodated by those in power. Unlike on the medical model, "disability is not a physical or mental defect. . . . [I]t is not a biological or natural property but an elastic social category subject to social control and capable of effecting social change" (Siebers 2008, 4). Disability is the outcome of social rejection or exclusion based on having or appearing to have some more or less arbitrary set of impairments. Instead of rooting disability in the body, the social model locates disability "in material social forces" as well as "ideas, cultures and discourses" (Shakespeare 2014, 12).

The social model understanding of disability relies on defining disability as a product of social attitudes, beliefs, institutions and/or environments, and structures, with little or nothing to do with phenotypic differences. But what happens when a disabled person's experiences do not coalesce with this framework? Just as is the case with the medical model of disability, experiences of disability that are in tension with the social model need to be denied in order to maintain its integrity. For instance, take Shakespeare's (2014) claim that "my problem is my physical embodiment and my experience of negative symptoms arising from impairment" (67). Shakespeare has constant neuropathic pain as the result of a spinal lesion (86). He claims that this constant pain is a direct cause of some of the disadvantages associated with being disabled.

In order to maintain its integrity, the social model must deny Shakespeare's experience of his impairment and his disability as deeply connected. This denial of disabled people's experiences takes many forms throughout the literature, but two of the most popular are dismissal by false consciousness and dismissal by reinterpretation. False consciousness is "the holding of false beliefs that are contrary to one's social interest and which thereby contribute to the disadvantaged position of the self or the group" (Scully 2008, 15). It results from the development of beliefs about one's own group that are both false and negative. On the social model, Shakespeare's (2014) mistaken experience of his impairment as the direct cause of disadvantages associated with disability can be explained on the basis of "internalized oppression" (23). In short, if Shakespeare could see past his social conditioning, he would know that his impairment and his disability are not linked, or not linked necessarily. Rather than investigate Shakespeare's claim that his phenotypic difference is the direct cause of some of the disadvantages associated with disability, his experience is dismissed as false consciousness to maintain the integrity of the strong social model of disability.

Another approach for dismissing the claims of disabled people who experience their disabilities as the direct result of physical or mental impairments is to offer a redefinition of those experiences. In this case, rather than using the supposed false consciousness of the disabled person to explain her mistaken experience of a connection between impairment and disability, the adherent to the social model points to the malleability of a social category like disability to homogenize the experience. The claim here is that the socially-constructed façade of disadvantageous disability has fooled everyone into believing that the disadvantages associated with phenotypic difference are inevitable. However, if we reconstruct the social category and affirm phenotypic difference, the term "disability" would no longer describe disadvantages associated with impairments but would affirm differences associated with phenotypic variation.

Dismissing disabled people's experiences as a result of false consciousness and suggesting that all phenotypic difference could be affirmed instead of treated as a disadvantageous disability are two ways in which disabled experiences are homogenized to affirm the strong social model's strict division between phenotypic difference and disability. If a disabled person experiences disadvantages associated with her disability as the direct result of her mental or physical differences, such an experience cannot be investigated and considered. Instead, like the medical model, experiences of disability that contradict the social model must be dismissed in order to maintain the integrity of the social model.

3. The Relational Model of Disability

An approach to understanding disability that brings together both social and medical models, called the relational model, has garnered much attention in the field of disability theory in the last twenty years (Linton 1998; McRuer 2006; Oliver 1990). Shakespeare (2014) is a prominent proponent of this model, and articulates a relational definition of disability as "an emergent property located, temporally speaking, in terms of the interplay between the biological reality of physiological impairment, structural conditioning (like enablements/constraints) and sociocultural interaction/collaboration" (107). Simply put, this model defines disability as the interaction and coconstitution of the biological and the social.

On a relational account of disability, according to Shakespeare, "attending to disability solely as a form of oppression risks forgetting that we all live our lives in bodies of a certain sort whose possibilities and vulnerabilities belong to the body as much as they belong to the society in which those bodies exist" (108). Space is made for Shakespeare's experience of his body as the cause of negative and disabling effects because the relational model admits that there are some hard and fast realities about the embodied negatives associated with living through one body rather than another.

As a result of this space made for the lived realities of the impaired body or mind, the relational model of disability ends up in a philosophical conundrum. The adherent to the relational model either must admit that there is a deficit in the mind or body of the disabled person that causes her disability, in which case the adherent to the relational model becomes a proponent of the medical model; or the adherent to the relational model can deny the role that the body has to play in disability, in which case she becomes a proponent of the strong social model; or, finally, the adherent to the relational model could develop a hybrid position that takes up aspects of the medical and social models to understand disability.

While a hybrid position seems to be a solution that would allow for the consideration of a much wider range of experiences of disability, it retains the problematic deficit approach to disability. Unlike the medical model that barely distinguishes between impairment and disability, this combined position maintains the division between impairment and disability suggested by the social model. However, unlike the strong social model, this position allows for the possibility that impairment could be the direct cause of some of the disadvantages associated with disability. That is, there are some mental and physical differences that are simply harder to live with than others. However, as Shakespeare (2014) notes, “If disability is defined as social while impairment is defined as biological, there is a risk of leaving impairment as an essentialist category” (108). As is the case with the medical model, we end up relying on a body that is essentially impaired as the foundation for a definition of disability.

Not all authors who engage with relational accounts of disability subscribe to the realist position proffered by Shakespeare (see, for example, Barnes 2016; Thomas 2004;

Tichkosky 2003). These relationalists understand disability not as a phenomenon that appears between biology and society, but as a phenomenon that coconstitutes a context-rich and intersubjective web of experience and meaning. According to Carol Thomas (2004), "Disability and impairment are inextricably linked and interactive: *disability is social exclusion on the grounds of impairment.* Impairment does not cause disability, certainly not, but it is the raw material upon which disability works" (42; emphasis in the original). Despite the fact that there is a boundary between disability and impairment, that boundary is fundamentally permeable with impairment having profound effects on the type of disabling social features that are constructed and upheld. To Tanya Titchkosky (2003), "the work involved in being disabled is always accomplished in the midst of the social character of bodies and their political arrangements" (58). This version of the relational model, one that focuses on bodily experience and meaning in a holistic and contextual way rather than relying on a dualist social/biological structure, is perhaps the model most friendly to the phenomenological hermeneutic critique described below.

4. The Affirmational Model of Disability

The affirmational model of disability attempts to address the challenges associated with a deficit approach by refocusing on the benefits linked with disability. John Swain and Sally French (2000) describe the model as "developing in direct opposition to the personal tragedy view of disability and impairment. The writings and experiences of disabled people demonstrate that, far from being tragic, being impaired and disabled can have benefits" (574). A prime example of the affirmational model in action is the strongest edge of the neurodiversity movement. The term "neurodiversity" was coined by Jim Sinclair in "Don't Mourn for Us," a paper delivered at the 1993 International

Conference on Autism in Toronto in which he suggested that parents of autistic children understand that "autism is a way of being." Rather than a deficiency, autism spectrum disorder (ASD) is merely an expression of congenital or acquired difference. Furthermore, this difference can and does prove to be beneficial to the autistic person, their broader community, or both. In this case, the affirmational model dismisses the assumption that all differences falling under the category "disability" are always deficits and replaces it with the notion that such human variation always has the capacity to be treated as beneficial.

As with all of the other models, the affirmational model falls victim to predetermining disabled experience such that it fits a narrow narrative. On the affirmational model, the deficit approach to disability is replaced with the idea that, given appropriate accommodation and/or reinterpretation, disability can be beneficial or harmless. Unfortunately, replacing the deficit approach with its opposite retains the mirror image of its problems. Rather than assuming that all disabilities are the problematic result of deficiencies, the affirmational model assumes that all disabilities are the beneficial outcomes of difference. Shakespeare (2014) provides a counterexample to this position when he states that he has "constant neuropathic pain from [a] spinal lesion, [and] no amount of civil rights or social inclusion will entirely remove these dimensions" of his predicament (86). Shakespeare argues that some aspects of his disability cannot be affirmed. However, on the affirmational model's account of disability, disabled people's experiences are denied once again in order to dismiss counterexamples that would threaten the integrity of the model. Any disabled person who experiences their differences as deficiencies troubles a model that claims all disabled difference is beneficial. As such, these experiences are reinterpreted under the affirmational model of disability. In this case, we end up with what Robert Edgerton (1993) called the "cloak of competence," the rejection of stigmatization wherein disabled people are forced to reinterpret their experiences of disability disingenuously such that they maintain the illusion of disability as benefit.

5. The Religious Model of Disability

Historically, the first set of ideas that can be said to form a coherent model of disability in the Western world was the religious model. According to Victoria Ann Lewis (1998), "[U]nder the moral or religious construction of disability, physical difference usually connotes evil, a punishment for sin, or, on the contrary, designates beatitude, a blessing from the gods" (94). The notion that disability is the physical translation of a profound spiritual message, concerning either the sin of man or the wisdom of God, provides a very narrow set of narratives wherein disabled people can come to understand themselves as disabled.

This restrictive understanding of disability as either the sinner's burden or as indicative of spiritual purity provides a straightforward example of the way in which this model, and the other models discussed, demands that the experience of disability cohere to a particular set of narratives. Take, for instance, the notion of disability as the mark of sin. The belief that disability is indicative of moral weakness forces an interpretation of disabled people's experiences that adheres to this notion. In her article detailing her experience growing up with a disabled mother, Judy Singer (1999) asks, "What could I do but abandon myself to the conclusion that everyone else around me had drawn, that my mother was just a 'bad, lazy, person who wasn't trying hard enough'? I decided she had made some wrong moral choice in her life" (60). Despite Singer's desire to understand her mother's suffering as something more meaningful than lazy sinfulness, this was one of the remarkably few narratives that she had for understanding her mother as disabled. Despite her dissatisfaction with the narrative, she was forced to employ it, because nothing else was available.

The religious model is unable to account for disabled people who report experiencing their disabilities as something other than a sinner's burden or as an indication of spiritual purity. As a result, any discordant experience must be homogenized in order to maintain the integrity of the model. The religious model's reliance on only two narrow narratives for understanding disability to the exclusion of all other experiences of it clearly illustrates the way in which disabled people's experiences are dismissed in order to maintain the integrity of a given model of disability.

6. The Misleading Methodological Commonality

As I have demonstrated, many contemporary models of disability use a vertical method wherein disability is defined as a category into which people and experiences are slotted based on whether or not they fit the definitional criteria. This vertical methodology, and the models of disability developed in accordance with it, denies the vast differences between and homogenizes the experiences of disabled people.

A given model of disability can be said to employ a vertical methodology when it begins with a theoretical definition and then uses that definition to categorize some experiences as experiences of disability, and exclude other experiences from the category of disability. All models of disability that operate using a vertical method exclude certain experiences from the category "experiences of disability" that people defined as disabled would want to include in that category. However, the category cannot be stretched to include those experiences without shaking the foundational characteristics that define disability under a given model. The model must either deny the significance or validity of the experience or accept it and allow it to undermine the model. This inability to include certain experiences as experiences of disability based on employing a vertical methodology is what I call the "misleading methodological commonality." This commonality demonstrates the problematic fact that model thinking is pursued within disability studies over and against trying to discern and understand the plurality of experiences of disability from the ground up.

This methodological commonality is misleading because it results in the systematic denial of certain kinds of disabled people's experiences. In some cases, some disabled people's experiences will be captured by some models of disability and not by others; in other cases, this methodological commonality could lead to the misunderstanding or exclusion of an entire condition. In what follows, I argue that an investigation of autistic experiences demonstrates how the misleading methodological commonality leads to the misunderstanding and, hence, the exclusion of an entire set of disabled people's experiences. And this misunderstanding of ASD is just one example of the ways in which models of disability that employ a vertical methodology encourage the misapprehension of disability.

An investigation of autistic experiences illustrates the limits of models of disability that share the misleading methodological commonality by providing counterexamples. Every time a model of disability attempts to provide a definition of disability, autistic advocates provide counterexamples by drawing from their own experiences. Consider the medical model of disability. Laurent Mottron (2011), for instance, provides the example of an autistic colleague who, after being given an appropriate environment, was able to succeed as a result of her autistic characteristics. On a medical model account of disability, species-atypical spontaneous characteristics can only be thought of as problems to be solved. However, Mottron claims that his experience with Dawson, a research assistant, prompted him to "question many of [his] assumptions about and approaches to ASD — including the perception that it is always a problem to be solved" (34). Mottron describes the unique perspective that his autistic colleagues brought to scientific inquiry. He writes, "in my experience, autism can also be an advantage. In certain settings, autistic individuals can fare extremely well. One such setting is scientific research" (34). Mottron goes on to describe his experience working with Dawson, and the benefits offered by her viewpoint, not in spite of but because of her ASD:

> Dawson's keen viewpoint also keeps the lab focused on the most important aspect of science: data. She has a bottom-up heuristic, in which ideas come from the available facts, and from them only. As a result, her models never over-reach, and are almost infallibly accurate, but she does need a very large amount of data to draw conclusions. (35)

In opposition to the definition of disability provided by the medical model, an autistic characteristic that can be described in broadly negative terms becomes, given the right context, a beneficial quality. And the medical model is not the only model prone to this kind of critique from autistic experience.

Consider a prominent claim made by those who support the social model, namely that disability is defined in terms of social construction and can be ameliorated by social accommodation (Union of the Physically Impaired Against Segregation and Disability Alliance 1976). Autistic blogger and antineurodiversity activist Jonathan Mitchell (2011) argues that the harmful infringement on the capabilities of others, which results from autistic difference, destroys any accommodating environment. Therefore, the only tenable course of action is to treat, and work to cure, autistic difference. He understands the difficulties associated with his condition as directly and purely medical, countering the social model position that the difficulties associated with disability are socially imposed.

The critique from autistic experience also applies to the relational model of disability, wherein autistic advocates claim to experience their conditions as purely physiological (Mitchell 2011; Grandin 1995, 39), or purely social (Beardon and Worton 2011, 69; Union of the Physically Impaired Against Segregation and Disability Alliance 1976). It also applies to the religious model, wherein autistic advocates describe experiences that contradict a religious paradigm (Singer 1999, 60), and to the affirmational model, wherein autistic people describe aspects of their condition they argue it is not possible to affirm (Higashida 2016, 56; Mitchell 2011).

In addition to illustrating the limits of many contemporary models of disability, the kinds of counterexamples that autistic advocates provide in opposition to these models suggest a way forward. Autistic advocates provide counterexamples that confound models of disability by drawing from their own experiences as disabled. A given model defines disability in terms of XYZ criteria, but, upon reflection on her experiences with disability, the autistic person argues that XYZ does not apply. In order to investigate these claims rather than simply homogenizing or dismissing them as a vertical methodology would do, one solution is to employ a phenomenological hermeneutic method as both a critical and constructive tool to develop models of disability capable of incorporating disabled people's experiences.

7. The Case for a Phenomenological Hermeneutic Critique of Contemporary Models of Disability

In what follows, I demonstrate that the common methodological flaw that I have outlined above—the universal tendency of contemporary models of disability to reject a priori certain kinds of experiences as experiences of disability in the interests of maintaining the model's integrity—is not a fatal flaw that demands we set aside those models. Requiring the exclusion of certain kinds of experience in order to maintain their integrity does not entail that models of disability are no longer useful, enlightening, or informative. There is nothing at all new or unusual about the fact that a model will, intentionally or unintentionally, exclude some details. As was addressed above, it is the nature of models to present a simplified picture.

While this misleading methodological commonality does not render these contemporary models of disability obsolete, it does call for a critical and constructive tool to allow for the investigation of the experiences of disability that fall outside certain contemporary models. For example, given its reliance on defining disability as a deficiency, the medical model is unable to account for auspicious aspects of disability such as the ones described by Mottron (2011). In order to improve models like this one, a tool is required to examine and account for the aspects of disability a given model cannot help but miss or distort. The tool that I propose to critique and augment contemporary models of disability is a phenomenological hermeneutic investigation into disability.

Susann Laverty (2003) describes the phenomenological hermeneutic methodological approach as phenomenological insofar as "phenomenological research is descriptive and focuses on the structure of experience, the organizing principles that give form and meaning to the life world" (25). A phenomenological hermeneutic investigation of disability examines not only the experiences of disabled people, but also the framework that governs those experiences and their interpretation. Through a focus on organizing principles, it becomes possible to critique and improve models of disability rather than simply investigating disability through a particular model. According to Laverty, a phenomenological hermeneutic approach to disability is hermeneutic insofar as "hermeneutic research is interpretive and concentrated on historical meanings of experience and their developmental and cumulative effects on individual and social levels" (25). Rather than examining disabled experiences through a particular model, it is possible to examine how particular models go on to color experiences, both the experiences of disabled people and the experiences of nondisabled people considering disability.

Inquiring into contemporary models of disability lays the groundwork for a phenomenological hermeneutic investigation of disability. In such an investigation, contemporary models of disability serve in the role similar to Gadamerian "preunderstanding." For Hans-Georg Gadamer (1989), all understanding comes from a set of predetermined assumptions that make up what has come to be known as the preunderstanding. Preunderstanding is generative, and colors any experience or act of understanding. It is not invisible to us. It can be examined, and its contents can be disputed, critiqued, or possibly "justified by rational knowledge" even though the task of investigating the preunderstanding "can never be fully completed" (275). The task of investigating the preunderstanding is a continuous process because as preunderstandings are investigated and new understandings formed, those new understandings take on a foundational role and become preunderstandings themselves, preunderstandings that can go on to be investigated further. Niall Kean and Chris Lawn (2016) describe preunderstanding as opinions or judgments which interpreters possess "prior to adopt[ing] a conscious or autonomous view on the matter, and which in the course of closer scrutiny or examination may be verified, falsified or modified." (283) In the case of an investigation of disability, the models of disability we have discussed provide the framework within which disabled people and experiences are considered, and, thus, serve in a role similar to that of Gadamerian preunderstanding. As such, examining contemporary models of disability lays the groundwork for a phenomenological hermeneutic investigation of disability that explores how those models determine the way we understand and experience disability.

Preunderstanding does not provide a static framework; rather, it is constantly changing and evolving whether it is being actively investigated or not. The constant changes in the preunderstanding occur as a result of experience. Gadamer (1976) remarks on the role of experience in altering the preunderstanding when he writes that "it is the untiring power of *experience*, that in the process of being instructed, man is ceaselessly forming a new preunderstanding" (38; emphasis in the original). The preunderstanding framework partially determines the way in which a given experience is to be understood.

For example, if I am relying on assumptions about disability that follow the framework of the medical model, it may determine my experience of my disability as a burden. That experience, in turn, reshapes my preunderstanding. So, when I experience my disability as a burden, the preunderstanding framework I have for my disability is not unchanged; it is reentrenched. However, my reliance on the medical model as the preunderstanding that underpins my experience does not mean that the medical model framework fully determines my experience. In the case that I am able to experience my disability as an asset despite my preunderstanding, my preunderstanding is not unchanged; it is disrupted.

Experience leads to the shifting and evolving of preunderstanding. It is constantly developing, and it can develop both absent- and present-mindedly. When developed present-mindedly, attention is paid to the preunderstanding, how it influences experiences, and how those experiences go on to inform it. According to Gadamer (1989), present-minded development of the preunderstanding

> does not mean that when we listen to someone talk or read a book we must forget all our fore-meanings concerning the content and all our own ideas. All that is asked is that we remain open to the meaning of the other person or text. But this openness always includes our situating the other meaning in relation to the whole of our own meanings or ourselves in relation to it. (271)

Absent-minded development of the preunderstanding occurs when experiences are undergone, and no attention is paid to it or how it influences experiences and how those experiences go on to inform the preunderstanding. Gadamer (1989) notes that what characterizes absent-minded preunderstandings is not that they are incorrect but rather that "the fore-meanings that determine my own understanding can go entirely unnoticed" (271). It is when our preunderstanding is developed absent-mindedly that it is prone to remaining stagnant. Experiences that are directed by the preunderstanding maintain their designated trajectory and, thereby, confirm it.

When preunderstanding is developed present-mindedly rather than absent-mindedly, "reflection on a given preunderstanding brings before me something that otherwise *happens behind my back* " (Gadamer 1976, 38; emphasis in the original). For example, within the confines of the hidden framework of the medical model, any time a disabled person tries to describe an aspect of their disability as beneficial, the medical model is unable to accept that experience as accurate. However, when the framework of the medical model, particularly the deficit approach to disability, is examined and rendered problematic, it becomes practicable to consider the possibility that a disability could be beneficial. For instance, from within the medical model, disability is defined as a deficit. Once the medical framework is revealed as problematic and investigated, it becomes possible to ask "is disability always a deficiency?" A question such as this is inconceivable within the confines of the medical model, but once the framework is revealed and opened to critique, a new field of possible questions opens up, thereby challenging the very model itself and offering the opportunity to improve the model under consideration. Reflection on the framework that determines a particular object reveals a field of possibilities concealed when considering the object from within the confines of a hidden framework.

Making possible hitherto unthinkable questions is precisely what Gadamer (1976) argued a phenomenological hermeneutic does for the sciences when he claimed that hermeneutic reflection could "indirectly serve the methodological endeavor of science by making transparently clear the guiding preunderstandings in the sciences and thereby opening up new dimensions of questioning" (39). Furthermore, he notes that the social sciences, a field that arguably includes disability studies, "stand in a particularly strained relationship to their object, the social reality, and this relationship especially requires hermeneutical reflection" (40). Hermeneutical reflection, according to Gadamer, is of particular utility to the social sciences because the adoption of science-style methodologies has increasingly led the social sciences to see "themselves as marked out for the purpose of scientific ordering and control of society"(40). The function of hermeneutic reflection in the case of disability is to use disabled experience to reflect on the preunderstandings of disability that can give way to the organization and control engendered through the homogenization of disability and disabled experience.

I have laid the groundwork for a phenomenological hermeneutic inquiry into disability by examining contemporary models, which serve as the preunderstanding framework for disabled experience. Furthermore, I noted that each model had in common a homogenizing effect based on the misleading methodological commonality. This homogenizing effect is such that, when used unreflectively, models of disability are prone to remain stagnant. This is true insofar as the experiences of disability considered within the parameters of each model maintain the trajectory determined by the preunderstanding, and, thus, confirm the preunderstanding, often, as I have shown, in problematic ways. The next step in the process will be to engage in a hermeneutic investigation of disabled experiences informed by the knowledge that contemporary models of disability provide the preunderstanding that partially determines how disabled experiences will be understood.

A phenomenological hermeneutic investigation into disabled experiences will focus "on meaning that arises from the interpretive interaction between historically produced texts and the reader" (Laverty, 2003). The term "texts" may seem misleading; however, as Gadamer (1976) makes clear, a hermeneutic investigation of other kinds of language-based artefacts (for instance, conversation) is possible (25) Texts are communication-based artefacts that can connect with an interpreter through a dialogic encounter. Lorraine Code (2002) argues that for Gadamer "every text is an answer to a question. . .but one posed out of and informed by specific historical circumstances. It is questions that open up processes of interpretation" (9). Language-based artefacts are not objects to be acted upon and mastered. They are communicative and can allow for the interpretation to be questioned if the interpreter is open to revising her preunderstanding.

Despite the fact that there are a wide variety of artefacts that could be investigated to understand disabled experiences better, I suggest that the interpretation of the self-understanding of autistic people as expressed through autobiography is a fruitful resource for critiquing and augmenting contemporary theories of disability. Autobiographies written with a disability focus are often answers to such questions as "who am I," "how does my disability relate to who I am," and "what does it mean to be disabled." There could be no better resource to critique, correct, and augment contemporary models of disability than autobiographies. Ravi Malhotra and Morgan Rowe (2013) argue that the resonance between an investigation of disabled autobiography and a phenomenological hermeneutic approach is "unmistakable." They continue: "[Personal narratives] are social practices that not only reflect their context but actively shape it" (6). By investigating the ways in which autobiographical narratives of disability shape and are shaped by models of disability, it is possible to engage in an investigation wherein, as they write, "one does not begin with a theory and then prove it. Rather one begins with an area of study and what is relevant to that area is allowed to emerge." (35).

Once the text to be investigated has been selected, the next step in a phenomenological hermeneutic investigation of disability is to consider lived disabled experiences across three trajectories: the context in which the text was produced, the context in which the text is consumed, and the production of meaning that occurs between the two in interpretation. Laverty (2003) explains that what is called for in a hermeneutic phenomenological investigation is "an obligation to understand the context under which the text or dialogue was being produced and to bring forth interpretations of meaning. These interpretations arose through a fusion of the text and its context, as well as the participants, the researcher, and their contexts" (30). It is through engagement with every aspect of this interpretive process that it is possible to develop a critique of models of disability on the basis of experiences of disability. A phenomenological hermeneutic investigation of disability allows for a reversal of the vertical method, which, as we have seen, results in a misleading methodological commonality among contemporary models of disability. In so doing, the phenomenological hermeneutic approach makes possible the investigation of experiences of disability that are excluded by vertical models. Scully (2008) describes such an approach as an attempt "to give an account of reality through the way that objects, persons, or events appear to the consciousness of the experiencer" (84). As opposed to beginning from a theory and then classifying disabled experiences according to it, a phenomenological hermeneutic approach examines the preunderstanding framework that informs experience. Such a tool makes it possible to examine excluded experiences, and to use those experiences to critique and augment contemporary models of disability. A phenomenological hermeneutic investigation of disability is not intended to replace contemporary models of disability. Rather, this approach is capable of providing access to the meaning disabled people give to their experiences, and, thus, to disability itself. That is, a phenomenological hermeneutic approach to disability gives voices to the people who actually live with disabilities, enabling them to take part in the conceptualization of disability.

Any attempt to provide an account of disability informed by phenomenological experience raises the problem, given the diversity of disabled experiences, of how to perceive an identifiable category of "disability" at all. This critique can be parsed in two ways. The first way to understand this critique is to comprehend that there is no way to look at disabled experiences without first delineating a category of disabled people with which to engage. Insofar as a phenomenological approach to disability refrains from setting a model by which to categorize individuals as disabled, the investigation can never begin. In order to respond to this objection, one can say that a phenomenological hermeneutic approach to disability provides a critique of contemporary models of disability by investigating the experiences of those people categorized as disabled by these models. The phenomenological hermeneutic method of investigating disabled experience is able to gain traction because it begins from the experiences of a group that has already been delineated by a given model of disability. This method does not start from a definition of disability and seek to slot people and experiences into that definition based on the definitional criteria. Rather than getting rid of contemporary models of disability and beginning from an empty field, we can use a phenomenological hermeneutic approach to investigate the experiences of a population that has already been selected. This is our starting point.

The second way this critique can be parsed is to say that a phenomenological investigation might find that disabled experiences differ so wildly that disabled people actually have very little in common or, perhaps, that disability is no longer a unified, useful category. It is possible that this could be the case, and it is only through a phenomenological hermeneutic investigation of disability, wherein divergent experiences can be investigated and those experiences incorporated into an understanding of disability, that it is possible to know whether or not disability is a coherent and useful concept. This is an empirical question, and it is through investigation that we can come to an empirical answer.

A further difficulty with the proposed methodology is the fact that many disabled experiences are inherently not or are only partially accessible: for instance, the experiences of noncommunicative autistic people. This critique and the critique arising from the possibility that disabled experiences are so divergent and conflicting as to have nothing in common are closely related. If the latter is the case, we may be forced to admit that the experiences of noncommunicative disabled people are simply inaccessible. But if, upon a phenomenological hermeneutic investigation, we find that disabled people seem, by and large, to share some common experiences, or that their experiences differ in a predictable way, then it may be possible to begin very partially to understand the experiences of noncommunicative disabled people via these other avenues.

The application of a phenomenological hermeneutic approach to understanding disability is not, in and of itself, novel. In fact, there is a growing body of work in the disability studies field that eschews vertical models in favor of an investigation of disability as it takes place in experience (Barnes 2016; Davis 2017). Particularly notable is the rapidly expanding disability studies literature that applies a central Foucauldian concept such as "biopower" to disabled experience. Acccording to Shelley Tremain (2005): "[T]he importance of critical work on bio-power (bio-politics) to analyses of disability cannot be overstated" (5). Biopower is most commonly understood as "an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations" (Foucault 1990, 140). It is through the action of biopower, as it works on disabled bodies and disabled experiences, that disability is developed as a category. Beginning an investigation of disability through the critical perspective proffered by biopower means that the investigation into disabled subjectivity starts by exploring how disabled subjects "are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, desires, thoughts [and so on]" (Foucault 1980, 97). While Tremain (2005) does not engage in a phenomenological hermeneutic critique of models of disability through the interpretation of disabled experience, her contextually-ensconced, experience-driven approach to investigating disability is friendly to this method, and demonstrates the possibility of understanding disability through a phenomenological hermeneutic approach. Tremain uses biopower to help explain how disability is understood. A phenomenological hermeneutic investigation into frameworks like the one that biopower represents makes possible the analysis and alteration of the preunderstandings that determine disabled experience.

Despite the fact that authors like Tremain are engaging in investigations of disability that are closely related to a phenomenological hermeneutic approach, and despite the fact that many authors (Scully 2008, Barnes 2016; Davis 2017) have begun to explore the content that a phenomenological hermeneutic approach to disability might produce, few, if any, have noted the specific reason detailed in this essay for why this approach is so productive. Namely, that it is capable of overcoming the misleading methodological commonality among contemporary models of disability and reveals precisely the kinds of information concealed by the vertical methodology shared by many commonly accepted models for understanding disability. A phenomenological hermeneutic investigation of disability is necessary because it functions to reveal experiences covered over by vertical models and, thus, makes possible a more complete understanding of disability.

As I have illustrated, models of disability that employ a vertical methodology typically exclude at least some disabled experiences. This approach is problematic because such methods obscure information pertinent to how we understand disability and the preunderstandings that govern our understanding of disability. In response to this misleading methodological commonality, I have argued for a phenomenological hermeneutic approach to investigating disability. By drawing from a critical analysis of the narratives disabled people use to understand their own lives and by taking seriously the experiences that are concealed when any understanding of disability proceeds through a vertical methodology, it is possible to critique and amend vertical theories of disability.

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A Phenomenological Hermeneutic Resolution to the Principlist-Narrative Bioethics Debate

Chandra Kavanagh

Abstract: Narrative approaches to bioethics and principlist approaches to bioethics have often been presented in fundamental opposition to each other and this is rightly the case when it comes to the most radical versions of each position. However, I argue that a phenomenological hermeneutic approach to the narrative versus principlist debate finds a compromise between both positions that maintains what is valuable in each of them. Phenomenological hermeneutic analysis offers a robust methodology for undertaking a narrative approach to bioethics and bioethical investigations of disability. This method is valuable because it addresses many of the criticisms narrative bioethics faces from positions such as principlism, while maintaining the social, ethical and epistemological benefits common to narrative bioethical inquiry.

Keywords: Bioethics, narrative bioethics, principlist bioethics, phenomenology, hermeneutics, autism, autobiography, Hilde Lindemann Nelson, John Arras

Narrative approaches to bioethics and principlist approaches to bioethics have often been presented in fundamental opposition to each other (Arras 1991, McCarthy 2003), and this is rightly the case when it comes to the most radical versions of each position. However, I argue that a phenomenological hermeneutic approach to the narrative versus principlist debate finds a compromise between both positions that maintains what is valuable in each of them. The project begins by exploring the diversity of perspectives contained under the heading 'narrative bioethics'. I utilise the five categories of narrative bioethics found in Hilde Lindemann Nelson's *Stories and Their Limits: Narrative Approaches to Bioethics* to highlight the profound differences that divide various narrative bioethical approaches. Despite these differences, I argue for five crucial similarities that bind together narrative bioethics as a coherent school of thought. These similarities include the following: arguments in favour of the ethical relevance of particularity, the view that epistemological value exists in first-person experience, the belief that the narrative form has a generative capacity within moral education rather than serving in a merely illustrative role, a shared critique of principlist approaches to bioethics for being unjustifiably reductive and finally, the shared claim that irreducible and incommensurable narratives are possible.

These five defining commonalities are also points of contention for principlists such as John Arras, who object to the logic and arguments that comprise the narrative bioethical position. Unlike narrative bioethicists, who argue that the narrative form serves as the fundamental ground that makes ethics articulable, the principlist argues that abstract concepts or maxims serve as the foundation of ethics. Arras presents a counter-argument to each of the five commonalities characteristic of narrative bioethics. In response to the position that particularity is ethically relevant, he argues that no manner exists to determine which particular cases are ethically relevant and which are not, without a prior set of governing principles that determines ethical questions. In response to the claim that there is epistemological value in first-person experience, he provides counterexamples, such as false consciousness and self-delusion that throw into question the epistemic accuracy of this type of experience. In response to the argument for the generative capacity of narrative, he reduces it to an illustrative device that can help us to learn ethical principles but that stands as fragmented, unrelated stories without those principles. In response to the critique that the principlist view is unjustifiably reductive, Arras responds that in the end, narrative approaches to bioethics also require a set of principles to make moral determinations. Finally, he argues that the dedication of narrative ethics to irreducible and incommensurable narratives means that a narrative bioethical approach requires an endless investigation before a moral decision can be made, and even after such an investigation, there may be no clear way forward when it comes to moral action.

Arras's response to narrative bioethics does not excise narrative completely from bioethical discussions. He notes that narrative can serve to illustrate principles and, in so doing, assist in moral education. However, this position stands in opposition to most narrative ethical positions that treat narrative, not principle, as foundational. It also stands in opposition to the narrative bioethicists, who argue that narrative is capable of generating principles, and the most radical narrative bioethicists, who argue against the possibility of principles at all. While I believe that some of Arras criticisms stand against the most radical, postmodern edge of narrative bioethics that completely denies the utility or possibility of principles, I argue that a path exists between the illustrative and postmodern approaches to narrative bioethics and that this position offers effective responses to Arras's criticisms of narrative bioethics. Phenomenological hermeneutic analysis offers a robust methodology for undertaking a narrative approach to bioethics and bioethical investigations of disability. This method is valuable because it addresses many of the criticisms narrative bioethics faces from positions such as principlism, while maintaining the social, ethical and epistemological benefits common to narrative bioethical inquiry. To demonstrate both the coherence of the phenomenological hermeneutic method as a tactic for overcoming the criticisms of principlism and the generative capacity of a narrative bioethical analysis to produce meaningful, generalisable ethical insights, this project suggests, as a way forward, an investigation of the experiences of autistic people through the medium of autobiography.

1. Narrative Bioethics

Introduction

As Joan McCarthy (2003) notes in her article *Principlism or Narrative Ethics: Must We Choose between Them?*, given that 'narrative ethics is in its early stages of development, there is, as yet, no ready to hand canonical position that best expresses its central tenets' (67). Given the absence of a single authoritative position that is definitive of narrative ethics and the general lack of homogeneity present in the literature, several attempts have been made to categorise the diversity of narrative bioethical positions (Nelson 1997, Arras 2017, Hühn 2018). In the introduction to the anthology *Stories and Their Limits: Narrative Approaches to Bioethics*, Nelson (1997) divides narrative approaches into five categories: reading stories, telling stories, comparing stories, literary analysis and invoking stories. Nelson's categorisation effectively highlights the major differences amongst the various schools of thought within the bioethical literature.

Each school of thought can be further subdivided to capture where each thinker fits along a spectrum of most friendly to principlism to most radically opposed to principlism. The type of narrative bioethics most friendly to principlism is what John Arras (2017) calls Type One narrative ethics. This type of narrative ethics treats narrative as a supplement to a principlist approach. Specifically, narratives can be used to illustrate principlist moral maxims, and they can assist in the discovery of those maxims, but the principles themselves continue to serve as the fundamental ground from which narratives can be delineated as ethically relevant or not. At this end of the spectrum, narratives are not foundational, nor are they generative. They are not foundational, insofar as it is principles that allow narratives the privilege of ethical consideration. They are not generative insofar as a principle cannot be produced through an investigation of narrative; Narratives simply illustrate how principles function in particular situations. At the other end of the ideological spectrum is a postmodern take on narrative bioethics. Arras (2017) argues that in this position, 'in the place of theory and overarching coherence, the postmodernist asserts the virtues of the *petit récit*, or "little narrative"' (91). For the postmodernist, principles have no role to play. Ethical questions are considered on a case-by-case basis from within the confines of the particular context.

Despite the variation amongst these different categories, I argue that five commonalities persevere, by and large, across all of these positions, including the following: the ethical relevance of particularity, the epistemological value of first-person experience, the generative capacity of narrative in moral education, the critique that the principlist position is unjustifiably reductive and the maintenance of irreducible and incommensurable narratives. Arras's principlist response to narrative ethics pushes back against each of these commonalities. However, I argue that a phenomenological hermeneutic approach finds a path between approaches to narrative ethics that treat narrative as purely illustrative and those that deny the utility or even the possibility of principles, and it this through this middle way that it is possible to answer Arras's principlist objections to narrative bioethics.

Reading Stories

Nelson (1997) cites Martha Nussbaum as a central figure in the 'reading stories' category of narrative approaches to ethics, stating that Nussbaum is 'best known for her exploration of the role of literature in developing the moral emotions' (Nelson, 1997, x). In her book *Love's Knowledge: Essays on Philosophy and Literature*, Nussbaum (1992) argues for a narrative approach to ethics that she calls 'perceptive equilibrium'. Perceptive equilibrium is presented in opposition to 'reflective equilibrium', a Rawlsian concept that was adopted and refined by principlist bioethicists, most notably by Tom Beauchamp and James Childress (2013), in their book *The Principles of Biomedical Ethics*. Rawls's classic formulation of reflective equilibrium engages in a procedure of comparing major moral systems to one's own experience, noting inconsistencies and irreconcilable tensions with the aim to resolve them, and finally moving away from a personal claim to one that is 'internally coherent… broadly shared and sharable' (Nussbaum 1992, 174). Nussbaum's 'perceptive equilibrium' argues 'that general and universal formulations may be inadequate to the complexity of particular situations; that immersed particular judgements may have a moral value that reflective and general judgements cannot capture' (182). For the proponent of perceptive equilibrium, the moral task is not, or is not always, a reflective one. Rather, it is in habituating the morally correct emotional responses to each particular context-dependent situation that moral action is possible. For Nussbaum, a central method for determining morally correct emotional responses and cultivating those responses lies in consuming, experiencing and analysing the narratives of others.

In their article 'Bioethics and Imagination: Towards a Narrative Bioethics Committed to Social Action and Justice', Manchola-Castillo and Solbakk (2016) argue for the benefits of an approach to bioethics that is founded upon literary narrative rather than principles. The discussion of the ethical issues that are omnipresent in bioethics '— such as healthcare, abortion, fundamental liberties'—is impoverished by conceptions of absolute rationality and could be informed and enriched by the world of imagination and creativity that exist in narratives' (169). Rather than producing law-like principles meant to produce overarching guidance that hold across the entirety of bioethical inquiry as the closed domain of discourse, Manchola-Castillo and Solbakk advocate for an approach that mirrors Nussbaum's, wherein moral emotions are trained through a programme of literary analysis. Furthermore, they argue that basing a bioethical approach on narrative and the cultivation of the literary imagination could 're-vision the goals of medicine, and rethink medicine itself' (170). Unlike a principlist approach, where rules are applied across contexts and regardless of emotion, an approach to bioethics based on the literary imagination would require that emotions and contexts be considered.

Telling Stories

The narrative approach to bioethics that Nelson calls ‘telling stories’ is exemplified by Margaret Urban Walker’s (2007) description of moral development in her seminal text *Moral Understandings*. Walker describes a process wherein an agent establishes an enduring but flexible moral persona through the practice of ‘strong moral self-definition’ (10). In Walker’s account, a person’s moral persona is the ‘existing or prospective uniformity over performances of this moral agent’ (9) determined by the capacity to set for ‘oneself a moral course of distinctive but no less genuine requirements’ (13). The set of individuated moral requirements that produce an agent’s moral persona is comprised of the particular judgements that an agent makes in each individual situation. In some cases, the moral decisions an agent makes function as reiterations, or ‘findings’, that align with a moral self-definition that has already been established. For example, in the case that an agent with a history of valuing perfect honesty as a fundamental component of her moral persona chooses to tell the truth in a difficult situation, such a decision serves as a finding that reinstantiates her moral persona. In other cases, moral decisions function as declarations of a new moral direction. For example, if the same moral agent chooses to tell a white lie when her friend asks whether she likes his hideous new tattoo, such an action serves as a revision of her previous moral direction. In Walker’s terms, particular judgements

> ‘function rather more like findings if the agent has a well established moral persona, for in that case they may represent a reckoning of how the situation at hand is to be assimilated to the extant record. If the situation is one which prompts

> the agent to strike out anew the judgements inaugurating the novel distinction will function to declare the way chosen' (13).

In both cases, the moral decisions made in a particular instance act as binding moral self-definition that contributes to the creation of a persistent, if adjustable, moral persona. Walker's narrative approach to ethics is exemplary of the 'telling stories' approach to narrative ethics, because the particular moral decisions made in each instance comprise an overarching story about who we are. Furthermore, the strong moral self-definitions developed in each particular instance of moral decision-making create an ongoing story that has its own 'inertia, entailing commitments the agent didn't intend and imposing burdens the agent didn't want' (Nelson 1997, xi). Thus, in Walkers account of narrative ethics, the agent is both the storyteller and the main character. She tells a story about herself through her actions, but unlike the assumed omnipotent position of the author, who can make the story go in any direction she chooses, the ethical agent is subject to the story that is written by her actions in ways that she cannot control and may not expect.

In their article 'Narrative Integration, Fragmented Selves and Autonomy', Catriona Mackenzie and Jacqui Poltera (2010) note the psychological necessity of telling stories about one's own experience to maintain a coherent sense of self. To demonstrate the centrality of narrative in the formation and maintenance of the self, Mackenzie and Poltera refer to Elyn Saks, a successful academic who suffers from schizophrenic episodes. 'Saks's psychotic episodes are characterized by the dissolution of her narrative self-conception' (39), they argue. This inability to maintain a coherent narrative, to tell the story of oneself, as a characteristic of mental illness is found throughout the bioethical literature. Clive Baldwin (2005) comes to a similar conclusion in his article 'Narrative Ethics and People with Severe Mental Illness'.

Comparing Stories

Nelson points to Albert Jonsen and Stephen Toulmin (1990), particularly to their book *The Abuse of Casuistry: A History of Moral Reasoning*, as an exemplar for the narrative ethical approach that she calls 'comparing stories'. Nelsen writes that Jonsen and Toulmin 'are among the most vocal advocates of a revival, particularly for use in bioethics, of the medieval Christian practice of comparing cases of conscience to provide moral guidance in specific, concrete situations' (Nelson 1997 xi). As is the case with both Nussbaum and Walker, Jonsen and Toulmin formulate their position as a response to a principlist, 'top-down' ethical model that culminates 'in the deductive application of norms to particular factual situations' (Arras 1991, 183). It is their position that, while philosophical concepts may help to clarify the terms of a given ethical conundrum, 'the debate will always return to the particular situation of an individual patient with a specific medical condition' (Jonsen and Toulmin 1990, 305). Rather than beginning with philosophical concepts, norms or rules and applying them to particular situations, Jonsen and Toulmin advocate for a common law style of moral reasoning, wherein 'the decider will look for opinions about other actions in situations as similar as possible to his own' (334) and make decisions based not only on the reputation of the author and the intrinsic argument but also, and most importantly, on the 'moral certitude of the informed conscience' (334). As with Nussbaum, for Jonsen and Toulmin, it is through the consumption of moral narrative that the conscience becomes informed. However, unlike for Nussbaum, it is not well-trained moral emotion that gives rise to good moral decision-making, but it is in consuming moral narrative and comparing previous good moral decisions to one's own context that good moral decision-making becomes possible.

In his book *Fragmentation and Consensus: Communitarian and Casuist Bioethics*, Mark Kuczewski (1997) notes that for the biomedical casuist, 'it is important to be clear that principles are determined post hoc. One does not start from a framework and apply it to cases, rather, in considering cases involving the use of persons as subjects in biomedical research, concepts from our cultural dialogue' (5) suggest themselves as relevant to the case. Principles certainly have a role for the biomedical casuist, but they arise only from an investigation of narrative, and through narrative, the concepts that have been derived can be altered, combined or cast aside. In the case of medicine, casuist deliberation begins with the case for instance, a particular interaction between doctor and patient. And, through examining this case, as well as others that are relevantly similar, principles of right ethical conduct present themselves.

Literary Analysis

Nelson (1997) interprets the 'literary analysis' class of narrative ethics as what occurs when techniques common to literary analysis, such as narratology and literary hermeneutics, are applied to ethically fraught cases, with the intention of engendering some morally relevant information or conclusion. Literary analysis type narrative ethics occur when 'one applies the tools of textual criticism either to stories that are explicit narratives or to a social practice that one treats as a literary text' (xi). For instance, she offers that 'an illness narrative…could in principle all be explained, challenged, or otherwise interpreted by using a hermeneutics grounded in some form of literary criticism' (xi). A more methodologically restrictive version of the 'reading stories' category of narrative ethics, ‘literary analysis’ commandeers the literary skills of critical readers and uses them to deconstruct particular morally driven cases, as well as moral practice.

In Rita Charon’s (2006) *Narrative Medicine: Honouring the Stories of Illness*, she makes use of concepts from literary theory, such as context, plot and character analysis, as methods of investigating the narratives presented by patients. Drew Leder (1990) argues that the text that defines the clinical encounter is the ‘person-as-ill’; This includes ‘the personality, life-history, existential concerns of the sufferer’ (11). This text adopts meaning through interpretation by the doctor, patient and patient’s community. For Leder, the interpretation of the person as text is subject to the same tools and expectations of literary analysis that apply to the investigation of a piece of great literature, in particular, achieving interpretive coherence. He notes that achieving a coherent interpretation of the patient-as-ill is much more difficult that achieving a coherent interpretation of a literary text, for a variety of reasons, not least of all that ‘the clinical encounter remains a multi-sided affair, a dialogue not only between reader and text but between at least two very active and concerned readers’, doctor and patient (17). Nevertheless, he argues that it is possible, and desirable, to achieve interpretive coherence, just as one can produce a coherent interpretation of a novel that helps to interpret what were otherwise diffuse symbols and themes.

Invoking Stories

Nelson (1997) describes the narrative approach to ethics that she calls ‘invoking stories’ as appealing to a narrative to assert or affirm a given moral claim. She writes, ‘we invoke a story when, for instance, we employ it to make or illustrate a moral point’ (xii).

Stories can be invoked to make or support moral points in a number of different ways, but the two that stand out correspond roughly to Jonsen and Toulmin's description of the Roman law versus common law style reasoning.

In the first case, narratives function to support and refine generalised moral principles, playing much the same role as cases in Roman law. This type of narrative approach to ethics is what John Arras (2017) calls Type One narrative ethics in his chapter 'Nice Story but So What?: Narrative and Justification in Ethics'. Unlike the other categorisations of narrative ethics we have discussed so far, which stand more or less in opposition to a traditional principlist approach, Type One narrative ethics situates 'Narrative as a supplement to (or ingredient of) principle-driven approaches to ethics. From this angle, narrative is seen as an indispensible and ubiquitous feature of the moral landscape….[that] allows us to delineate moral problems in a concrete fashion but also plays an important role in the formulation of moral principles' (79). On this account, narrative serves as the handmaiden of principlism, demonstrating principles in a concrete form to engender learning and possibly operating as a gentle corrective to clarify and make operational theoretical principles as they are applied in practice.

In the second case, stories are invoked to make a moral point, rather than to simply illustrate a moral principle. For instance, Kathryn Hunter describes the invocation of 'aphorisms, old saws and rules of thumb' (Nelson 1997, xviii) as the groundwork from which physicians come to moral conclusions about given cases. Far from serving as illustrative devices, narratives, not principles, serve at the foundation for moral decision-making. Furthermore, Hunter justifies the persistence of anecdote and invoking anecdote in medicine because of its power to identify 'the anomalous is essential to patient care'

(Hunter 1991, xxii). As such, invoking stories makes way for ethical decision-making in both usual and unusual cases.

The use of narrative as illustrative of moral principles is common throughout bioethics literature and practice. Most every medical school in North America relies on case studies as a major component of their curriculum, for instance, Harvard Medical School's 'New Pathway' curriculum (Moroney, 2014) or the use of 'virtual patients' as described by the American Association for Medical Colleges (Cendan and Lok, 2012). Christopher Coope (1996) explains the process thusly in his critique of the use of case studies in medical education. In his article 'Does Teaching by Cases Mislead Us About Morality?', he writes, 'the student will be taken on a ward-round of curious examples…drawn from actual cases, in order as it were to give him or her experience on the job: the job of moral judgment. He will not come unprepared to the task, for there will have been some introductory material offering various "moral theories"' (46). As this description illustrates, rather than being offered a series of cases that then suggest an overarching principle, case studies are often used simply as illustrative devices that allow the medical student to but use the moral principles that they have already been taught. Despite the widespread use of narrative as merely illustrative in the bioethical literature, uses of narrative also exist that reflect Hunter's generative position on narrative ethics. For example, José Roque Junges (1999), a Brazilian bioethicist, argues that casuistry and principlism are two interconnected facets of bioethics, and he suggests that 'hermeneutics is required to avoid ethical and cultural conventions or economic and political conservatism in issues related to health' (Manchola 2017).

Commonalities Amongst Categories

Despite the wide range of different narrative approaches to bioethics, I argue that five features stand out as common to all, or most, narrative approaches to bioethics: a defence of the ethical relevance of a given situation in its individual particularity; a defence of the epistemological value of first-person experience, including the epistemic value of emotion; the positioning of narrative in moral education as generative, rather than merely illustrative; a critique of principlist ethical positions as unjustifiably reductive; and finally, the agreement that different readings of moral situations are possible and, occasionally, irreducible.

The first commonality is the ethical relevance of an individual, context-dependent situation. Nussbaum (1992) notes that narrative ethical thought, 'if it shares anything at all, would seem to share a commitment to the ethical relevance of particularity and to the epistemological value of feeling' (175).

This brings us to the second commonality: the moral and epistemological value of emotion and first-person experience. McCarthy (2003) asserts, 'narrativists in the health care arena argue that the first person narrative, or personal story, is a rich medium for qualitative data about the unique lives of individual people' (67).

Third, most versions of narrative ethics agree that moral education occurs in and through narrative and, furthermore, that narrative is generative, not merely illustrative, of ethical insight. The notable exception in this case is Arras's Type One narrative ethics, wherein narratives serve as illustrative devices for principles. In his chapter 'What do We Mean by Narrative Ethics', Thomas Murray argues, 'most people, most of the time, learn what they know about morality from narratives of one kind or another' (Nelson 1997, 6), as opposed to through deductive reasoning, principles or maxims. As such, it is narrative that makes 'human life and, specifically the moral life, intelligible' (McCarthy 2003, 67).

The fourth commonality amongst narrative approaches to bioethics is a critique of the view that morality consists of one set of true propositions or principles. In their article 'Living With the Label "Disability": Personal Narrative as a Resource for Responsive and Informed Practice in Biomedicine and Bioethics', Jeffery Bishop and Naomi Sunderland (2013) note that a narrative approach to bioethics 'privileges the person's telling over the abstractions so attractive (and useful) in a more conventional approaches' (184). Privileging narrative over the abstraction of philosophical concepts, abstractions and imperatives is the case for most, if not every, version of narrative ethics, with the notable exception again being Arras's Type One narrative ethics.

Finally, most narrative approaches to bioethics share the common position that different readings of moral situations and individual lives are possible. McCarthy (2003) argues, 'what is key for this narrativist account is the idea that many different voices and readings of moral situations and individual lives' (68) can occur together, can disagree and are not necessarily commensurable or reducible to one another. Furthermore, it is a general characteristic of narrative ethics that 'narrativists focus less on trying to reduce competing perspectives to a commonly shared view and more on involving as many people as possible in the dialogue' (68).

Conclusion

Narrative bioethics consists of a diverse collection of theories and thinkers, with a variety of ideas about the role narrative has to play in ethical valuation and decision-making, moral education and moral epistemology. Despite these wide-ranging differences, the various categories of narrative bioethical thought share some things in common. Narrative ethicists, in response to their principlist precursors, value the ethical relevance of particularity and, along with it, the epistemological value of feeling and first-person experience. Narrative ethicists generally agree that moral education occurs, by and large, through narrative, and as such, it is through narrative that we generate the language of moral life. Narrative bioethicists also commonly critique the principlist position that moral life can be reduced to one set of true principles that are applicable across all cases. Finally, narrative bioethics both asserts and values the plurality of possible readings that can apply to one and the same moral situation or individual life. This narrative approach to bioethics is not without its detractors. In the next section, we will explore the principlist critique of narrative bioethics as it relates to these five common characteristics.

2. Principlist Bioethics

Introduction

In his chapter *Nice Story But So What?: Narrative and Justification in Ethics*, John Arras (2017) describes the contemporary interest in narrative and its role in bioethics as a direct challenge to the perceived detached neutrality of principlism. He argues that bioethics, 'long dominated by the aspirations to objectivity and universality as embodied in its dominant "principlist" paradigm…has witnessed an explosion of interest in narrative and storytelling as alternative ways of structuring and evaluating the experiences of patients, physicians, and other healthcare professionals' (77). Arras offers numerous criticisms of this move that roughly correspond to the five common characteristics of narrative bioethics set out in the previous section. Wherein narrative bioethicists typically value the ethical relevance of particular lived experiences, Arras argues that no criteria exist to determine which cases or stories ought to be selected for moral interpretation. Furthermore, Arras argues that the narrative bioethicist fails to explain how the particular meaning found in one case could provide moral justification for other cases. In response to the narrative bioethical claim regarding the epistemological value of the first-person experience, he argues that the possibility for false consciousness or self-delusion makes epistemological claims made by the first person about her own experience unreliable. Arras relegates the role of narrative in moral education to the position of illustrating moral principles, in opposition to the claims of many narrative bioethicists that narrative serves as a fundamental producer of moral knowledge in and of itself. He dismisses the common narrative critique that principlism is unjustifiably reductive and context insensitive by arguing that narrative ethics too must resort to principles to make determinations between conflicting cases. Finally, for Arras, maintaining irreducible and incommensurable narratives is problematic, insofar as it is unclear what counts as an adequate account of a given issue or experience, and the incommensurability of narratives serves to paralyse ethical activity when two incommensurable narratives regarding the same ethical choice demand two incommensurable ethical responses.

Ethical Relevance of Particularity

In his article 'Getting Down to the Cases: The Revival of Casuistry in Bioethics', Arras (1991) argues that 'for all their emphasis upon the interpretation of particular cases, casuists have not said much, if anything, about how to select problems for moral interpretation' (184). Arras is concerned that narrative approaches to bioethics focus on particular situations without offering a method for determining which particular situations require moral interpretation, and as such, the narrative ethicist's 'account of cases analysis fails to supply us with principles of relevance that explain what binds the cases together and how the meaning of one case points beyond itself toward the resolution of subsequent cases' (185). Without understanding what binds particular cases together or what they have in common, it is unclear not only which cases deserve the attention of an ethical investigation but how particular cases justify ethical action at all. Arras laments that without principles to determine which particular experiences require ethical investigation, 'the connection between narrative and moral justification remains maddeningly obscure' (Arras 2017, 78).

Epistemological Value of First-person Experience

Arras notes that the possibility of false consciousness and self-delusion disrupts the epistemological value of first-person experience. Arras (2017) defines false consciousness as 'the ability of dominant social classes to impose their own values and ideals on all other groups so that the latter are often impaired in their ability to discern their own true best interests' (98). It is Arras's position that maintaining the epistemological value of experiences affected by false consciousness is not only inaccurate, insofar as the individuals are mistaken in their beliefs, but politically and ethically destructive, insofar as 'important movements of liberation from the provinciality of custom and tradition may well find themselves theoretically eviscerated by the [narrative ethical] embrace of the local' (97).

Generative Capacity of Narrative in Moral Education

In opposition to thinkers such as Alasdair McIntyre and Stanley Hauerwas, for whom 'narrative functions principally as the very ground of all moral justification' (Arras 2017, 79), Arras views narrative's role in ethical education as illustrative, rather than generative. In his description of Type One narrative ethics, the type of narrative ethics he finds most friendly to his own principlist approach, he notes that narrative serves as a 'a supplement to (or ingredient of) principle-driven approaches to ethics' (79). On this account, narrative functions to 'delineate moral problems in a concrete fashion' (79) and no more.

Critique of Principlism

Arras addresses the narrative bioethical critique that the principlist view that morality consists of one set of true propositions or principles is unjustifiably reductive by arguing that narrative approaches to bioethics also require a set of principles to make moral determinations about the particular experiences that they investigate. For example, consider two conflicting but plausible narratives concerning a given ethical conundrum that suggest two conflicting ethical actions as the correct response to said conundrum. To decide upon what action to take, the narrative bioethicist must resort 'to a set of abstract criteria for resolving conflicts among plausible stories' (Arras 2017, 88). However, 'if we are truly able to pick and choose among competing stories by deploying a set of criteria, it would appear that the criteria themselves, and not the narratives, are fundamental to the critical function of ethics' (88-9). Thus, the narrative bioethical approach is as guilty as the principlist approach of appealing to one set of true propositions to make adequate ethical decisions.

Irreducible and Incommensurable Narratives

A further critique of narrative approaches to bioethics, related to the above response to the narrative ethical critique of principlism, is that endless and often conflicting narratives exist that can be related about a given experience or moral dilemma, and if these narratives can neither be reduced nor made commensurable with one another, this state of affairs makes taking adequate ethical action difficult, if not impossible. Arras (1991) asks, 'what description of a case shall count as an adequate and sufficiently complete account of the issues, the participants and the context?' (185). Not only does a narrative approach to bioethics seem to require an endless investigation before a moral decision can be made, but if 'my moral imagination inclines me to favour one set of ethical understandings [and] yours champions another…how does [narrative] provide us with a basis for agreement about what is best to do?' (Nelson 1997, xiii). Hilde Lindemann Nelsen's (1997) 'answer is that stories aren't much help in settling these differences' (xiii).

3. Response from the Phenomenological Hermeneutic Approach

Introduction

The phenomenological hermeneutic approach to investigating bioethical questions set out in, 'What Contemporary Models of Disability Miss: The Case for a Phenomenological Hermeneutic Analysis', offers a way for narrative bioethical approaches to respond to some of the criticisms presented by principlists such as Arras. This approach begins from a foundation of uncritical preunderstanding, a set of unexamined presumptions and beliefs that partially determine any experience that we might have of a given bioethical issue. A new experience, particularly one that stands in opposition to the presumptions contained in preunderstanding, can trigger inquiry into the preunderstanding. This investigation can lead to further curiosity and even prompt the inquirer to gather new experiences and resources that can result in the development of accurate understanding. As this understanding becomes fully incorporated into a person's experience, it recedes back into preunderstanding, which goes on to colour future experiences. This manner of approaching narrative bioethics provides the opportunity for a satisfying response to Arras. The phenomenological hermeneutic approach to narrative bioethics circumvents the critique that principles are required before particular situations can be determined as ethically relevant or not through the use of the preunderstanding, wherein narrative and principle co-arise in a foundation that precedes any ethical consideration. The epistemological value of first-person experience is protected from the critique that false consciousness and confabulation make that experience epistemologically questionable by offering a method for ascertaining accuracy through the collection and consideration of multiple narratives. The generative capacity of moral education is maintained by noting the differences between principles that determine what is required for something to be a narrative and the moral principles that can be gleaned from narrative. The criticism that narrative bioethics ultimately relies on principles as a starting point is addressed by retaining narrative as the fundamental ground of ethical insight, while nevertheless noting that those narratives are both constrained and made generalisable by virtue of principles. Finally, the insight that irreducible and incommensurable narratives exist is protected using a hermeneutic approach to accuracy that denies the understanding of accuracy as reproductive fidelity that Arras relies upon, without resorting to the accuracy-as-power model favoured by postmodern narrative ethicists.

Description of the Phenomenological Hermeneutic Approach

A phenomenological hermeneutic approach to narrative bioethics begins not from principles, nor from narratives, but from a preunderstanding framework that contains both principles and narratives. Before it is possible to engage in bioethical inquiry, to understand the problems and solutions that bioethics presents, a ground of stories, beliefs, rules and experiences is always pre-imbibed in the inquirer by her very existence in the community. In his article 'Hermeneutics and Decision Making in Clinical Ethics', Oscar Vergara (2017) explains this by claiming, a la Gadamer, that 'all understanding is determined by the anticipatory movement of pre-understanding. This is not a mere act of subjectivity but is determined from the community that unites us with tradition'. This manner of comprehending or having access to the world before we begin to critically examine it 'gives rise to thought and always conditions it' (Weinsheimer 1985, 11). As such, it is from this preunderstanding ground of uncritically held beliefs that understanding itself becomes possible. In the case of bioethics, the preunderstanding that grounds any bioethical inquiry includes the community's consciously and subconsciously held beliefs, stories, symbols, rules and practices concerning health, illness, disability and so on.

As discussed in 'What Contemporary Models of Disability Miss: The Case for a Phenomenological Hermeneutic Analysis', preunderstanding does not provide a static framework; rather, it is constantly evolving, and the catalyst for this evolution is experience. Gadamer (1976) states that this directly claiming of the 'power of *experience*' (38; emphasis in the original) triggers inquiry into the unexamined preunderstanding, which leads to the development of conscious understanding, and this conscious understanding eventually recedes back into a new preunderstanding. In his article ‘Philosophy, Understanding and the Consultation: A Fusion of Horizons’, Jeff Clark (2008) describes the movement from preunderstanding to understanding and back again as a constant movement ‘from the whole to part and back to the whole. We are constantly breaking apart our understanding comparing it to another view or new experience and then putting it back together to produce a new understanding’ (58). Understanding arises from a critical investigation of preunderstanding, triggered by new experiences. However, a possible further step exists in this process before the newfound understanding recedes back into an unacknowledged preunderstanding that unconsciously shapes experience.

When a hermeneutic investigation of the preunderstanding is triggered by an experience, the thinker can seek out further experiences and resources to confirm the accuracy of her newfound understanding. The phenomenological hermeneutic approach to narrative bioethics finds a middle road between the understanding of accuracy that underlies Arras’s principlist account of bioethics and the version of accuracy that underlies the radical postmodern edge of narrative bioethics. Arras’s concerns that the possibility of confabulation and false consciousness undermine the epistemological credibility of first-person experience, as well as his position that the narrative bioethicist ultimately relies on a single set of principles to determine whether an action is worthy of ethical consideration, reveals a dedication to a traditional correspondence theory of accuracy. Sue Campbell describes this position as ‘forensic’, wherein accuracy is singular, reflective and ‘stable in meaning’ (54). On the other end of the spectrum is the postmodernist who views accuracy as ‘a contingent creation of language which expresses customs, emotions, and values embedded in a community's linguistic practices' (Moreland, 2004). For the postmodernist, claims about accuracy as correspondence are simply made to assert power, rather than reflecting anything objectively accurate. On this account, accuracy is multiple, flexible and subjective, or in some cases, simply an incoherent concept. A hermeneutic approach to accuracy denies the picture of accuracy as reproductive fidelity relied upon by Arras without resorting to the accuracy-as-power model favoured by many postmodernists. For Campbell, 'accuracy involves selection. One might have a number of different but accurate representations of the same event, as one might have a number of different but accurate maps of a particular locality' (36). This step of the hermeneutic investigation involves gathering relevant information to determine accuracy without insisting that each piece of the information must be reducible to the others.

Consider the following example of a phenomenological hermeneutic approach to narrative bioethical inquiry: Misha lives in a community that has supplied her with a preunderstanding framework with regards to autism. This framework includes principles such as 'people ought to contribute to society by selling their labour' and 'people ought to try to get along with one another by adhering to social norms', as well as the perfunctory belief that autistic people have trouble doing these things. This framework also includes narratives such as the movie 'Rainman', Temple Grandin's book 'Thinking in Pictures' and the use of 'autistic' as a slang term on the Internet to describe the socially awkward. This collection of principles, beliefs, stories and experiences makes up the preunderstanding foundation that Misha uncritically holds, but it nevertheless informs any understanding she could possibly have about autism. After seeing an advertisement for a ‘companion’ job on a career website, Misha applies, and is interviewed, for a position as a residential care worker with an autistic man named Brad. Misha’s perception of this new experience is determined by her preunderstanding, for instance, when the man asks her birthdate and immediately informs her that the date was a Wednesday, she thinks, ‘Wow, he’s just like Rainman’. However, this new experience also prompts an investigation into her uncritically held preunderstanding of autism, an investigation that makes actual understanding possible.

As Misha gets to know Brad, she begins to notice, and question, the contents of her preunderstanding. Brad has a good job; He struggles socially, but it often seems to be the fault of dismissive or overly demanding people and not, as she once thought, because of his autism. Her curiosity piqued, she begins to seek out sources to refine her understanding of autism. Perhaps Brad is an exception to the general rule, or he is misrepresenting himself in some way. Misha spends more time with autistic people, reads blog posts and autobiographies written by autists and learns about the neurodiversity movement. Through this practice, she develops a refined understanding about autism and the effect autism has on autistic people, families and her community. After a time, Misha stops actively seeking out these new learning experiences, and the understanding she has developed about autism recedes into the back of her mind. As such, this new understanding becomes a new version of her original preunderstanding, which goes on to determine any subsequent experiences she has with autism.

The phenomenological hermeneutic approach to bioethical inquiry begins from a foundation of uncritical preunderstanding that colours the experience we have of a given bioethical issue, such as what it means to have autism and how autistic people ought to be treated. A new experience can trigger inquiry into the preunderstanding concerning that issue, such as when an interaction with an autistic person that does not quite fit one's preunderstanding of autism triggers an investigation into that preunderstanding. This investigation can lead to further curiosity, including the collection of experiences and resources that can develop into accurate understanding proper. As this understanding becomes fully incorporated into a person's experience, it recedes back into preunderstanding, which then colours future experiences. This process is the bioethical version of a traditional hermeneutic circle.

4. How is this Different from Rawlsian Reflective Equilibrium, Anticipating Possible Objections, What is Distinctive?

Ethical Relevance of Particularity

Arras is concerned that narrative approaches to bioethics focus on particular situations without offering a method for determining which situations require moral interpretation. From the point of view of a principlist methodology, wherein one begins with a set of principles and applies them to particular contextual experiences, this objection stands. However, by applying a phenomenological hermeneutic methodology, situations that require moral interpretation are already present in the role of the preunderstanding. In the case of a phenomenological hermeneutic investigation of disability, contemporary models of disability serve as the preunderstanding framework from whence an investigation begins. A phenomenological hermeneutic approach to investigating disability need not define disability before it begins its investigation, because disability has already been defined. The parameters of what constitutes disability have been outlined by medical, social and religious models, and by hospitals, national benefits plans, schools and popular media. So too is this the case with a narrative approach to bioethics. The particular situations that require a narrative ethical interpretation are determined by a preunderstanding framework comprised of Kant's categorical imperative and Mill's utilitarianism, justice systems, the rules of games taught in schoolyards and an individual's sense that a situation is unfair. The phenomenological hermeneutic method that begins by investigating the preunderstanding allows for the narrative bioethicist to maintain the ethical relevance of particular situations without needing to provide a prior principle that determines what is and is not worthy of ethical investigation.

Epistemological Value of First-person Experience

Arras points to the possibility of false consciousness and self-delusion as a justification for denying the epistemological value of first-person experience. The phenomenological hermeneutic method offers both phenomenological and hermeneutic remedies for this issue. Because 'phenomenological research is descriptive and focuses on the structure of experience' (Laverty 2003, 25), a phenomenological hermeneutic approach to narrative ethics is capable of examining both particular first-person experiences and the framework that governs those experiences and their interpretations. Such an investigation can maintain the epistemological value of first-person experience while also investigating which aspects of that experience may be affected by false consciousness or self-delusion, on the basis of the type of structures that govern said experience. For example, if a disabled person believes that, in her experience, disabled people are lazy burdens who do not deserve support, it is possible to acknowledge the epistemic value of this first-person experience. But, at the same time, in a phenomenological hermeneutic account, there is no need to agree that this person is correct in her assessment, or even agree that this is truly the belief she holds. By way of an investigation of the structures that determine her expression of this belief, it is possible to examine the belief without attesting to its accuracy.

The hermeneutic side of a phenomenological hermeneutic approach to narrative bioethics also offers a solution to the critique that false consciousness and self-delusion disrupt the epistemological value of first-person experience. Hermeneutic research achieves understanding 'by our interpreting within a circular process, in which we move from a whole to the individual parts and from the individual parts to the whole through the hermeneutic circle' (Debesay, Naden and Slettebo, 2008). In the case of narrative bioethics, individual descriptions of first-person experiences are brought together to comment upon one another, reveal inconsistencies and allow for a better understanding of ethical experiences and issues, both in their particularity and in general.

Generative Capacity of Narrative in Moral Education

Arras finds a place for narrative as an illustrative device for foundational ethical principles. I argue that Arras's intuition that principles, not narratives, are foundational is the result of conflating ontological and ethical principles. In her article 'The Narrative Constitution of Identity: A Relational and Network Approach', Margaret Somers (1994) notes, 'all narratives…are structured by emplotment, relationality, connectivity, and selective appropriation'. There is no doubt that principles, such as emplotment, co-arise with, and make intelligible, the narratives that shape human lives, but these are ontological principles that explain why narratives function as they do, not ethical principles explaining the best manner in which to act and why. Ethical principles only arise through an investigation of one’s own narrative experiences and the narratives of others. It is from these foundational narratives that we can abstract to principles and share those principles amongst ourselves in the form of moral education. By positioning narrative as the fundamental foundation of ethics, and a condition of the possibility of ethical insight, a phenomenological hermeneutic approach to narrative bioethics protects the capacity for narrative to produce, rather than simply illustrate, ethical insight.

Critique of Principlism

Arras denies the critique of the principlist view, that morality consists of one set of true propositions or principles, by claiming that narrative approaches to bioethics also require a set of principles to make moral determinations about particular experiences. A phenomenological hermeneutic approach to narrative bioethics finds a middle ground between strict principlists, who argue for one set of true ethical principles that can be applied in all cases, and the most postmodern edge of narrative bioethics, which insists that ‘we ought to favour narratives “because we can’t do any better” and that “it is an epistemological error to believe that we can transcend the local”’ (Arras 2017, 94). A phenomenological hermeneutic approach to narrative bioethics retains narrative as the fundamental ground of ethical insight, while nevertheless noting that those narratives are constrained by the structures of experience and, as such, will share certain commonalities that do transcend the local. Furthermore, the hermeneutic circle of interpretation allows for the production of generalisable ethical insights that are constantly revised and revisable as new narratives are introduced and taken up.

Irreducible and Incommensurable Narratives

The phenomenological hermeneutic approach to narrative bioethics respects narrative as the ground of ethical insight. As such, it is possible for this approach to maintain that narratives cannot be reducible to one another and may not be commensurable with one another, while still being capable of producing generalisable ethical insights that can be used to inform ethical activity. Because the work of the hermeneutic circle is never complete, one need not wait to possess all possible narratives before committing to ethical action. While more narrative investigation is better, seeing all sides of a story is an ongoing process that can never be complete. This position has both positive and negative attributes. For the person seeking moral certainty, this approach will be unsatisfying. The moral generalisations produced by a phenomenological hermeneutic approach to bioethics are constantly revisable and being revised; Therefore, an action that seemed ethical given a certain set of narratives may be seen as unethical when further narratives are added to the mix, and moments of profound disagreement are likely to arise where the ethical path forward is unclear. However, this does not mean that this approach is incapable of providing useful moral generalisations, which are produced by putting many narratives in conversation with one another and that can then be used to guide ethical action in the future.

5. Demonstrating a Phenomenological Hermeneutic Approach to Narrative Bioethics via Autistic Autobiography

This article has attempted to show that a phenomenological hermeneutic method for conducting narrative bioethical inquiry allows narrative bioethicists to respond to principlist criticisms of the five characteristics that most narrative approaches to bioethics share. A phenomenological hermeneutic approach to bioethics preserves the ethical relevance of particularity and the epistemological value of first-person experience. This method of inquiry also maintains the integrity of the narrative ethical critiques of principlism as unjustifiably reductive. A phenomenological hermeneutic method for conducting narrative bioethical inquiry also defends the role of narrative in bioethical education as generative of ethical insights, rather than simply illustrative of ethical principles. Finally, this method presents narrative as capable of producing generalisable moral insights, while still maintaining the existence of irreducible and incommensurable narratives.

Given these insights, I argue that the phenomenological hermeneutic investigation of narratives of disability is a centrally important bioethical practice that will undoubtedly shed light on the bioethical questions and challenges associated with disability. In particular, I propose an examination of autobiographies written by people with autism as a particularly fruitful method for gaining ethical insight into questions surrounding disability more generally. In this article I have argued for the ethical relevance of particular experience, and autistic autobiography provides descriptions of particular experiences of disability that can be mined for ethical content. I have argued for the epistemological value of first-person experience, and autistic autobiography provides a wealth of descriptions of first-person experiences of disability. I have argued for the role of narrative as generative of ethical insights, and as such, I argue that autistic autobiographies contain narratives capable of generating new ethical insights about disability. Finally, I have argued that despite the existence of irreducible and incommensurable narratives, narrative can still provide generalisable ethical insights. Thus, despite the diversity of irreducible, and sometimes incommensurable, experiences between autistic people, and amongst autistic people and people with other types of disabilities, generalisable moral insights about disability still exist that can be produced in and through an investigation of autistic autobiography.

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Justifying an Adequate Response to the Vulnerable Other

Chandra Kavanagh

Abstract: Is it possible to endorse the position that I, as a moral agent, ought to aspire to respond adequately to the other's vulnerability? I contend that, insofar as I value my personal identity, it is consistent to work toward responding adequately to the vulnerability of the other both ontologically and ethically. I have an ontological responsibility to respond adequately because without a secure personal identity the other with whom I engage is unable to take part in the co-constitutive relationship of support required to secure my own identity. I have an ethical responsibility to respond adequately to the vulnerability of another because in the face of the other's vulnerability, and given our fundamental relationality, I am called to provide that response.

Keywords: vulnerability, personal identity, indeterminacy, relational autonomy, feminist ethics, Emmanuel Levinas.

Is it possible to endorse the position that I, as a moral agent, ought to aspire to respond adequately to the other's vulnerability? Here an *adequate* response to vulnerability refers to a responding to an other in a way that respects her vulnerability, and supports her personal identity. I contend that, insofar as I value my personal identity, it is consistent to work toward responding adequately to the vulnerability of the other both ontologically and ethically. I have an ontological responsibility to respond adequately because without a secure personal identity the other with whom I engage is unable to take part in the co-constitutive relationship of support required to secure my own identity. I have an ethical responsibility to respond adequately to the vulnerability of another because in the face of the other's vulnerability, and given our fundamental relationality, I am called to provide that response. In order to demonstrate and defend this position, Part 1 of this article provides a definition of vulnerability in terms of its ubiquity and its fundamental indeterminacy. The defining quality of vulnerability itself is that both the other and I are essentially vulnerable and we are vulnerable to that which we do not know. Part 2 illustrates how the ability to respond, either adequately or inadequately, to the other's vulnerability is implied by the fundamental co-constitution of personal identity: I am vulnerable to the other because the other has the ability to respond to me either adequately or inadequately, and I can never know how the other will react. The other is vulnerable to me for the same reason. It is my vulnerability, and the other's response to my vulnerability, that either supports my identity or disrupts it. This type of vulnerability is fundamental, because the response of the other makes my identity possible. In other words, I understand myself as a self only insofar as I stand in relation to other selves who view me as a self. If the relationship between recognition and identity also holds for the other, my response to her vulnerability founds her identity as well. In Part 3, the relationship developed in Part 2 is employed to provide an ontological justification supporting the obligation to respond adequately to the vulnerable other. If I value my own personal identity, then I require an adequate response from others, because that response is integral in the foundation of my identity. The other cannot respond adequately to my vulnerability unless her own personal identity is assured. Only if I respond adequately to the vulnerability of the other will she be in a position to assure my identity. Therefore, I ought to respond adequately to the vulnerability of others, if for no other reason than that it puts the other in a position where she can assure my personal identity. Part 4 explores the ethical justification to respond adequately to the vulnerable other. I have a responsibility to respond adequately to the vulnerability of another because in the face of the other's vulnerability, and given our fundamental relationality, I am called to provide that response. Emmanuel Levinas describes the face of the other, and our response to it, as the ground for any possible ethical system.

1. Vulnerability and the Ability to Respond: A Relation Founded on Indeterminacy

All human beings are subject to ontological vulnerability. It is 'a fundamental part of the human condition' (1), and I will demonstrate that at the heart of vulnerability is indeterminacy. Unknown and unknowable vulnerability, in conjunction with the co-constitutive relationship central to forming and securing personal identity, gives rise to the ethical responsibility associated with an adequate response to the vulnerable other. Vulnerability is always vulnerability to that which I do not know. The fundamental indeterminacy of vulnerability is only resolved once I am undergoing a specific transgression, and vulnerability is transgressed when a painful or negative happenstance to which I am vulnerable occurs. Once vulnerability has been fully determined, I am no longer vulnerable to that specific harm. I may be vulnerable to another harm, or the continuation or repetition of the harm that I am currently undergoing, but while my vulnerability is being transgressed, I am no longer vulnerable to that particular transgression, as the worst has already manifested. Once vulnerability has been transgressed, it ceases to be vulnerability, because it loses its fundamental indeterminacy in the specificity of transgression.

Consider the following example: Stacy has a body that is generally vulnerable to injury, death and decay. Her body is, more specifically, vulnerable to anaphylactic shock if exposed to peanuts. In the general case, Stacy is vulnerable to any number of negative interferences with her body. However, when a car hits Stacy, she is no longer vulnerable to being hit by this car. Rather, that particular vulnerability has been made determinate in its transgression. As a result, Stacy remains vulnerable to a wide variety of harms that have not been made determinate – being hit by another car, for instance, or losing her shoes on the way to the hospital – but once vulnerability has been made determinate, it is no longer vulnerability.

This is also the case with Stacy's more specific vulnerability. While a peanut allergy is much more determinate than general bodily vulnerability, it is still fundamentally indeterminate. While Stacy knows that peanuts will trigger her anaphylaxis, she does not know when or where, or under what circumstances, she might come into contact with peanuts. In this case, it is not simply the timing of the event that is indeterminate; Stacy's very vulnerability itself is a vulnerability only because it is indeterminate. While Stacy knows the direct trigger that leads to a transgression of her vulnerability, namely, contact with peanuts, she is only vulnerable to this trigger insofar as it is fundamentally indeterminate how the trigger will appear for her. For instance, if it were the case that Stacy had a peanut allergy, but the only way for her to come into contact with peanuts was to enter a certain easily avoidable institution and there was no chance of her encountering peanuts in any other circumstance, it would be inaccurate to say that she *is vulnerable* to peanuts. Rather, we might say that she *could be* vulnerable to peanuts if circumstances were to change. It is my contention that if we had full access to the specific causes of vulnerability and possessed perfect knowledge of how to avoid those triggers we could no longer claim to be vulnerable to those threats. It is the fundamental indeterminacy of never knowing exactly when or where or how one's vulnerability can be transgressed that lies at the heart of any definition of vulnerability.

The relationship between vulnerability and indeterminacy has been understudied. In her work *Vulnerability and Its Power: Recognition, Response, and the Problem of Valorization* Anna Bialek credits Sarah Coakley with 'a reconception of vulnerability in secular ethical and political thought as well, one that recovers the significance of its indeterminacy'. (2) In her paper "Kenosis and Subversion: On the Repression of "Vulnerability" in *Christian Feminist Writing,* Coakley makes note of the relationship between vulnerability and indeterminacy as it relates to submission to a Christian God that is fundamentally unknown. (3) It is my aim to push this position further by situating the indeterminacy of vulnerability within the concept of vulnerability itself, rather than attributing indeterminacy to the causes of vulnerability as Coakley does.

Three factors contribute substantially to the fundamental indeterminacy of vulnerability: the endlessly vulnerable body, the unknowable and uncontrollable other and the indeterminacy of my own capacity for resilience. The most straightforward manner through which indeterminate ontological vulnerability manifests is through the prone body, 'for instance, my body is vulnerable to death, injury and decay' (4). I am subject to the unspecified but inevitable decay of my body. I am also prone to an array of possible injuries, or even death, as a result of my vulnerability to my environment.

A further instantiation of the characteristic indeterminacy of vulnerability is the indeterminacy of one's own capacity for resilience. Even if someone were to know exactly what she was vulnerable to and the precise manner in which she might come into contact with it, she can still never be certain of her own reaction to a transgression. Resilience here is meant to indicate 'the capacity of a system to absorb disturbance and reorganize while undergoing change so as to still retain essentially the same function, structure, identity, and feedbacks' (5). While an individual may have a sense of her own ability to cope with a transgression of her vulnerability, she cannot know for certain whether she can maintain functionality or her sense of personal identity in the face of a major transgression of her vulnerability. It may be possible that an individual holds high expectations of her ability to cope with a particular transgression, but when that transgression occurs and she is not resilient enough to cope with it. The opposite case, wherein one expects to be unable to cope with a given transgression but proves capable when tested, could also be true. This lack of certainty regarding one's own resilience further illustrates the indeterminacy of vulnerability. Even if a vulnerable individual possesses perfect knowledge of the risks associated with her vulnerability, she still cannot know her own ability to cope with a transgression, and thus her vulnerability remains inherently indeterminate.

The fundamental indeterminacy that is central to vulnerability is also at the heart of our interactions with others. In the introduction to *Vulnerability*, Mackenzie, Rogers and Dodds claim, ‘as embodied social beings we are both vulnerable to the actions of others, and dependent upon the care and support of other people’ (6). This suggests two ways in which I am vulnerable to the other: The first is my vulnerability as an embodied being, and the second is my vulnerability as a social being. In the case of my embodied vulnerability to the indeterminate other, given that my body is ‘fragile…[and] susceptible to wounding and to suffering’ (7) in ways that I can hypothesise about but never predict with certainty, and given my contact with the other, who is both powerful and unpredictable, I cannot know all that she might do or fail to do that could hurt my vulnerable body. What defines ontological vulnerability is that to be human is to be open to the threatening unknown that Levinas describes as ‘an exposedness to the other’ (8) and that the other is always inaccessible to me. Vulnerability is indeterminate because I am vulnerable to the other and the other is unknowable.

It is not simply the case that I am vulnerable to the other in terms of my embodied nature; I am also vulnerable to the other as a result of my status as a social being. For instance, as a social being, I am vulnerable to the denial of my personal identity by being ‘excluded by others’ (9). Insofar as people are inherently vulnerable, and inherently relational, relating to others exposes us to their actions and may elicit a wide range of responses from them, both of which are unpredictable. The unknowable actions and reactions of the other engender an ambiguity that ‘is an ineradicable feature of the self-other relation' (10). In each case, the vulnerable person has no way of predicting how the other will respond, and the possibility always exists that the response will be harmful or inadequate. Thus, whenever I relate with another person, all of our interactions are characterised by the fundamental indeterminacy at the heart of vulnerability.

For instance, when I wave hello to someone, I solicit a response, and I have a specific expectation of what that response will be. I wave to Joan with the expectation that she will wave back to me. However, in relating with Joan, I am putting myself in a vulnerable position, because I do not know what her response will be, and it could very well be an unexpected or harmful response. Perhaps Joan will not wave back at me; maybe she will rush towards me with a hug that makes me uncomfortable; maybe she will punch me in the face; maybe she will not respond, leaving me feeling like a fool. Here, we can see the demand of vulnerability in action. Vulnerability demands a response, such that even a non-response is a kind of response. In any case, my relation with the other leaves me vulnerable to her response to me. Vulnerability is inherently indeterminate. The body is endlessly vulnerable, resilience is unpredictable and the other is unknowable. As we will see, this relationship of indeterminate vulnerability with the radical alterity of the other co-constitutes personal identity.

2. The Relationship Between Vulnerability and Personal Identity

It is the relationship with others that makes my personal identity possible. In *Otherwise than Being*, Levinas argues, 'identity here takes form not by self-confirmation, but, as a signification of the one-for-the-other' (11). My understanding of the continuity of myself is only possible as a result of the other who looks at me. If I had no concept of an other who sees me, I would have no reason to ever reflect upon the continuity of my experience. Rather, I would continue directly experiencing, with no trigger to reflect upon my personal identity in terms of an enduring, holistic self. Peperzak comments that Levinas believed that he was ‘a human body of flesh and blood, simultaneously independent and pertaining to the Other’ (12). On this account, the response of the other to my body founds my personal identity.

In her article on the narrative constitution of identity, Somers argues, ‘all of us come to be who we are (however ephemeral, multiple, and changing) by being located or locating ourselves (usually unconsciously) in social narratives rarely of our own making’ (13). On this account, personal identity is co-constituted through the participation of others who have produced the narratives that comprise personal identity. As a result of being ‘embedded within and constituted by relationships and relationality’ (14), the relationship between the response of the other and the constitution of personal identity functions such that any interaction between self and other demands a response.

The co-constitution of autonomy in relation with the other is illustrative of the type of indeterminate and vulnerable relationship that co-constitutes identity as a whole, according to both Somers and Levinas. In her discussion of autonomy in the first chapter of *Vulnerability,* Mackenzie claims that autonomy includes a status component that is critical to its constitution. In other words, a person cannot be autonomous without others confirming that autonomous status. She argues, ‘because this status dimension of autonomy is constituted intersubjectively in social relations of recognition, it is vulnerable to other’s failures, or refusals to grant us appropriate recognition in a range of different spheres’ (15). To be an autonomous individual, one must be considered as such by others in the community. For instance, if a woman considers herself to be an autonomous individual but her community does not, she will be restricted from engaging in the types of actions that those who are considered autonomous in her community can engage in. In a community where riding a bike is an important option, if women are prevented from riding bikes, their autonomy is thwarted.

Even more insidious than such attacks on practical freedom is how refusing to recognise an individual's autonomy restricts a person from developing autonomy at all. Without recognition as being an autonomous individual from others, it is not possible for a person to develop any semblance of autonomy at all. For instance, consider the survivalist who is intent on making herself entirely self-sufficient and autonomous. She grows her own food, chops her own firewood and crafts her own tools. Even in this case, the survivalist will require a vast support network that allows her to live as she does. If she is chopping wood for a fireplace, she may need others to build that fireplace. In any case, she needs the person who discovered fire and the person who taught her how to build a fire, and the knowledge of woodcutting techniques, which also comes from others. As a condition of the possibility of autonomy, a network of material and immaterial resources that are supplied by other people is required. Furthermore, the survivalist requires that her choice of how to live be respected by others. If people who are trying to convince her to live a different type of lifestyle are constantly attacking her, she will be unable to live an autonomous life. In other words, without recognition as autonomous, the survivalist cannot be autonomous. Thus, if one is only recognised as a non-autonomous being, one is only able to be a non-autonomous being.

The status dimension of autonomy is not the only aspect of personal identity that is 'constituted intersubjectively in social relations of recognition' (16). It is the case that a foundational component of a person's identity as a whole is constituted in terms of social relations of recognition. The manner in which others respond to me makes me who I am. Mackenzie sums up a relational view of identity constitution when she writes, 'the internalization of non- or misrecognition can corrode the self-affective attitudes of self-respect, self-trust and self-esteem that underpin one's sense of oneself as an autonomous agent' (17). Proper recognition, that is, an adequate response to my vulnerability, does more than found my sense of myself as an autonomous agent; It underpins my sense of myself entirely.

Given the relationality of personal identity, the vulnerability of the other absolutely requires a response. Levinas claims, 'subjectivity is…a vulnerability and a responsibility in the proximity of the others, the one-for-the-others' (18). Any response to the other's vulnerability, even no response, does provide a response to the vulnerable other, because it is in my response (or non-response) to the vulnerable other that my personal identity becomes determinate. Consider the following example: I see others as indeterminate, vulnerable, enduring personal identities, and as a result, I am able to reflect on myself in terms of my enduring personal identity. When I am faced with a vulnerable and enduring personal identity, my response affects how I understand my own personal identity. My response to the vulnerable other affects my understanding of my personal identity. My response to the vulnerabilities of others will be incorporated into the narrative of personal identity that I hold for myself. For example, I can coherently maintain my personal identity as the type of person who helps someone in need, only if, when faced with that vulnerability, I respond with compassion. Thus, every time I am faced with any vulnerable other, a response is solicited, and a response is given, and this interaction is foundational in my personal identity.

3. An Ontological Justification for Adequately Responding to the Vulnerability of the Other

I have begun by showing that at the heart of vulnerability is fundamental indeterminacy. I am vulnerable to that which I do not know, and that which I do not know could be harmful or inadequate to my needs. Furthermore, my own resiliency to transgression is indeterminate until I have been transgressed. As a result, I cannot be sure of all of the ways in which I am vulnerable or the degree to which I am vulnerable. I then demonstrated that my vulnerability in the face of the other is the result of two things: the other's fundamental indeterminacy and the demand for a response that flows from the relational co-constitution of personal identity. Given a relational account of personal identity, the other's response to my vulnerability founds my personal identity. If my personal identity is secured by the other, the personal identity of the other can be secured by me, and the other can only secure my personal identity if she has a secure identity herself, it is logical for me to support the other's identity through an adequate response to her vulnerability, so that she is capable of supporting my personal identity. If we value our identities, we require an adequate response from others, and they require an adequate response from us.

Just as my personal identity is co-constituted by the others that respond to me, I also play the role as the other who responds to a given self. As such, it is not simply the case that the other constitutes my personal identity; I also constitute the other's personal identity. In my introduction to this project, I began with the question of what justifies the requirement of an adequate response to the vulnerability of the other. And it is here that the justification for an adequate response becomes clear.

Premise 1: We value our own personal identities

Premise 2: If we value our own personal identities, then we require responsibility from others.

Premise 3: The other cannot respond adequately to my vulnerability unless her own personal identity is assured.

Premise 4: If I respond adequately to the other, then her own personal identity will be assured.

Conclusion: I ought to respond adequately to the vulnerability of others, if for no other reason than it puts them in a position to be able to ensure my personal identity.

I take Premise 1, that we value our own personal identities, to be fairly self-evident. Particularly in our modern, Western culture, maintaining a sense of oneself as a coherent identifiable individual, expressing that sense, and having those around us confirm our sense of personal identity holds incredible weight. People travel to find themselves. They seek out therapists who can help them attain a better sense of their personal identities. They express themselves in art and fashion and surround themselves with people who receive them as they wish to be received. However, a critic might argue for the possibility of destroying one's personal identity and the potential of a sort of freedom that comes with that. In response to this objection, I wish to suggest a division between the notion of 'no-self' that crops up in many Eastern philosophical and spiritual traditions, including Taoism and Buddhism, and an identity that has been shattered as a result of inadequate or harmful responses from others. In his article on selfhood and identity in Confucianism, Taoism, Buddhism and Hinduism, David Ho introduces the reader to the notion of no-self through the master Chang-tzu: 'In Chang-tzu, regarded as a mystic of unmatched brilliance in China, we find an explicit negation of the centrality of the self "The perfect man has no self; the spiritual man has no achievement; the true sage has no name"' (19). This positive version of shedding personal identity is quite different than a personal identity that has been shattered as a result of inadequate or harmful responses from others. Selflessness in this sense is not achieved by having others shatter your identity, but by 'developing an attitude that leads to acceptance of both life and death' (20). In other words, the persons seeking selflessness act to rid themselves of their sense of personal identity. On the other hand, those who do not work to disrupt their own identities but have their identities shattered by others are no longer able to freely choose to rid themselves of their personal identities, nor can they respond to those others; all they can do is simply react. The difference between response and reaction will become clear in my defence of Premise 3.

I defend Premise 2 in parts one and two of this article. I am vulnerable to the other because they represent a powerful fundamental indeterminacy. I do not know how the other will respond to me, and they have the power to respond to me inadequately. Given that my identity is relationally co-constituted, an inadequate or harmful response has the power to potentially disrupt my sense of identity. The outcome of a potentially harmful or inadequate response will depend upon both the response itself and the resilience of my identity in the face of a non-supportive response. For instance, if I have a secure sense of my identity as an accomplished academic, and a colleague treats me in a condescending manner, this might have very little impact on my sense of personal identity, because my identity is resilient. However, if I am just beginning my career as an academic, and my sense of myself as an accomplished academic is not very resilient, condescending behaviour from a colleague might severely disrupt my identity. Therefore, if I value my personal identity, I will often require an adequate response from others to maintain it.

In Premise 3, I claim that the other cannot appropriately respond to my vulnerability and thus secure my personal identity, unless her own personal identity is secured. For the other to adequately respond to my vulnerability in a way that supports my identity, she must be capable of responding. A person without a coherent identity is unable to respond adequately, because someone who does not possess the foundational support of secure identity of her own cannot support my identity.

Consider the following example: Stacy is delivering a talk at a conference. The audience of this conference consists of some people who have a secure sense of personal identity and some people who have an insecure sense of personal identity. After her talk, Stacy is approached by Rebecca and Maka, and they both thank her for her talk and tell her that she has done an excellent job. Over the course of the remainder of the conference, Stacy notices that Maka maintains a coherent personal identity throughout the conference; She likes some papers and dislikes others. Maka changes her mind about some papers, but only after being given compelling reasons to do so. On the other hand, Rebecca's personal identity is much less coherent; She likes every paper when she is talking to the author, but when she is with a group that dislikes one of the papers, she changes her mind. Rather than having opinions, ideas or even mannerisms of her own, she simply reflects those of whomever she happens to be with. When Stacy is considering her identity as an excellent writer and she reflects on the comments she received at the conference, it is my contention that Maka's comments adequately respond to Stacy's vulnerability and support her identity, while Rebecca's comments do not. Rebecca's incoherent identity means that she is not in a position to adequately respond to Stacy's vulnerability, because Rebecca does not have a coherent identity to provide a foundation from which she can adequately respond.

This is not to say that to adequately respond to the vulnerability of the other in a way that supports her personal identity in every case it is required that the other must agree with how the self conceives of her identity. Maka could choose not to support Stacy's personal identity as an excellent writer and instead respond to her in a way that throws into question this component of Stacy's identity. However, even this response is adequate, because it still supports Stacy's identity more generally. Maka could respond to Stacy's identity in a way that offers Stacy a reinterpretation of her identity, but to reinterpret Stacy's identity, Maka must recognise and respond to Stacy's identity as it stands. However, Rebecca's disapproval of Stacy's paper is just as inadequate a response to Stacy's vulnerability as is her acceptance of Stacy's paper, because no meaningful foundation exists from which Rebecca can respond to Stacy; Rather, she simply reacts to Stacy. It is my contention that for the other to respond adequately to my vulnerability and thus found my personal identity, she must have a reasonably secure personal identity as a condition of the possibility of having a meaningful response.

Premise 4 is simply the reverse of the relationship that I illustrate in Premise 2. As an other relating with a self that has a relational identity, that self is vulnerable to my response. If I respond adequately to the other's vulnerability, I support her identity, just as she supports my identity when she responds adequately to my vulnerability.

Thus, it is my conclusion that I am justified in requiring an adequate response to the vulnerable other, because this is the only way that I can protect my own personal identity. If I support the identity of the other, the other can choose to support my identity. If I do not support the identity of the other, there is no possible way that the other can support my identity. Any secure personal identity is capable of responding adequately to the vulnerability of any other identity. However, without a secure personal identity, which requires the support of other secure personal identities, it is not possible for an insecure personal identity to respond adequately to any other identity. My personal identity is of value to me, so I ought to adequately respond to the vulnerable other.

4. An Ethical Justification for Responding Adequately to the Vulnerable Other

While there is an ontological reason to respond adequately to the vulnerable other, as demonstrated above, there is also an ethical reason to aspire to an adequate response. Specifically, as Levinas argues, the vulnerability of the other demands a particular kind of ethical responsibility. Levinas describes the face of the other, and our response to it, as the ground for any possible ethical system. I have an ethical responsibility to respond adequately to the vulnerability of another because in the face of the other's vulnerability, and given our fundamental relationality, I am called to provide an adequately supportive response. While this responsibility associated with my relation to the vulnerable face of the other may be viewed as an impossible burden, thinkers like Judith Butler and Haritha Popuri (21) have claimed that 'this unwilled susceptibility can become a resource of ethical response to the Other, that although this vulnerability was no choice of our own, it forms the "horizon of choice," grounding our responsibility to the other in an absolute way, leaving no room for doubt.' (22). My susceptibility to the other's vulnerability and the requirement to respond in a way that supports the other's identity serves as a fundamental ethical maxim in alignment with Levinas' position on the power of the face.

Levinas describes the relation of the self to the other as follows, "The only possible response to the Other's invocation is respect and donation. The Other's emergence is the first and definitive refutation of my egoism." (23) The face of the other commands asymmetrically. Its metaphysical asymmetry is indicated by the moral experience that, "I have no right to demand of the other what I demand of myself." (24) The face of the other forbids being caught or changed, in other words it forbids violence. The other paralyses the power of violence because it is only in the expression commanding non-violence that violence is possible. Levinas writes, "The infinite paralyses power by its infinite resistance to murder…gleams in the face of the other." (25) The response to the expression of the other, also understood as responding to the moral call of the face, requires responsibility.

In addition to forbidding violence, the face of the other obligates the self to be responsible. This responsibility does not impede the freedom of the self, rather it allows for the very possibility of freedom at all by making it possible for the self to define itself an as an active, choosing subject. Levinas writes, "The face…instead of offending my freedom it calls to responsibility and founds it." (26) The face is the ground for responsibility and thus for freedom. One is free to be responsible. "Freedom presents itself as the other to the same, who is always the autochthon of being. Always privileged in his own residence. The other, the free one, is also the stranger." (27) Without the other who engenders responsibility the self is undefined. The self is only free in terms dictated by the other, as it is self-identification as a result of the other that makes possible a choosing, acting agent. It is the call of the other that holds the self responsible and thus holds the self together as a self. Responsibility does not encumber, though it is mandatory. Rather, responsibility offers freedom as a possibility in the first place, and thus grounds any possible ethical system. In a discussion of the eyes of the other Levinas writes, "the eyes that look at me…this look appeals to my responsibility and consecrates my freedom as responsibility and gift of self." (28) For Levinas, the self can avoid the responsibility inherent in the face of the other, but he cannot escape that responsibility.

Levinas provides an ethical framework that demands an adequate response to the vulnerable other. I have an ethical responsibility to respond adequately to the vulnerability of another because in relation with the face of the other I bear the responsibility for providing a response that adequately supports the other's identity. While this responsibility has been viewed as a burden, it is this burden of responsibility that serves as the condition of the possibility of ethical conduct.

Part 1 of this article presents and defends the fundamental indeterminacy of vulnerability. Part 2 illustrates the foundational relationship between responses to indeterminate vulnerability and personal identity. Finally, Part 3 uses the relationship between indeterminate vulnerability and personal identity to provide a justification for why we are obligated to respond adequately to the vulnerable other. Namely, we ought to respond adequately to the vulnerability of others because assuring the other's identity is the condition of the possibility of my own identity. Furthermore, as is demonstrated in

Part 4, it is our relationship to the vulnerable face of the other that grounds the ethical requirement to respond adequately to that vulnerability.

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Who Can Make a Yes?: Disability, Gender, Sexual Consent and 'Yes Means Yes'

Chandra Kavanagh

Abstract: The 'yes means yes' model of sexual consent, and the political and ethical commitments that underpin this model, possess three fundamental disadvantages. This position unfairly polices the sexual expression of participants, particularly women and vulnerable participants such as disabled people, it demands an unreasonably high standard for defining sexual interaction as consensual, and, by denying the body's capacity for expressing sexual consent, this model allows perpetrators of sexual violence to define consent.

Keywords: Sexual ethics, sexual consent, feminist theory, yes means yes, no means no, disability, embodiment, melancholia

The slogan ‘yes means yes’ (Kearney 2015) has been adopted by many college anti-rape campaigns to replace the outdated slogan ‘no means no’ (New 2014). ‘No means no’ and the political and ethical commitments that underpin this slogan have been rightly lambasted for demanding an unreasonably high standard for categorising a sexual assault as such, for policing sexual expression and for disingenuously ignoring the expressive capacity of the body. In this paper, I argue that the ‘yes means yes’ slogan, and the political and ethical commitments that underpin this slogan, retain variations of each of these three problems. The position represented by the ‘yes means yes’ slogan depends on the assumption that a verbal ‘yes’ is the ideal expression of consent and that other expressions of consent, such as bodily expressions, are less than ideal, or even illegitimate. First, I argue that any theory of sexual consent dependent upon such a hierarchy unfairly polices the sexual expression of participants. This is particularly true for women and vulnerable partners, such as people with disabilities, who have been conditioned in various ways to be unable or unwilling to express affirmative verbal consent. Second, I argue that a ‘yes means yes’ model is problematic, insofar as it demands an unreasonably high standard for defining sexual interactions as consensual. Specifically, a theory of consent that privileges verbal consent over bodily consent requires defining any sexual experiences that begin with a verbal ‘no’ and is followed by a bodily expression of consent as non-consensual. This definition of sex that begins with a verbal ‘no’ as non-consensual obtains even in opposition to the judgement of the participants involved. Finally, by denying the body’s capacity for expressing sexual consent and refusal, perpetrators of sexual violence are permitted to define any conversation concerning sexual consent by focusing on the expressive capacities or choices of the survivors of sexual violation.

1. Defining Sexual Consent

Melaine Beres notes, in her analysis of the sexual consent literature, that sexual consent is an under-theorised and disputed concept. She observes that much of the literature concerning sexual consent takes for granted a shared understanding of what it is to consent (2007, p. 94). In light of this gap in the literature, I will offer here a preparatory account of sexual consent, before indicating the different ways in which this basic notion of sexual consent is developed in a 'yes means yes' type account. It is generally agreed upon that 'sexual consent represents some form of agreement to engage in sexual activity' (Beres 2007, p. 97). However, two central questions at the heart of sexual consent remain contested. The first concerns the conditions of agreement or disagreement, and the second concerns whether and in what ways sexual consent is psychological, behavioural or both.

One school of thought concerning the conditions of sexual consent, sometimes referred to as the 'any yes' (Beres 2007, p. 98) position, claims, either explicitly or implicitly, that a yes, even under coercive circumstances, counts as consent. On the other end of the ideological spectrum is Catherine MacKinnon's much criticised position that in a patriarchal society, women are in a coerced and oppressed position, such that it is difficult to distinguish consensual from non-consensual sex (1987, p. 88). This project adopts the moderate view, shared by other researchers such as Hall (1998) and Hickman and Muehlenhard (1999), that consent requires the voluntary, or free, approval of some person, insofar as they are not being directly coerced. While more radical definitions may prove useful, this understanding captures our moral intuitions about sexual consent, for instance, that a person cannot consent to sex while being threatened with violence, while also taking seriously sexual experience as it is described by oppressed people, for instance, when a woman describes sex with her husband as consensual, despite her living in a male-dominated society.

So far, the definition of sexual consent taken up by this project is that sexual consent is the free agreement to engage in some sexual activity. However, the form that the said agreement takes is heavily debated and therefore must be made explicit. Throughout the literature, consent is sometimes referred to as a psychological state, sometimes it is referred to as a behavioural act and often it is treated as a mixture of the two (Beres 2007, p. 100-1). Again, this project will adopt the moderate approach of understanding sexual consent both in terms of a psychological state of agreement concerning the sexual act that is being taken up and in terms of behaviours that communicate consent. Beres argues, 'recognizing that the physical behaviours and cues that may occur during sexual activity are not consent in and of themselves but may reflect the inner intentions of the individual' makes it possible to 'disentangle the complexities of consent' (2007, p. 101). Considering both the psychological and behavioural aspects of consent makes it possible to investigate the complex interrelations between self and other that characterise consent. Hickman and Muehlenhard articulate the importance of both aspects of sexual consent when they claim that sexual consent is 'the communication of a feeling of willingness' (1999, p. 259). Thus, this project understands sexual consent to be the free judgement to agree to engage in some sexual activity, as communicated between those who are, or will be, engaged in the activity. This basic definition of sexual consent is developed by the position exemplified by the slogan ‘yes mean yes’, in a direction that I argue is problematic.

2. The ‘Yes Means Yes’ Approach to Sexual Consent

The understanding of sexual consent represented by the ‘yes means yes’ slogan is founded on the notion that a verbal yes is the ideal expression of consent. In her paper ‘Read Her Lips: An argument for a verbal consent standard in rape’, LA Remick argues in favour of a theory of sexual consent ‘based on a norm of affirmative verbal consent. Under this standard “no” would mean “no,” “yes” would mean “yes,” and the lack of any verbal communication as to consent would be presumed to mean “no”’ (1993, p.1105). Remick claims a standard mandating that the only recognised ‘signals of consent are verbal statements’ (1993, p. 1121) can be justified insofar as it would protect women and vulnerable partners from becoming victims of non-malicious rape, that is, the unjust inference of compliance based on a person’s actions or inaction. Remick maintains that a verbal ‘yes’ or ‘no’ is significantly less ambiguous than other types of expression. From this premise, she argues that the requirement of a verbal ‘yes’ or ‘no’ leaves less space for misunderstanding than bodily expressions when negotiating sexual consent.

Remick makes some space for bodily consent when she claims, ‘only overt behavior should be construed as consent’ (2007, p. 1120). However, she collapses this space with the claim that the ambiguity of bodily consent allows for consent to be unjustly inferred, followed by the claim that ‘The problem of unjust inferences from a woman’s actions or inaction could be resolved by a standard mandating that the only legally recognizable signals of consent are verbal statements’ (Remick 2007, p.1121). Mandating verbal consent as the only type of legally recognisable consent clearly indicates verbal consent's position as the ideal type of sexual consent, while relegating bodily consent to a secondary, ambiguous or even illegal type of consent.

In his paper defending an affirmative consent standard, Nicholas Little argues that requiring sexual participants to request consent and respond affirmatively is an improvement on the traditional system. He reasons, 'in cases of uncertainty about an individual's desires, the rational course of behavior is to ask, and then to give words in the answer their normal meaning' (2005, p. 1352). His common-sense approach is founded on the notion that communication in sexual situations ought to play by the same set of rules as do other conversations. He maintains the position that 'in normal conversation, "no" is indeed taken to mean "no." Similarly, silence is not taken as meaning consent in other fields' (Little 2005, p. 1352). From this premise, he reasons that negotiations of sexual consent ought to occur in this manner, despite his admission that 'it is true that an affirmative consent standard would likely cause significant change in present sexual behavior' (Little 2005, p. 1359). Here, Little agrees with Remick, that verbal consent is the ideal type of consent and that all sexually active people should be required to express their sexual consent in this manner.

Beres' analysis indicates a trend in the literature, wherein verbal consent is treated as the ideal consent. In addition to several other works, she notes that Pineau's notion of communicative sexuality makes some space for bodily consent but continues to privilege verbal consent. Pineau argues that sexual consent is communicative, and 'ideally this communication would be verbal, although it does not need to be' (Beres, 2007 p. 102). Two ways exist in which we can understand verbal consent as ideal. The first is that verbal consent is ideal insofar as the legal process is concerned. The second way verbal consent could be understood as ideal sexual consent is in terms of a normative claim. In other words, we ought to encourage or compel sexually active people to adopt this manner of negotiating sexual consent. We can easily understand verbal consent as legally ideal, either because it is ideal that a verbal response be given for purposes of legal clarity or because an affirmative verbal consent standard is an improvement on current consent laws and policies. I will remain agnostic concerning the understanding of consent that ought to be enshrined in law. On the other hand, in terms of understanding affirmative consent as a normative claim, the 'yes means yes' position demands an unreasonably high standard to define sexual interaction as consensual. Furthermore, such an understanding of sexual consent unfairly polices the sexuality of partners from whom consent is sought, and this is particularly true for women and vulnerable partners. Finally, privileging verbal consent allows perpetrators to determine the conversation concerning sexual consent by denying the expressive capacity of the body.

3. A Critique of the 'Yes Means Yes' Approach: Privileging Verbal Consent

The first problem with the 'yes means yes' position and the hierarchisation of verbal over bodily consent is that this understanding of sexual consent unjustly polices the expression of sexual consent. This is particularly true for women, who have reported a tendency to choose bodily expressions of consent (Beres 2007, p.104). This is also particularly true for people with disabilities, whose sexuality has historically been infantilised, hidden, silenced and, in many cases, interfered with medically. Remick argues that 'a new consent standard based upon affirmative verbal consent' would be a step toward ensuring the freedom for women, and people in vulnerable or disempowered positions to 'engage in sex however they choose' (1993, 1107). However, it seems clear that requiring verbal consent quite obviously limits some people from engaging in sex in whatever manner they choose. Specifically, it prevents individuals from engaging in sex wherein they do not give verbal consent. Even when we consider the begrudging space left for bodily expression in this hierarchy of consent, the expression of the body is still treated as lesser consent, and the ambiguity of bodily consent is played up. As a result, any bodily expression intended to indicate consent must be overt enough to overcome the assumption that consent ought to be verbal. Furthermore, a verbal 'no', despite obvious disingenuousness, cannot be trumped by bodily expression. The assumption that bodily consent is less authoritative than verbal consent, along with verbal consent's position as ideal sexual consent' limits participants to a type of bodily consent that is almost as restrictive as affirmative verbal consent on this account.

When we consider this restrictive understanding of sexual consent, alongside acknowledging the cultural and historical location of women and disabled people as those whose sexuality has often been silenced (Holland et. al. 1994), restricting consensual sex to overt verbal or non-verbal consent results in the refusal to sanction the type of sexual consent that these people are most likely to use. Even if a critic wishes to deny the ways in which some groups are conditioned to be unable or unwilling to express their consent, research attests that many groups, particularly oppressed groups, choose to consent in subtle physical ways. Hickman and Muehlenhard record the lived reality of how women consent to sex in their paper 'By the Semi-Mystical Appearance of the Condom: How Young Women and Men Communicate Sexual Consent in Heterosexual Situations'. They find that when women are asked how they typically consent to sex, physical consent is the most highly rated category, followed by verbal consent. Indicators of physical consent are often as subtle as ‘a look’ or ‘a smile’ (1999, p. 258). These subtle methods of bodily consent are unlikely to provide the affirmative consent required by the ‘yes means yes’ model, given that any type of bodily consent, even overt bodily consent, is less than ideal. Furthermore, such methods of expressing consent could certainly not overcome a token resistance, that is, saying ‘no’ but meaning ‘yes’ (1999 p.306), a practice reportedly engaged in by some 40% of undergraduate university women in a study by Kitzinger and Firth. Thus, an approach that prioritises verbal consent over the expressive capacity of the body, at best, ignores the manner in which many women and people in vulnerable positions choose to consent and, at worst, outlaws the limited methods of sexual consent available to vulnerable people.

Being positioned such that expressing verbal consent is an uncomfortable, or even impossible, way of expressing sexual consent is not exclusive to women. In Robert McRuer’s introduction to the book *Crip Theory: Cultural Signs of Queerness and Disability*, he explores how the expectation of compulsory able-bodiedness erases the sexuality and sexual expression of disabled people. McRuer claims, ‘like compulsory heterosexuality, then, compulsory able-bodiedness functions by covering over, with the appearance of choice, a system in which there actually is no choice’ (2006, 189). So too is this the case with a ‘yes means yes’ approach to sexual consent. A system that initially seems to offer choice where none existed before, in this case the choice to say ‘yes’ or ‘no’ in a system that previously offered only a ‘no’ option for communication, actually obscures the lack of choice in a system. In this case, what appears to open up new ways of expression actually demands a very particular type of expression, with a high threshold for adequacy.

Abby Wilkerson's paper 'Normate Sex and its Discontents' offers a bleak analysis of what occurs when sexual expressions are silenced or forced to cohere to an overly rigid set of performative expectations. It is her position that the social control of sexuality is a tent pole tactic of oppression. She explains, 'oppression designates the disadvantage and injustice some people suffer not because a tyrannical power coerces them, but because of the everyday practices of a well intentioned liberal society' (2012, 210). In the case of the 'yes means yes' approach to sexual consent, the 'good-intentions' of the liberal society are front and centre. In an effort to prevent sexual violence against vulnerable people, the liberal society implements a set of recommendations to improve communication between sexual partners. When a 'no means no' approach fails to address the problem that it was intended to solve, the approach is altered to a 'yes means yes' model. However, as I have argued, this approach has also failed to address the expressive needs of the people it is meant to protect, and in so doing, further silences and victimises those people. Given Wilkerson's recommendation that 'normate sex should be understood as a powerful force contributing to social group oppression. Major social institutions – the state, medicine, popular culture, education, religion – disseminate and enforce its norms' (2012, 210), any approach to sexual communication that silences or marginalises the sexual expressions of some vulnerable individuals should be addressed as an oppressive force.

In Lars Von Trier's 2011 film *Melancholia*, the first half of the film contains two particularly sexually charged scenes that play out many of the limitations associated with a ‘yes means yes’ style of sexual consent. Both scenes focus on the lead character Justine, a young woman and a melancholic who is getting married, while the world is simultaneously under threat of annihilation. In the first scene, the viewer is privy to Justine’s emotionless reaction to the sexual advances of her new husband. Justine has trouble giving verbal expression to her desire to not have sex with her husband. Instead, she expresses herself with her body in such a way that the viewer immediately recognises her wish to not be touched, but her new husband does not. Eventually, his advances demand a response from her, yet it is not a response that conforms to the expectations of verbal consent or refusal. Instead of a ‘no’, Justine asks ‘Can I have a moment please?’ and then ‘Can you zip me?’

In the next scene, the audience witnesses Justine having sex with her boss’s nephew Tim, on a golf course at her wedding. The scene is arresting in part because of its utter lack of dialogue. Only a single word is spoken in the scene: Tim says ‘Hi’. In a mirror image of the earlier scene, Justine chooses to not give verbal expression to her desire to have sex with Tim; Instead, she pushes him to the ground and climbs on top of him, expressing herself with her body in silence. He too, indicates his consent with silent participation. In both cases, the disabled woman Justine is not in a position to, or chooses not to, express sexual consent or refusal verbally, and yet in both cases, consent and refusal were adequately communicated to the viewing audience and the character’s scene partners. This illustrates my position that any approach prioritising verbal consent over the expressive capacity of the body delegitimises the manner in which many women and people in vulnerable positions consent to sex.

4. A Critique of the 'Yes Means Yes' Approach: Privileging Verbal Consent Privileges Perpetrators

So far, I have argued that the 'yes means yes' model privileges verbal consent in a way that unjustly polices sexual expression, particularly the sexual expression of women and disabled people. Furthermore, I will argue that the 'yes means yes' model, and the privileging of verbal expression over bodily expression that underpins this model, denies the expressive capacity of the body, thus allowing perpetrators to set the parameters of a discussion of sexual consent by assuming that bodily expression is more ambiguous than verbal expression. In her book on feminism, disability and embodiment, Shildrick notes that the body and bodily expression of those bodies that diverge from a pre-established (healthy, male) norm, such as disabled or feminine bodies, 'are especially untrustworthy' (2002, 174). I will provide three reasons to believe that the ambiguity of bodily consent has been exaggerated. First, a great deal of evidence exists that people possess a sophisticated ability to read one another's bodily cues. Second, miscommunication theory puts the onus on the victim's expressive capacity. Claiming that sexual consent or refusal has been miscommunicated has proven a useful tool for violators to disingenuously defend their actions, and playing up the ambiguity of bodily expression is central to this tactic. Finally, human conversational interaction can be just as ambiguous as bodily interaction, particularly within a sexual context, as we have seen in our discussion of token refusal. Thus, the privileging of verbal over bodily expression unjustly denies the ways that participants can and do express sexual consent and refusal with their bodies.

Kitzinger and Firth have found that sexual refusals followed culturally normative patterns, and 'both men and women have a sophisticated ability to convey and to comprehend refusals, including refusals which do not include the word “no”’ (1999, p. 295). Given this ability to discern between nuanced acceptances and rejections, it seems implausible that individuals who can understand one another well outside of a sexual context would lose that capacity within a context where sexual consent is being negotiated. Conversation analyst Michael Moerman claims, ‘in any society, the recurrent and systematic attainment of misunderstanding between members of social categories who regularly converse with one another must thus be regarded as an artful, complicit, and damning accomplishment’ (1988, p. 45). In other words, a sufficiently clear type of expression to reach a person who chooses not to understand can never exist. Beres’s investigation into sexual communication has revealed that many research participants ‘have shared rich descriptions of communications that take place through breathing, closeness of partners, eye contact and other subtle behavioural cues’ (2007, p. 106). She notes that these people demonstrate a deep awareness of the nuances that indicate consent and refusal. Furthermore, she argues that the conventional, but under-theorised, practice of expressing consent and refusal through the body suggests ‘that it is possible to untangle some of the subtle ways that consent is communicated and reinforces [her] conviction regarding the importance’ (Beres 2007, p.106) of researching bodily expressions of consent and refusal. The sophisticated ability people share to determine consent and refusal, both outside and within a sexual context, has been well documented. That the ambiguity of bodily consent is rarely at issue in other contexts, but is consistently reiterated in a sexual context, suggests that there may be reasons aside from seeking a thorough understanding of sexual consent that motivate highlighting the ambiguity of bodily consent.

The supposed ambiguity of sexual consent and refusal as the body expresses it has historically provided an excuse to blame sexual violations on the supposed inability of survivors to express themselves. Miscommunication theory refers to the notion that survivors of sexual violence are unable to express their dissent adequately, and thus the perpetrator did not know that his actions were unwanted. It has been demonstrated that 'the miscommunication model of date rape is a useful resource for defendants in sexual assault tribunals seeking to construct themselves as innocent: complainants are represented as deficient in their efforts to signal non-consent' (Kitzinger & Firth 1999, 295). In this circumstance, the onus is on the survivor to prove that she did enough to inform the violator that his advances were unwanted. Similarly, a 'yes means yes' model, which continues to define bodily consent as inferior to verbal consent, retains the mirror image of the problem that arises when we make survivors responsible for 'adequately' expressing refusal. The slogan 'yes means yes' allows the perpetrators of violence to define the conversation of sexual consent by focusing on the survivor's ability to express herself adequately, rather than on the responsibility of the perpetrator to make sure his understanding of his partner's consent is clear. The central claim of Kitzinger and Frith's project is that 'the problem of sexual coercion cannot be fixed by changing the way women talk' (1999, p. 311). This applies equally to both consent and refusal. It is difficult to defend taking seriously the capacity of the body to express refusal, while denying the body's capacity to express agreement.

In addition to the use of miscommunication theory to defend sexual violations and the documented capacity for members of social categories to interpret one another's subtle or complex acceptances and refusals, verbal communication can be just as ambiguous as bodily expression, particularly in a sexual context. On the whole, 'human conversational_interaction is indeed intricately complex: "yes" may sometimes mean "no", "no" may sometimes mean "yes", and the word "no" is not necessarily part of a refusal' (Kitzinger & Firth 1999, p. 310). Theorists such as Little claim that in sexual situations, as in other situations, 'the rational course of behavior is to ask, and then to give words in the answer their normal meaning' (2005, p. 1352). However, as conversational analysts such as Kitzinger and Firth or Hickman and Muehlenhard note, verbal indications of consent, such as 'yes' and 'no', are often employed in unexpected ways that nonetheless communicate and are understood as expressing consent and refusal, both within and outside of sexual contexts. In her analysis of the literature, Beres notes that in all four reported studies concerning sexual consent, 'non-verbal behaviours are used more frequently than verbal behaviours to communicate consent' (2007, p. 104). While I, along with other many other theorists (Kitzinger & Firth 1999 p. 297), argue that women may be socialised such that it is difficult to verbally express consent, it may also be true that people frequently choose bodily expressions of consent because these are equally clear, and less ambiguous than, verbal expression within a sexual context.

The 'yes means yes' approach to sexual consent retains variations of problems found in the traditional 'no means no' approach. A hierarchy that privileges verbal consent over bodily consent unfairly polices the means through which consent is expressed. Such an approach demands the redefinition of consensual sexual experiences as non-consensual, in opposition to the perceptions of the participants involved. Finally, assuming the ambiguity of bodily consent allows perpetrators of violence to define sexual consent in terms of the survivor's capacity for expression, rather than focusing on the action required to understand consent.

The communication between individuals that allows for both to willingly participate in shared projects is complex. We say 'no' when we mean 'yes', and 'yes' when we mean 'no'; We consent and refuse with eye contact, facial expressions, touch and reactions to touch. Positions such as 'yes means yes' attempt to simplify and hierarchise sexual consent in an effort to clarify which sexual interactions can be classified as consensual and which can be classified as not consensual. However, rather than investigating how people actually negotiate consent, the 'yes means yes' model prescribes one style of expressing consent, verbal consent, and relegates bodily consent to a subordinate position. As I have demonstrated, such hierarchisation is problematic because it unjustly polices sexual expression, particularly the types of sexual expression chosen by women and vulnerable partners, such as disabled people. The 'yes means yes' position demands the redefinition of many sexual experiences as non-consensual, in opposition to the judgement of the participants involved. Finally, this position is problematic because it allows perpetrators of sexual violence to set the parameters of sexual consent by ignoring the expressive capacity of the body. As Kitzinger and Firth write, '"yes means yes, and no means no" may make a good campaign slogan, but it is neither a description of actual human behaviour, nor a suitable prescription for dealing with the sexual coercion' (1999, p. 311).

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Craving Sameness, Accepting Difference: The Possibility of Solidarity and Social Justice

Chandra Kavanagh

Abstract: Realist accounts typically define solidarity on the basis of a static feature of human nature. We stand in solidarity with some other person, or group of people, because we share important features. However, those features are often used to further exclude groups that are already denied entry into the community of those who stand in solidarity with one another. In opposition to such realist accounts, Richard Rorty defines solidarity as a practical tool, within which there is always an ‘us’, with whom we stand in solidarity, and a ‘them’, with whom we are contrasted. I argue that by understanding Rorty’s pragmatic solidarity in terms of the relational view of solidarity offered by Alexis Shotwell, it is possible to conceptualise solidarity in a manner that allows for extending the boundaries of the community with whom we stand in solidarity. Furthermore, this pragmatic, relational version of solidarity provides normative force to the responsibility to extend those boundaries.

Keywords: Solidarity, social justice, disability, imagination, realism, pragmatism, bioethics, Alexis Shotwell, Richard Rorty

Realist accounts typically define solidarity on the basis of a static feature of human nature. We stand in solidarity with some other person, or group of people, because we share important features. When human solidarity relies on 1) totalising claims about human nature, such as possessing the capacity for reason, 2) the capacity to labour or 3) a particular type of body; However, those requirements are often used to further exclude groups that are already denied entry into the community of those who stand in solidarity with one another. In other words, basing solidarity on some on a given 'vital' aspect of human nature shared by some, but not all, is often used as a tool to continue to oppress those populations who are already oppressed. In opposition to such realist accounts, Richard Rorty defines solidarity as a practical tool, within which there is always an 'us', with whom we stand in solidarity, and a 'them', with whom we are contrasted. These boundaries are not static but alterable, and it is insofar as the boundaries between 'us' and 'them' are alterable that the role of the imagination adopts fundamental significance. The constructive and critical roles of the imagination provide a capacity to think beyond the accepted boundaries that determine the community of those with whom we stand in solidarity and possibly extend these boundaries. Given the contrast of the in-group and the out-group, upon which his definition of solidarity depends, Rorty's solidarity is prone to the critique that his definition retains the risk of exclusion faced by members of oppressed groups in the realist account. I argue that by understanding Rorty's pragmatic solidarity in terms of the relational view of solidarity offered by Alexis Shotwell, it is possible to conceptualise solidarity in a manner that allows for extending the boundaries of the community with whom we stand in solidarity. Furthermore, this pragmatic, relational version of solidarity provides normative force to the responsibility to extend those boundaries.

This project begins with a discussion of the realist account of solidarity and a description of the consequences of this account for various oppressed groups, such as cognitively disabled people, those who are unable to work and those whose bodies do not fit the historically entrenched norm. This is followed by a number of critiques of how this conception of solidarity can be easily manipulated into continuing to exclude those who are already excluded. The second section offers a description of Rorty's pragmatist account of solidarity. Three noteworthy aspects characterise solidarity for Rorty: the fact that solidarity is always solidarity with a group of 'us', defined over and against a group of outsiders; the fact that solidarity functions in terms of concentric circles, wherein I feel solidarity most readily for those with whom I share relevant similarities and less readily for those who I believe are importantly different from me; and the fact that the boundaries of Rorty's solidarity are extendable. The possibility of extending solidarity reveals the centrality of the imagination in facilitating the development of a more inclusive community, with whom one can stand in solidarity, and therefore, imagination is crucial in cultivating solidarity with those who have been excluded. This investigation of Rorty's solidarity is followed by a description of the consequences of this position for oppressed people, and as with the first section, we explore some critiques of this version of solidarity. Finally, the summative section addresses these critiques by demonstrating how pairing Rorty's pragmatic solidarity with Shotwell's relational solidarity provides both a way forward for opening up access to solidarity and the moral requirement that solidarity be opened up.

1. A Realist Account of Solidarity

Richard Rorty provides a working definition of solidarity in his book *Contingency, Irony and Solidarity*, when he describes the conventional philosophical definition of solidarity in terms of the claim ‘that there is something within each of us – our essential humanity – which resonates with the presence of this same thing in other human beings’ (4). Both direct and indirect realists adopt this definition, tying it to objective facts about human nature. However, to understand the realist account of solidarity, one must understand the realist’s epistemological position.

In his book *Objectivity, Relativism and Truth*, Rorty notes ‘those who wish to ground solidarity in objectivity – call them “realists” – have to construe truth as correspondence to reality’ (5). The central realist debate revolves around what types of statements correspond to the objective world and how precisely they reflect it. He describes realist inquiry as focused on the question of ‘whether only the statements of physics can correspond to “facts of the matter” or whether those of…ethics might also?’ (6). Regarding solidarity, the realist seeks to argue that solidarity is a fellow feeling that ought to be extended amongst all human beings, based on the justification that solidarity is the expression of an objective, morally salient and universal human characteristic.

For instance, in Allen Buchanan’s book *The Heart of Human Rights*, he justifies his argument that all human beings share equal basic moral status on the basis of the objective claim about human nature that we share a morally salient characteristic. He claims that equal basic status ‘depends on being able to show that all people possess some characteristic or capacity that confers a high moral standing’ (7). For Buchanan, the characteristic that guarantees solidarity is reason. He concludes that ‘the most likely candidate for a feature that…makes sense of the idea that those at or above the threshold all deserve a special sort of moral standing is the capacity for responsiveness to reasons' (8). Justifying inclusion in the moral community on the basis of a shared capacity for rational accountability is a common tactic for realist theorists, for instance, Martha Nussbaum makes a similar claim.

2. Critiques of the Realist Account of Solidarity

So, in a realist account, we possess an ethical obligation to stand in solidarity with those who share the capacity for reason. Feminist philosophers, such as Eva Kittay, have long criticised such positions for placing cognitively disabled people at risk. In her article 'The Personal is Philosophical is Political: A Philosopher and Mother of a Cognitively Disabled Person Sends Notes from the Battlefield', Kittay writes,

> What is it philosophers have said about cognitive disability that I found so appalling that I was ready to jettison a career of more than thirty years? Plato decreed that 'defective babies' should be left to die. Locke and Kant defined those who lack reason as less than human. And most troubling of all, when I looked for contemporary discussions about this group, most of the references I found were in discussions of animal rights, asking pointedly whether the 'severely mentally retarded' could be distinguished from non human animals in any meaningful sense (9).

When solidarity, and thus basic moral consideration, is intertwined with the supposed presence or absence of reason, those who are believed to lack reason are relegated to a less than human status. When a particular sub-population is viewed as such, it becomes much easier to justify actions against that population that would otherwise be considered immoral, if the group possess basic moral status.

Shane Phelan's (1999) article demonstrates how the capacity for labour serves as desideratum that 'exclude[s] 'others' from equal citizenship' (10). According to Phelan, the 'citizen ideal in the USA labours in the market' (11). As a result of this requirement, the right to citizenship, and therefore to political solidarity, depends upon an idealised and inherent capacity for work that a given citizen approximates, to a greater or lesser degree. As Phelan notes, labouring in the market is not simply a matter of capacity for work but also the capacity for discipline and renouncing pleasure (12). This requirement to renounce pleasure, alongside the fundamental associations contemporary society makes between women's nature and pleasure, excludes women from full citizenship. Here, we see how claims about inherent nature can be used to deny solidarity to those who would otherwise hold a claim to it. Here the idea that all citizens have the capacity to give up pleasure and get to work excludes women, insofar as they are inherently associated with pleasure and are unable to renounce it. Therefore, women need not be included amongst the population of those with whom we stand in political solidarity. Phelan's arguments against capacity for labour and the renunciation of pleasure being used to exclude certain groups from citizenship can also be used to dismiss other types of realist parameters for determining solidarity. As is the case when the capacity to reason is a prerequisite for standing in solidarity with a given member of the community, when solidarity relies on the capacity for labour, it is easily manipulated into continuing to exclude the already excluded.

Gayle Rubin (1984) provides an argument against realist conceptions of solidarity that grounds the obligation to stand in solidarity with others on the basis of whether an individual or set of individuals possesses the characteristic of human nature that supposedly bestows the right to solidarity. Rubin notes a boundary between those whose sexual practices are considered natural and socially accepted and those whose sexual practices are considered unnatural and socially rejected that is justified on the basis of essentialist claims about human nature (13). Rubin delineates an unjust refusal to stand in social solidarity with sexual minorities that is excused by realist claims about central characteristics of human nature and the presentation of sexual minorities as lacking or perverting these characteristics. This is a problem not because we base claims to solidarity on an incorrect or overly narrow set of essential characteristics, but rather, the problem consists of our basing our sense of solidarity on claims about human nature full stop because, as Rubin demonstrates, claims about what is natural are often used to justify the exclusion of those who are different.

The fact that a realist account of solidarity is so prone to unjustly retain the status quo does not provide a simply ethical and political challenge; It indicates an epistemological problem with a realist view of solidarity. Pragmatists, such as Richard Rorty, and feminist epistemologists, such as Margaret Urban Walker, challenge this realist position. The claim that human solidarity is justified based on the shared characteristic that all people are responsive to reason is problematic not only because it excludes cognitively disabled people but also because it relies on unverified and, quite possibly, unverifiable claims. Feminist philosophers have historically problematised viewing the moral subject in terms that tie participation in the moral community to supposedly objective components of human nature, particularly human reason. Margaret Urban Walker illustrates this problem beautifully in her book *Moral Understandings*:

> Many moral philosophers will say that in their philosophical reflections they are not 'merely' reflecting on their own moral experience (much less mirroring it), but are tapping into moral reality, or the moral realm, or the structure of practical reasoning, or the nature of the right or the good. But this assumes two things. It assumes that the moral reality, realm, nature or structure is something accessible and determinate quite apart from anyone's acquired experience of them, and that the moral philosopher can tell when she or he has grasped these things (14).

Walker notes the two central assumptions that plague those who wish to justify human solidarity on the basis of any claim about objective human nature: such a nature exists apart from experience, and an inquirer could access objective human nature and represent it accurately. A position that grounds human solidarity in objective claims about human nature suffers from both the moral concern that it excludes cognitively disabled people and the epistemological concern that it does so without sufficient cause.

Rorty offers a pragmatic account of solidarity that does not fall victim to the moral and epistemological critiques to which the realist account of solidarity is susceptible. Susan Haack concludes that pragmatism such as Rorty's 'is best characterized by the method expressed in the pragmatic maxim, according to which the meaning of a concept is determined by the experiential or practical consequences of its application' (15). Rather than investigating the concept of solidarity to discern whether it is a universal characteristic of human nature, the investigative focus is redirected to the manner in which solidarity functions. Rorty writes, 'By dropping the [realist] account of knowledge, we pragmatists drop the appearance-reality distinction in favor of a distinction between beliefs which serve other purposes' (16). This purpose-driven inquiry into solidarity focuses on the characteristics that typically appear as solidarity functions and the variety of ways in which solidarity can be put to use. Furthermore, 'The question is which social constructs to discard and which to keep, and that there is no use appealing to 'the way things really are' in the course of struggles over who gets to construct what' (17). In the case of solidarity, Rorty suggests not engaging in the vain realist pursuit of the quality or qualities of human nature that are expected to ensure human solidarity and instead investigating the characteristics that define solidarity in an effort to better understand how the idea might be usefully employed.

Using this pragmatic approach, Rorty offers an account of solidarity capable of truly including excluded groups. Rorty characterises solidarity as oppositional, communitarian and extendable. Human beings define the groups with whom they stand in solidarity, over and against those with whom they feel they have important differences. The more relevantly similar another person is to oneself, the more easily she is included within one's own community. However, it is possible to extend the community of those with whom I stand in solidarity, by redefining the similarities and difference that bound my community. This potential to promote inclusivity is facilitated by the function of the imagination. The constructive side of the imagination entrenches our beliefs about the limits of the community with whom we stand in solidarity, while the critical side of the imagination is capable of stretching or breaching these boundaries, thus allowing further construction. When Rorty applies his idea of moral progress with this picture of the characteristics of solidarity and the capacity for expansion made possible through the imagination, he establishes a clear moral requirement to extend solidarity to disabled people. In his account, standing in solidarity with excluded groups is not a process of recognising a responsibility that was always there but of creating a responsibility that ought to be there.

3. The Pragmatic Account of Solidarity Part One: Us Versus Them

Rorty defines solidarity as a way in which human beings attempt to give their lives meaning by placing these lives within a larger context. What is particular about solidarity as a method of meaning making is that solidarity 'tells the story of [my] contribution to the community' (18). The community where I develop the narrative of my contribution, and thus create the meaning of my life, can vary widely. The community where I find and cultivate solidarity, 'may be the actual historical one in which [I] live, or another actual one distant in time or place or a quite imaginary one consisting perhaps of a dozen heroes and heroines selected from history or fiction or both' (19). Rorty shares what HLA Hart calls the 'disintegration thesis' (20), which claims that community solidarity is the very groundwork from which moral norms are developed. Rorty's communitarian definition of solidarity objects to the realist claim that extending solidarity to all of humanity is, or ought to be, the case, on the grounds of objective facts about human nature. He responds with a pragmatic point about how solidarity functions in experience, the solidarity found in a group of 'us' is almost always contrasted with a group of 'them', against whom we define ourselves as a community.

4. Pragmatic Account of Solidarity Part Two: Concentric Circles

Solidarity adopts a concentric circular structure, wherein we feel it most strongly and readily for those relevantly similar to us in our community. Our sense of solidarity is weaker for those who are minorly dissimilar to us, and weaker still for those who are deeply dissimilar to us. Furthermore, the similarities and differences that we take as relevant for inclusion in the community of those with whom we stand in solidarity are determined by linguistic, historical and cultural contexts. In Rorty's account, solidarity is not indicative of some objective characteristic of human nature that carries with it a right to basic moral consideration. Rather, solidarity is a mode of constructing meaning through the narrative that I tell of my contributions to my community. Rorty puts it this way: 'Our sense of solidarity is strongest when those with whom solidarity is expressed are thought of as "one of us" where "us" means something smaller and more local than the human race' (21). Solidarity typically manifests as 'us' defined over and against 'them'. Furthermore, the more relevant similarities and fewer relevant differences amongst members of a group, the more easily one stands in solidarity with that group.

5. Pragmatic Account of Solidarity Part Three: Capacity for Expansion

The final characteristic we will explore with regards to Rorty's solidarity is what we call the capacity for expansion. Rorty argues, 'solidarity is not discovered by reflection but created. It is created by increasing our sensitivity to the particular details of the pain and humiliation of other, unfamiliar sorts of people' (22). Thus, differences in our communities do not mean that it is impossible, or even difficult, to extend the boundaries that delineate the in-group. In fact, such things frequently occur. For instance, in 1993, 'people with mental disabilities were given the right to vote federally' (23). With the right to vote, the community of the politically enfranchised in Canada was extended to stand in solidarity with cognitively disabled people. Until the legislation was officially changed, 'the Canada Elections Act specifically excluded "every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease"' (24). The community of the politically enfranchised in Canada, like any community, is willing to accept some differences between members, while other differences are important enough to warrant expulsion from the in-group. Prior to 1993, differences in gender, race or sexuality were acceptable, but differences in cognitive ability were considered sufficiently important to exclude cognitively disabled people from the community of the enfranchised. After 1993, differences in cognitive ability were no longer considered appropriate justification for excluding cognitively disabled people from the enfranchised community.

It is Rorty's position that 'feelings of solidarity are necessarily a matter of which similarities and dissimilarities strike us as salient, and that such salience is a function of a historically contingent final vocabulary' (24). Prior to 1993, cognitive ability was a difference that we considered sufficiently salient to determine membership in the community. Many contextual factors had contributed to this situation. For instance, in the decades before the change, despite some disagreement, (25) the concept of mental age was still a largely unquestioned measure of cognitive capacity. It was only after a flurry of academic activity in the late 1970s criticising the reliability of mental age that a widespread questioning of that concept began to make its way to the general public (26, 27). Prior to 1993 – and still today – the enfranchised community excluded children on the foundation that by virtue of their mental age, they do not meet the requirement 'to be informed and mature' or the requirement 'to have a stake in the community' (28). Given the low mental age of some who are cognitively disabled, the enfranchised community felt justified in extending their restriction on the voting rights of children to cognitively disabled people. This is just one of many possible examples illustrating how social and historical contextual factors have influenced which differences are salient and which are not, making possible the exclusion of cognitively disabled people from the community of the enfranchised.

From the 1980s to 1993, a concerted effort existed to change the beliefs that made cognitive ability a salient difference when it came to belonging to the community of the enfranchised. For instance, 'during the 1980s, the Canadian Disability Rights Council used the Charter to challenge' (29) their exclusion from voting in federal elections. The UN International Year for Disabled Persons was celebrated in 1981, cultivating an environment that allowed for the growth of 'an unprecedented level of public and political interest in Canada regarding the rights and opportunities afforded to people with disabilities' (30). As a result of these cumulative changes in context and language, the boundary of solidarity that divided the enfranchised from the disenfranchised was permeated so as to include cognitively disabled people. The accumulated experiences of people learning about the critiques of mental age and living through the Year for Disabled Persons, where personal narratives of disability gained exposure, allowed for the paradigmatic change in context illustrated by the 1993 decision. It is though such experiences that it is possible to critically examine the boundaries of solidarity and imagine a new path forward.

6. The Relationship between Solidarity and Imagination

It is with this third quality of solidarity, the capacity for expansion, where imagination plays a central role. In their article 'Standpoint Theory, Situated Knowledge and the Situated Imagination', authors Marcel Stoetzler and Nira Yuval-Davis note two different functions of the imagination: 'imagination *constructs* its meanings while, on the other hand, it *stretches* and *transcends* them… a necessary *condition* as well as the *product* of the dialogical process involved in the construction of knowledge' (26). Imagination is constructive, insofar as it is through the imagination that the meanings of concepts are developed. Imagination is critical, insofar as it provides the capacity to think beyond the accepted boundaries of a particular concept and critique or augment accepted meanings. Such changes become instantiated in the meaning of the concept, which is then challenged, and so on. This hermeneutic action performed by the imagination is the method by which the capacity for expansion, which characterises solidarity, functions.

To elaborate, through its constructive function, the imagination establishes meanings that eventually become so entrenched that they form what Hans-Georg Gadamer calls the 'preunderstanding' (32), a highly influential and active groundwork of contexts, beliefs and languages inevitably creating prejudices that can go on to determine one's understanding of a given concept. For instance, we come to solidarity, and ideas about those with whom we can stand in solidarity, with a predetermined prejudice about who ought and ought not be included. Through its critical function, the imagination is capable of investigating the boundary marked by those from whom we feel we are too different to stand in solidarity. For Gadamer, the catalyst for imaginatively expanding conceptual boundaries in this way is facilitated by experience.

Gadamer notes the role of experience in altering the foundational preunderstanding, such as the prejudices we bring to solidarity, when he claims, 'it is the untiring power of *experience*, that in the process of being instructed, man (sic) is ceaselessly forming a new preunderstanding' (33). Experience offers resources that allow the imagination to perform both its constructive and critical functions. For instance, a possible suggestion for experiences that might allow for individuals to push the boundaries of the community with whom they stand in solidarity would be positive interactions with those with whom they do not stand in solidarity. What is meant by a 'positive' experience here is that such an experience highlights the meaningful similarities between the two individuals, or the experience puts a critical lens on the value of the perceived differences. The action of the imagination redraws the boundaries of solidarity. It is the resources offered by such experiences that allow for the investigation and possible alteration of the boundaries of the community with whom one stands in solidarity. It is through the action of the imagination adopting the resources offered by experience that (re)construction and critique of the boundaries of solidarity is actualised.

In the case of solidarity, beliefs about who is and is not included amongst those with whom one stands in solidarity are partially determined by a preunderstanding framework of the differences amongst people that matter sufficiently to exclude them from the community and the differences that do not. Preunderstanding, such as one's critically unexamined ascertainment of those with whom one can or cannot stand in solidarity, can be developed absent- or present-mindedly. For instance, when developed absent-mindedly, the boundaries that divide those with whom we stand in solidarity from those with whom we do not are prone to remaining unchanged and unexamined. Without the imagination's critical attention to said preunderstanding, the boundaries of solidarity are likely to continue functioning as impermeable membranes, reconfirming again and again the position dictated by the preunderstanding. For instance, we unreflectively believe mental age is a difference important enough to exclude the cognitively disabled from the community of the enfranchised, and thus the cognitively disabled remain excluded from this community.

However, preunderstanding need not be developed absent-mindedly; 'reflection on a given preunderstanding brings before me something that otherwise *happens behind my back*' (34). The critical reflection of the imagination on the framework that determines solidarity reveals a field of possibilities hidden when considering solidarity from within the confines of an unexamined framework. Once the imaginative attention is drawn to the differences that divided those with whom I stand in solidarity from those with whom I do not, it is possible to examine the validity of those boundaries. Such an examination is inconceivable when the existence of such criteria is unacknowledged or unexamined, but once the framework is revealed and critiqued, a new field of possible questions opens up. For instance, through reflection, one realises that the concept of 'mental age' informs one's unwillingness to stand beside cognitively disabled people in solidarity as members of the community of the enfranchised. Furthermore, the critical imagination reveals that the concept 'mental age' is not as coherent as once thought and that the difference signalled by the concept of mental age is not quite as important as once thought, and perhaps not even sufficiently important to continue excluding the cognitively disabled from the community of the enfranchised.

An imaginative investigation into the differences considered sufficiently important to determine the boundaries of the community of those with whom we stand in solidarity facilitates the imaginative (re)construction of those boundaries. Van Leeuwen defines constructive imagining as 'capacity to form novel representations' (27). The 1993 decision to include the cognitively disabled in the community of the enfranchised was facilitated by individuals, groups and subsections of the community forming novel representations of what it is to be a person with a cognitive disability and what parameters govern inclusion in and exclusion from community of those with whom we stand in solidarity.

Experience is the engine that drives the movement of the constructive and critical roles of the imagination. These dual roles played by the imagination perform a hermeneutic function, which can be used to allow for a productive investigation and (re)construction of concepts such as solidarity. The solidarity as kinship model, proposed below as an augmentation to Rorty's account of solidarity, is the result of this critical (re)construction. A hermeneutic investigation into the concept of solidarity and how it functions focuses 'on meaning that arises from the interpretive interaction between [artefacts] and the reader' (36). The category 'artefacts' refers to the places where the 'hermeneutical aspects of human linguisticality' (37) function, for instance, in historically produced text or context-driven conversations. Both the artefact and interpreter 'flow together into one owned and shared world, which encompasses past and present and which receives its linguistic articulation in the speaking of [sic] man with man' (38). A hermeneutic analysis of solidarity includes selecting the artefacts that will serve as the focus of the investigation. As noted in the subsection 'Solidarity as Kinship: Fictive Kinship Terms', one set of artefacts being investigated here is the linguistic expressions of kinship made within a variety of communities that are put to use to engender solidarity. The use of linguistic expressions of familial relations to engender solidarity demonstrates the constructive action of the imagination and its pivotal role in extending the boundaries of the community of those with whom we stand in solidarity.

Rorty's imaginative (re)construction of solidarity from its realist definition as a universal component of human nature, 'which resonates to the presence of this same thing in other human beings' (28) and ensures basic moral consideration, to a pragmatic account of solidarity as a tool that functions within an 'us' and 'them' paradigm but can nevertheless be expanded, offers new tactics for fighting for the inclusion of excluded groups as full members of the community. Rather than engaging in tug-of-war arguments about whether cognitively disabled people possess this or that fundamental human characteristic that bestows the right to basic moral consideration, Rorty provides a definition of solidarity and a narrative of moral progress that demand the inclusion of cognitively disabled people. In *Contingency, Irony and Solidarity*, he writes,

> The view I am offering says that there is such thing as moral progress, and that this progress is indeed in the direction of greater human solidarity. But that solidarity is not thought of as recognition of a core self, the human essence, in all human beings. Rather it is thought of as the ability to see more and more traditional differences (of tribe, religion, race, customs, [and I would say ability]) as unimportant when compared with similarities with respect to pain and humiliation (40).

Rorty's version of solidarity provides a major insight into the inclusion of cognitively disabled people in the moral community. In his account, solidarity is a moral feeling that begins with those who also belong to my community. My community is determined by the differences that I interpret as salient. The differences that I treat as salient are not my recognition or misrecognition of an inherent human characteristic, but merely my reaction to historically contingent community norms. It is our responsibility, he writes, to

> Stay on the lookout for marginalized people – people whom we still instinctively think of as 'they' rather than 'us.' We should try to notice our similarities with them… to *create* a more expansive sense of solidarity than we presently have. The wrong way to think of it is as urging us to *recognize* such a solidarity as something that exists antecedently to our recognition of it (41).

A critique of the pragmatic account of solidarity and its inclusion of cognitively disabled people argues that positioning solidarity in terms of 'us' and 'them' allows for an immoral privileging of 'us' over 'them'. This could be used to exclude anyone, including cognitively disabled people, from human solidarity, thus placing them at the same risk of dehumanisation as is present when we rely on an objective characteristic of human nature to justify claims to solidarity. As Rorty frankly admits, realism has advantages that he cannot claim. For instance, he cannot claim that the inclusion of cognitively disabled people in the community of those with whom we stand in human solidarity is an objective truth with associated inalienable moral rights and responsibilities.

Shotwell's description of aspirational solidarity provides a way forward for thinking about determining salient commonalities and differences amongst the members of various privileged and oppressed groups. Furthermore, she justifies shared access to solidarity based on shared interests, specifically moving towards something better, based on 'specific and appropriate expectations for the future' (29). Rather than a shared human nature, Shotwell, like Rorty, argues that we possess the capacity to stretch the boundaries of the community with whom we stand in solidarity. Furthermore, we possess the responsibility to extend these boundaries on the basis of 'a desire for something better', and this desire arises 'because we have the present experience of partial connection, possibility, and lack' (30). In this case, it is shared experience of unfairness and a related desire for a better world that allow a given individual access to the community of those with whom we stand in solidarity. This conception of solidarity not only allows for the possibility of expanding the community but also requires the community to expand to include all of those who are affected by the universal unfairness present when inhabiting a flawed world that one could imagine to be less flawed.

Understanding Rorty's account of solidarity in terms of a type of kinship relation helps further mitigate the realist critique. The usefulness of kinship as a concept for understanding solidarity is demonstrated, insofar as the notion of kinship is capable of capturing the complex relationship between morality and solidarity that Rorty suggests. For instance, in a family relationship, it is accepted, and even considered moral, to have a special loyalty to, or solidarity with, one's family members. However, if a situation arises when solidarity with one's family unit begins to encroach upon the rights of others, unquestioning solidarity is no longer acceptable. This special loyalty bounded by the threshold of other communities is relevantly similar to the solidarity Rorty describes. I am in solidarity with the moral norms of my community, while at the same time being able to evaluate these norms on the basis of engendering as much intersubjective agreement as possible.

Rorty argues that instead of employing an objective moral standard by which to judge a given action across communities, or allowing each community to determine its own moral standard, independent from all other communities, a type of communitarian ethics should be implemented that is founded upon 'the desire to extend the reference of "us" as far as we can' (42). This move maintains the morality of using solidarity as an organising principle in the face of the critique raised by the realist position.

The language used by people in relationships of solidarity recommends this use of kinship relation to understand our capacity to extend our feelings of solidarity to theory. Fictive kinship terms are used in Black and gay communities as expressions of solidarity with one another. Marylin White analysed this practice, and its role as an expression of solidarity, in her article 'We are Family! Kinship and Solidarity in the Black Community' (43), as did William G. Hawkeswood and Alex W. Costley, in their book 'One of the Children: Gay Black Men in Harlem' (44). Using terms that describe fictive kinship relations to indicate solidarity is also common in labour movements, with many locals and unions referring to members as brother/sister. This more or less reflective use of language amongst solidarity groups points to kinship as a useful concept for investigating solidarity and how it functions as an organising principle. This same practice holds in communities of cognitively disabled people. In my own research on autobiographies written by autistic people, or by autistic people by proxy, I found a significant trend of parent, child and sibling fictive kinship terminology being used within that community to indicate and engender solidarity (45, 46).

The hermeneutic action performed by the imagination facilitates the capacity for feelings of solidarity to expand to include those individuals whom I would not typically include in the community with whom I stand in solidarity. It is through the action of the imagination that the notion of solidarity as kinship is rendered functional. There are those with whom we feel kinship and those with whom we do not. Imaginatively projecting the kinship relation that I have with some onto others with whom I do not have such a relationship opens up the possibility of extending kinship to others.

Furthermore, the hermeneutic action performed by the imagination engenders the usefulness of drawing a relationship between solidarity and kinship. Our imagination engages in creation and critique from within a particular preunderstanding framework. Such a framework that includes preconceived ideas about kinship, and those with whom we are kin, and solidarity, and those with whom we stand in solidarity. It will be difficult to critique or push the boundaries of this framework without a tool to engender understanding when faced with the types of experiences Rorty believes can trigger the critical function of the imagination. Investigating solidarity in terms of kinship provides the imagination with a conceptual bridge for understanding how others who are meaningfully different from us can be incorporated into the community of those with whom we stand in solidarity.

Realist accounts of solidarity attempt to justify human solidarity on the basis of one or another shared and objective feature of human nature, such as the capacity for reason, the capacity for labour or the possession of a particular type of body. Such positions pose problems when it comes to the inclusion of groups who have historically been oppressed. The exclusion of oppressed groups from solidarity is a flaw that originates from realist epistemic positions. Richard Rorty offers a pragmatic account of solidarity, which makes note of the following three central characteristics: solidarity usually manifests as 'us' versus 'them', solidarity is most strongly felt towards those who are relevantly similar and weakens in accordance with the proliferation of relevant differences, and finally, solidarity can be extended. The inclusion of people within the community of those with whom we stand in solidarity is facilitated by the hermeneutic function of the imagination. This capacity for extension is the primary reason why Rorty's pragmatic account of solidarity is more inclusive than the realist account. However, Rorty's solidarity is prone to the critique that his 'us vs them' conception of the solidarity definition does not offer the same universality of human solidarity that the realist position offers and thus leaves oppressed groups at risk of exclusion. However, by combining Shotwell's relational solidarity with Rorty's pragmatic solidarity, stretching the boundaries of the community of those with whom we stand in solidarity becomes not a possibility but a moral requirement.

NOTES

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Translating Non-Human Actors

Chandra Kavanagh

Abstract: Bruno Latour posits an immanent confrontation between those of us who subscribe to a distinction between Nature and Culture, and those who do not. According to Latour, the programme of the moderns is to purify all existents so they can be classified under the mutually exclusive categories of either Nature or Culture. Under this regime, certain populations become politically unrepresentable; for instance, anything that contains both Natural and Cultural elements must be purified before it can be represented. In positing this confrontation, Latour begins to reveal the exigency of translating between human and non-human actors. Throughout his work, Latour tasks the scientist with translating for non-humans. I wish to suggest that, like scientists, disabled people are particularly capable of building networks that facilitate translation between humans and non-humans. Furthermore, I will argue that supporting the disabled as possible translators for voiceless non-humans is a savvy approach for those who wish to translate the voices of non-humans in a manner that contributes to the realisation of a non-human democracy.

Keywords: Democracy, Nature, Culture, translation, mediation, hybrid, disability, Bruno Latour

Bruno Latour posits an immanent confrontation between those of us who have claimed to be modern, in other words, those of us who subscribe to a distinction between Nature and Culture, and the 'human and non-human third worlds' (1). According to Latour, the programme of the moderns is to purify all existents so they can be classified under the mutually exclusive categories of either Nature or Culture. Nature is the category that contains the non-human objects of science, while Culture is the category that contains history, politics and passion. Under this regime, certain populations become politically unrepresentable; for instance, anything that contains both Natural and Cultural elements must be purified before it can be represented. In positing an immanent confrontation between those who believed they were modern and the unrepresentable third world, Latour begins to reveal the exigency of translating between human and non-human actors. The third world here refers to a community of hybrid concepts wherein the human and non-human aspects cannot be untangled. For example, in his commentary on Latour Jim Johnson writes, "knowledge, morality, craft, force, sociability, are not properties of humans but of humans accompanied by their retinue of delegated characters." (2) If we will enter into a conflict with the hybrids of the third world, we must learn how to speak their language, or at least teach them ours. It is Latour's thought that 'nonhuman things can be made to speak, made to write, made to leave interpretable statements, and that detecting and translating these propositions is the main contribution of the sciences to democracy' (3). With the right types of mediators, the scientist can translate for non-humans, and those voices will allow for non-human political representation. Transitioning from a modern political economy, which largely excludes non-humans from representation, to a democracy that includes non-human voices is only possible as a result of networks of translation constructed of, and between, humans and non-humans. Throughout *We Have Never Been Modern*, *An Inquiry into the Modes of Existence* and *Science in Action*, Latour tasks the scientist with translating for non-humans. I wish to suggest that, like scientists, physically disabled people are particularly capable of building networks that facilitate translation between humans and non-humans. Furthermore, I will argue that supporting the physically disabled as possible translators for voiceless non-humans is a savvy approach for those who wish to translate the voices of non-humans in a manner that contributes to the realisation of a non-human democracy. Given that different translations are likely to appeal to different people, it is possible that the translation of the voices of non-human actors that disabled people can offer may prove persuasive to those actors who are not persuaded by scientists, for instance, political actors who do not understand or have been taught to dismiss scientific reasoning. If politics is simply the possibility to define an 'autonomous, free and willing group whose members feel able to say "us/we" and belong to the same ensemble' (4), as Latour claims, those who want to include the voices of non-humans in democracy would be wise to include many compelling translations of these voices to bring together the actors who can make non-human democracy possible.

1. The Great Nature/Culture Divide

Latour interprets the division between Nature and Culture, which is consistent with and supports a division between science and politics, as a fundamental feature of the worldview of those who consider themselves modern. Latour describes the touchstone relationship of modernity as the establishment of 'two worlds: that of Nature and that of Society, the world of nonhumans and the world of humans' (5). The modern project is one of purifying all existents into particular admixtures of Nature and Society. Anything that does not clearly belong to objective science or subjective politics is purified, until its components can be squarely categorised. Latour describes this division as the 'brutal separation between what has no history but emerges nevertheless in history – the things of nature – and what never leaves history – the labours and passions of humans' (6). Nature includes everything that is non-human, objective and scientifically discovered. Culture designates everything that is human, subjective and political.

Latour describes the Nature/Culture distinction as the great divide internal to the modern way of thought. This great internal divide leads to the exclusion of certain populations from political representation, insofar as the distinction 'forces us to shelve the totality of the human and nonhuman third worlds' (7). Within the framework of the great internal divide, a vast class of existents are unable to be represented as they are; Rather, they must be purified. This is the class of what Latour calls hybrids (8). For instance, consider the Internet. To maintain the Nature/Culture distinction, the Internet cannot be represented as an existent. Rather, the moderns who wish to maintain this distinction must break up complex existents, such as the Internet, into its 'objects', such as server farms and Wi-Fi towers, and its 'subjects', such as JCR Licklider, who came up with the theoretical basis for the Internet, or the end user who reads an email from his Mom. To maintain the Nature/Culture distinction, anything that could be considered in the category of hybrids, those beings that cross categories, cannot be represented in their unity; Instead, they must be obliterated and the shards parcelled out into either the Nature or Culture categories. Rather than describing how moderns, or anyone else, experience reality, the Nature/Culture distinction demands that existents bend to its categories and makes those that cannot fit into one or the other unrepresentable.

In our description of the Nature/Culture distinction, we have noted that the political, and thus political participation, falls firmly on the side of Culture. As we have noted, those mixed, hybrids cannot be represented, and this certainly extends to political representation. This casting out of populations from political representation does not only apply to hybrids; It also applies to other human beings. This is shocking, insofar as the modern division between Nature and Culture puts politics and humans both under the umbrella of Culture. This ought to mean that if any existents can be politically represented, humans can be represented. However, Latour notes that the implications of the great internal divide have resounding implications for human political representation. He explains, ‘the internal partition between humans and nonhumans defines a second partition – an external one this time – through which moderns have set themselves apart from premoderns’ (9). The Nature/Culture distinction that keeps humans and non-humans separate also separates the moderns from all other cultures, in the present day and throughout history. The external divide between the moderns and the others functions in the following manner: There are those (the moderns) who realise that these two poles exist (Nature and Culture) and that all existents can and ought to be purified to fit into this system. All other cultures, throughout history and in the present day, do not recognise the imperative to separate objective Nature from subjective Culture. Instead of engaging in purification, the others irresponsibly or naïvely mix Nature and Culture, seeing evidence of their gods in the Natural world or bestowing subjectivity on culturally meaningful objects. Thus, these people of the past and the present who have not participated in the parsing of all existents into Nature and Culture are excluded from political representation, because the political must be purely Cultural in the modern account.

In summary, the Nature/Culture distinction that defines the moderns excludes two huge populations from political representation. First, it excludes hybrids from representation, insofar as the Nature/Culture distinction requires that these existents be dissected, and only some of their purified components can be politically represented. Furthermore, the internal divide between Nature/Culture leads the moderns to set themselves apart from all subjects who do not attempt this process of purification. As a result, these premodern or nonmodern people are also unable to be politically represented. These omissions are particularly egregious in light of the fact that 'the two Great Divides do not describe reality – our own as well as others – but define the particular way Westerners had of establishing their relations with others as long as they felt modern' (10). Given that these two great divides designate a manner of describing relations as opposed to accurately designating classes of existents or accurately describing experience, there is little that is philosophically substantive to defend holding onto these great divides.

2. The Problem of Hybrids

The necessity of disrupting the modern worldview that is determined by the Nature/Culture distinction becomes painfully clear, given Latour's juxtaposition of the internal and external divides with what he interprets as an inevitable confrontation with those whose voices are excluded to maintain this distinction. The moderns' regime of purification, with its insistence on the great divide between Nature and Culture, requires what Latour calls 'chains of reference' to 'define a bridge between known object and knowing subject' (11). Given that subject and object fit under the two mutually exclusive poles of Culture and Nature, the moderns must explain how these subjects and objects can connect. However, 'the establishment of chains of reference demands a proliferation of apparatuses that our epistemology in no way prepared us to finance' (12). The apparatuses that connect subject and object are those very entities that the Nature/Culture distinction makes unrepresentable: hybrids. So, the Nature/Culture divide that defines the moderns both makes hybrids unrepresentable and it demands their proliferation. Incapable of absorbing all of these uncooperative existents, the great divide creates an inescapable two-front confrontation; just because hybrids are politically unrepresentable does not erase their relationships with political actors and with one another. For instance, just because Florida Governor Rick Scott bans the term 'climate change' from all official documents (13), this does not change the facts that Floridian coral reefs are dying or that Floridian shorelines are eroding (14). Thus, while the hybrid populations may be politically unrepresentable, political actors are still forced to confront them. Latour depicts this looming confrontation; he writes, 'the human masses are here again, in the East as well as in the South, and the infinite variety of nonhuman masses has arrived from Everywhere. They can no longer be exploited' (15). If it is the case that those who have been silenced by the Nature/Culture distinction are set to burst forth and confront the moderns, it is in the modern's best interest to be able to communicate with these existents or face being completely overwhelmed by them. Any framework characterised by a dichotomy between Nature/Culture cannot allow these existents to be represented, so those who once considered themselves modern require an alternative classificatory apparatus to face the impending onslaught of the silenced.

3. The Political Representation of Hybrids: Mediation and Translation

To render of the non-human third world of hybrids, as well as the human third world of non-modern and premodern others, representable, Latour proposes his actor–network theory as an alternative to the notion of exclusive domains, such as Nature and Culture, which arbitrarily divide up what Latour calls courses of action and networks. For Latour, the actor–network 'becomes one of the modes, [NET]' (16). A mode is defined 1) by a particular type of continuity, which Latour calls the trajectory of the mode, a trajectory maintained through overcoming a certain type of discontinuity, which Latour calls hiatus; 2) by its particular felicity and infelicity conditions, its own criteria for what is sanctioned and not sanctioned or what is possible and impossible from within that mode; or 3) in terms of the types of beings that the mode 'leaves in its wake' (17). Each mode contains beings that have particular specifications, which reflect the mode itself. For instance, the mode [LAW] leaves laws or legal entities in its wake, which share the form of being 'at once powerful attachments and without any force at all unless they are specifically provided with that force' (18). Thus, like [LAW], any mode will leave beings in its wake that have a common form.

The [NET] mode of existence is based on the notion that all hybrids, all events and all courses of action can be viewed in terms of a group of heterogeneous but related existents that come together to facilitate another existent. The term 'network' adeptly captures both the trajectory and the hiatuses involved in the continuation of an existent, because it reminds us that no existent, no course of action and no trajectory is 'possible without the establishment of a whole costly and fragile set of connections that has value only provided that it is regularly maintained and that will never be stronger than its weakest link' (19). In the case of the [NET] mode of existence, all existents must overcome the series of small discontinuities that make continuity possible by way of the 'pass…which consists, for any entity whatsoever, in passing *by way of another* through the intermediary of a step, a leap, a threshold in the usual course of events' (20). This notion of passing by way of another through a hiatus in a process of translation provides the framework by which those who once considered themselves modern can begin to represent and communicate with the human and non-human third worlds.

The [NET] mode of existence renders non-humans politically representable through the sister notions of mediation and translation. What occurs in mediation is that by passing through a heterogeneous set of mediators, an existent crosses a boundary and is translated from here to there. A mediator is an original existent or course of action that 'creates what it translates as well as the entities between which it plays the mediating role' (21). The action of translation, which is conducted through these mediators, describes 'the interlocking of the heterogeneous associations needed to track networks' (22). For example, translating for our flower includes describing all of the heterogeneous relations that make the flower's trajectory possible. So, when the botanist translates for the flower, she will describe the relationships with heterogeneous elements that make the trajectory that is the flower possible. In translating for the flower, the botanist might say that the trajectory of the flower has a necessary and specific relationship with water, sunlight and earth. All of these relationships with these heterogeneous elements are precisely what the trajectory that is the flower consists of. Thus, the delineation of these relationships is 'the means of specifying the many ways in which a being can be itself through the intervention of a being other than itself' (23). Given that it is possible to delineate these heterogeneous relationships and outline the trajectory and hiatuses that make possible a given existent, such as the flower, this framework allows for the human and non-human third worlds to be represented.

The capacity to represent the human and non-human third worlds under the framework of the [NET] mode of existence does not ensure the adequate political representation of these populations of existents. Latour accuses the moderns of being incapable of calculating the true costs of democracy, because they exclude from representation vast populations that require inclusion for democracy to continue to function. Latour defines democracy as 'an ideal of autonomy by which each citizen obeys only those rules that he or she has freely given him or herself, which supposes a tracing of the circle both on the outward journey – will – and on the return leg – obedience' (24). If it is the case that the population of citizens who ought to have the freedom to choose to adopt the rules that they must then obey is much larger than previously thought, the task of democracy becomes much more complicated. The representation of these silenced populations, under the framework of the [NET] mode of existence, 'reveals that the moderns were never really prepared to calculate the price necessary for [democracy's] exercise. Particularly if one considers, as we must do hereafter, that non-humans essential to the existence of terrestrials must also be integrated' (25). Those of us who once considered ourselves modern have a big job to do. We must begin to translate for the non-humans so that they too can occupy their role in democracy, if for no other reason than to develop the networks of translation between those of us who once considered ourselves modern and the human and non-human third worlds, to navigate Latour's posited immanent confrontation.

4. Possible Translators and Mediators: Science and Disability

Latour selects scientists as the humans who ought to be responsible for creating, maintaining and comprising networks of translation for non-human actors. Barry Allen argues that the way in which the sciences contribute to democracy is through working to overcome the impediments to communication with non-human actors by translating for them. Allen claims, 'that is what the sciences do for democracy. They do other work too – work for themselves or work for technology. But that is how the sciences repay their debt to democracy under which they flourish' (26). The scientist possesses the capacity to translate for non-human actors by installing a network of mediators who allow non-human actors to leave an interpretable record. Furthermore, the scientist's democratic role is to facilitate such translations.

As we have seen, the Nature/Culture distinction that defines the moderns renders the human and non-human third worlds unrepresentable, politically and otherwise. Even given the translation potential opened up by the mode of existence Latour entitled [NET], barriers remain that continue to impede the political participation of non-humans. One particularly difficult barrier is the existence of actors critical to the development of strong networks capable of translating the voices of non-human actors who will not be persuaded by scientists. To facilitate the inclusion of non-human actors in democracy, those of us who once thought of ourselves as modern ought to consider how different types of translation can be more or less amenable to achieving political representation. In particular, I will argue that the physically disabled can provide a politically compelling network of translation for non-human actors.

I argue that there are those who will not be convinced of the need to adopt the translation provided by the scientist, no matter how much scientific evidence they are faced with, for three reasons. First, the manner in which scientists translate for non-humans provides particular types of reasons for including the voices of the non-human actor in democracy, reasons that may not convincing, or even intelligible, to some actors. Furthermore, some of these unconvinced actors will be important to the development of strong networks capable of translating the voices of non-humans. This is a tremendous barrier to the project of developing a non-human democracy. Second, scientists have the capacity to translate for non-human actors in a way that allows for a certain type of political representation, in other words scientists can translate the expressions of non-human actors in scientific language. However, disabled individuals can offer a different type of translation of the same non-human that allows for a different type of political representation. Whether these two translations are compatible or held in tension, translations from the scientist and the disabled person can add nuance to the voices of objects and thus their political representation. Third, Latour's discussion of how the scientist can convince (or fail to convince) the dissenter is an excellent example for why the method of mobilising evidence that overwhelms those who dissent sometimes has the effect of steeling the dissenter against the scientist and the non-human voice that the scientist is trying to translate. As a result, the manner in which the scientist is capable of convincing political actors to allow for the voices of non-humans to be politically representable may be ineffective, or even counterproductive, to the aim of including non-human voices in democracy.

When scientists translate for non-humans, these translations provide scientific explanations that allow for the political representation of the non-human actor in democracy. These types of translations are only convincing, insofar as those taking up this political representation understand and value science. The civilisation of those who once thought of themselves as modern possess a history of systematically excluding women from education in maths and science. The cultural expectation that women and girls ought not engage in science, alongside an emphasis on the importance of adhering to normative gender roles, means that many women and girls have been encouraged to believe that science is boring, unimportant and unrelated to our lives. If a woman holds these beliefs about science, she is unlikely to be swayed by scientific reasoning. Consider the following example: A young mother has been brought up to believe that science is dull, unimportant and not applicable to her life. She has also been socially and culturally conditioned to believe that relationships, such as the ones she has with her children, human bodies and practicalities, are all extremely important. Translations of non-human objects that relate to this woman's values will be a great deal more convincing to her than translations of non-human objects that are filtered through a scientific lens.

So, when our young mother is asked whether she would like her tax dollars to go towards the development of a new polymer, because the scientists creating it believe they can synthesise a material that is 30% more flexible, she may not be convinced. Given that this young woman has been encouraged to discount science, a reason based on scientific achievement or the scientific possibilities opened by the manipulation of materials is likely to be unconvincing, or even incomprehensible, to her. However, when a disabled person gives voice to this polymer and asks our young mother to support the development of this polymer politically on the grounds that it can enhance the capabilities of her fellow community members, she may be more receptive to this political inclusion. In this case, both the scientist and the disabled person are capable of translating for a non-human in such a way that will engender the possibility of the political representation of that non-human voice for some actors, and not others. If a non-human democracy requires including numerous and different people to strengthen its fledgling network, it is in the best interest of those who wish to promote a non-human democracy to support translations by disabled people.

The disabled person possesses the capacity to translate for non-human actors in a manner that engenders the inclusion of their voices in democracy, by convincingly translating those voices to actors that currently hold a political voice. The second reason why scientists ought not be considered the only group capable of translating for human objects and why the input of disabled individuals ought to be seriously considered as well is that the disabled person may offer the opportunity to develop a more nuanced translation of non-humans than scientists alone can provide. For instance, consider a case in which the translation of a non-human by scientists conflicts with the translation of a non-human by the disabled. In such a case, the two translations could be reconciled (or not) to provide a more nuanced political representation of the object.

Consider the political controversy surrounding prenatal diagnoses. In this case, some scientists and some disabled individuals offer competing translations of the voices of the group of non-humans that we call embryos and foetuses. Prenatal diagnosis employs genetic testing to identify gene loci related to a variety of pathologies, 'some of the pathology related genes identified are associated with predispositions to the later development of disabling conditions, raising some difficult ethical and practical questions' (27). Through a vast scientific network, translations between foetus and scientist, called prenatal diagnoses, are facilitated. This translation of the non-human is then adopted politically. For instance, the scientist who supports the development and use of these tests may procure financial support for his work in prenatal diagnoses, on the basis that translating for the foetus in this manner opens up a number of beneficial possibilities, such as preparing families if their child is likely to have a disability and providing them an opportunity to plan and inform themselves (28). The scientist offers a translation of the non-human, and it is this voice that both allows and defines the political representation of the non-human.

Alternatively, some disabled individuals and disability theorists argue that the scientists' translation of a foetus through prenatal diagnoses is either flawed or incomplete. Those who adopt this position argue that prenatal diagnoses 'and similar selective practices make the error of allowing one piece of information (one of the few that is available about the future human at that stage) to stand for the whole life' (29). The position here is that a translation from one perspective (that of the scientist) is not a sufficient translation of the voice of the non-human. In this case, the disabled can translate the trajectory of the foetus in a way that the scientist cannot. While the scientist translates the foetus as having a '90% chance of genetic defect', the disabled person may translate for the foetus as 'possible Olympian' or 'possible joyful life'. While none of these translations are mutually exclusive, the non-human that is translated as 'possible genetic defect' will be politically represented in a very different manner than the non-human that is translated as 'possible genetic defect and joyful life'.

Finally, the tactics of engendering the political representation of non-human voices that the scientist uses will sometimes have the effect of creating powerful political enemies. Rather than forcing the dissenters' compliance through overwhelming them with scientific evidence, attempting several tactics to persuade a given dissenter to accept the political representation of a given non-human is more useful to engender non-human political participation.

In the first chapter of Latour's *Science in Action*, he describes a character who he dubs 'The Dissenter'. The Dissenter is entered into conversation with a scientific expert. Every time the scientist makes a claim about the hybrid for whom she wishes to translate, the Dissenter dissents. For instance, when the scientist claims to be translating for the climate in her paper about climate change, the Dissenter claims that the translation is faulty because she has misread her data. When the scientist presents the Dissenter with a multitude of papers that confirm her reading of the data, the Dissenter points to a particular demographic bias in her putative authority. When the scientist flies the Dissenter to the polar ice cap to watch icebergs shearing off into the ocean, the Dissenter offers an alternative explanation for the phenomenon. Latour argues that given enough persuasive evidence, even the most obstinate of dissenters is likely to be swayed. It is his claim that the practical limit of dissent 'is reached when the average dissenter is no longer faced with the author's opinion but with what thousands and thousands of people have thought and asserted' (30). In other words, when the Dissenter is faced with being the only one holding his belief and is dismissed by the vast majority, he will be unwilling to maintain his controversial position.

Consider the case of the French industrialist described at the beginning of *An Inquiry into Modes of Existence*. In this example, the exasperated climate scientist attempts to silence the objections of the industrialist, by overwhelming him with evidence, using her army of scientific black boxes. We can imagine a case where such a strategy does not succeed. No matter how many scientific black boxes back up a scientist's claim, even if she can mobilise the entire institution of science itself, the industrialist will not be convinced. The unreasonable industrialist may not be moved by the translations of the non-human actors that come from the scientist; Indeed, he may be laughed out of the lab. However, as Latour points out, those who are unconvinced by the translation of a non-human actor offered by a scientist may act on this position by attempting even harder to dispute the scientist's translation. The Dissenter may have 'just left the lab in disgrace, utterly demoralized. But what if the Dissenter goes to work more diligently than ever before?' (31). There are two ways to interpret the impact of this dissenter, who has been steeled against the position of the scientist. In the first case, the Dissenter may be spurred to become a better scientist and use that new power to disprove the translation offered by the previous scientist. However, in the second case, the Dissenter may use his political power to silence the translation of the scientist. Such a reaction would be a tremendous problem for anyone who wishes to engender non-human democracy.

The notion that forcing a dissenter to submit to the position of a scientist through a process of isolating that dissenter from support (32) and overwhelming him with scientific black boxes (33) does not seem so disastrous, when the parties who cannot agree are opposing one another on the same playing field. In ‘Laboratories’ chapter in *Science in Action*, Latour claims that one way in which the Dissenter can go to work disproving the translation provided by the scientist with whom he disagrees is to build a ‘counter-laboratory’ (34), wherein the Dissenter can build up more scientific black boxes in support of his translation (35) or entice away his opponent’s supporters (36). However, as long as all of this occurs within the paradigm of the laboratory, an aspect of fair play is present. The Dissenter who works more diligently than ever before only destroys the scientist’s position because he becomes the better scientist.

On the other hand, consider a dissenter who has been radicalised and alienated by the persuasive tactics employed by the scientist and who does not retaliate through science but through politics. For instance, imagine our scientist has stacked up enough scientific black boxes to support the argument that industrial activities cause climate change and therefore they ought to be constrained. To maintain his position that industrial activities ought not be stymied, the French industrialist is forced to leave the lab in disgrace and work more diligently than ever before to maintain his position. Rather than building a bigger and better lab to compete with the scientist in her own field, the industrialist decides to compete with her politically. For instance, he uses his economic influence to convince politicians to ban the term ‘climate change’. Or, he pressures voters to ignore climate science, on the basis that the political representation of the voice of the climate might threaten the jobs and security that industry provides.

It is clear that this second possibility is incredibly threatening for anyone who wishes to engender a non-human democracy. Non-humans are already rendered politically unrepresentable. The aim of those who seek to facilitate non-human democratic participation must use networks of translation, such as the ones constructed in and through scientific inquiry, to make non-human democratic participation possible. Those who already possess political power easily quash the tenuous inroads that non-human voices can make into politics. As a result, the radicalised dissenter who has political power is a powerful enemy of those who wish to engender a non-human democracy, and those who support such democratic change ought to avoid creating dissenters who are motivated to work diligently against the political representations of the non-human. As I have suggested, one way to do this is to employ different types of translations to convince different types of political actors of the necessity of including non-human voices in democracy.

I have provided three reasons why scientists are not the only population capable of translating for non-humans and why anyone who wishes to engender non-human democracy ought to consider other populations capable of translating for objects in a way that is amenable to facilitating non-human political representation, particularly the disabled. First, the scientist offers scientific reasons. Given that large groups of political actors have been discouraged from taking scientific translations seriously, or even understanding them, these types of translations are unlikely to be convincing for these political actors. At the same time, some of these actors who have been discouraged from identifying with scientific translations can be swayed by translations rooted in relationality, such as the ones I believe that some disabled people can provide. Second, the scientist and the disabled individual can offer two different translations of one non-human and, in so doing, provide a more nuanced political representation of the non-human than the scientist alone is capable of. Finally, the scientific tactic of compelling agreement or radicalising dissenters by isolating them and overwhelming them with evidence opens up the possibility for creating powerful political enemies who can construct further barriers to the already difficult task of engendering the democratic participation of non-humans. Latour claims, 'without the enrolment of many other people, without the subtle tactics that symmetrically adjust human and non-human resources, the rhetoric of science is powerless. People escape, lose interest, do something else, are indifferent' (37). Different types of translations, particularly the type of translations for non-human objects that the disabled can offer, can stand beside the rhetoric of science to enrol more people in the task of constructing non-human democracy.

If extending a voice in political participation to non-human actors is a priority, I argue that the physically disabled ought to be considered alongside scientists as a resource who can greatly contribute to this project of translation. In her discussion of her lived experience with a prosthesis, Vivian Sobchack, a philosopher with a prosthetic left leg, objects to the 'metonymic discourse of scholars (who describe the prosthetic *objectively* as an absolutely different species from the body)' (38). This is an excellent example of the modern impulse to purify courses of action into Natural and Cultural components. Under the modern paradigm, Sobchack's body fits under the category of Nature, while her prosthetic leg is a technological invention that can only be defined as a Cultural object. Sobchack problematises this division when she claims, 'those who successfully *incorporate* and *subjectively live* the prosthetic sense themselves neither as lacking something nor as walking around with some "thing" that is added onto their bodies' (39). This incorporation of the prosthetic as a part of Sobchack's body redefines her leg, and perhaps all of her, as a hybrid. Furthermore, her description of her relationship with her prosthetic leg demonstrates how she can only be herself by way of intervention from a course of action (her prosthetic) that is not herself. The reader can recognise the manner in which Sobchack's body forms a network when she testifies, 'My "real" leg and my "prosthetic" leg are not usually lived as two absolutely different and separate things since they function as an ensemble and are each a part of my body participating in the whole movement that gets me from here to there' (40). Insofar as Sobchack recognises and can articulate the co-constitutive relationship between her prosthetic leg and herself, she can offer a unique translation for a set of existents that can be taken up politically.

The relationship between Sobchack and her prosthetic leg provides an example of the type of network that is facilitated when the Nature/Culture distinction is dropped. Within the modern paradigm, Sobchack and her leg are fundamentally disconnected, but from within [NET], Sobchack and her leg are fundamentally related. Thus, Sobchack's body can be represented for what it is, rather than being purified and only politically representable in its parts. Some readers may have been convinced of the need to dismiss the Nature/Culture distinction and facilitate networks that translate for non-humans on the basis of the abstract argument provided above, wherein Latour warns of an impending clash between the moderns and the silenced populations upon which their Nature/Culture distinction relies. Other readers will be convinced in the face of Sobchack's body. As it stands, the moderns insist that we dissect her and make some parts of her body politically representable, while silencing others. The network represented by Sobchack's body and her prosthetic leg will provide a different, but no less convincing, type of reason why those who once considered themselves modern ought to allow non-humans entrance into democracy than the scientist can provide. Different types of translations are bound to speak to different actors, and democratic participation requires recognition from a variety of actors. If, as I have argued, it is possible that the translation of the voices of non-human actors that disabled people can offer may prove persuasive to those actors who are not persuaded by scientists, the disabled ought to be considered alongside scientists as a population capable of giving voice to non-human actors, in the service of building networks that allow for useful mediation between human and non-human actors.

The programme of the moderns is to purify all existents so that they can be classified under the poles of Nature or Culture. The great internal divide between Nature and Culture that defines the moderns renders the entire population of hybrids unrepresentable. Furthermore, this internal divide translates into an external divide between the moderns and any human population who does not subscribe to the modern programme of purification, such as premodern and non-modern peoples. Latour posits an immanent confrontation between those who once considered themselves modern and the human and non-human third worlds that they have excluded. This confrontation reveals the exigency of enhanced, more effective translation between humans and non-humans. Latour installs the scientist as the central figure capable of translating for non-humans. I argue that physically disabled people ought to be considered alongside scientists as a population that is particularly capable of translating for non-humans in a manner that is amenable to being taken up politically. Many barriers exist that impede mediation between human and non-human actors. One particularly difficult barrier is that there are human actors who are of central importance to the development of a strong network capable of translating the voices of non-human actors. However, the language scientists employ may not persuade some of these central human actors. The disabled can translate for non-human actors in a way that scientists cannot. It is possible that the translation of the voices of non-human actors that disabled people can offer will prove persuasive to those actors who are not persuaded by scientists. Therefore, the disabled ought to be considered alongside scientists as a population capable of giving voice to non-human actors in the service of building networks that allow for useful mediation between human and non-human actors.

NOTES

1. Bruno Latour, *We Have Never Been Modern* (Cambridge: Harvard University Press, 1993), 74.
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Conclusion

Living Disability: Ways Forward from Decontextual Models of Disability consists of six articles. While each article contains a stand-alone argument, together they provide robust interwoven theoretical and pragmatic commentaries on a phenomenological hermeneutic approach to vulnerability and disability. The first three articles examine foundational models for conceiving of vulnerability and disability, and provides the theoretical apparatus necessary to critique these foundational models and present a phenomenological hermeneutic approach to vulnerability and disability as a substantial and fruitful way forward. The second trio of articles provide an examination of practical ethical questions associated with the treatment of individuals with disabilities including questions regarding sexuality, solidarity and representation. Each of the six articles are relevantly similar with regard to both thematic content, and methodology. The central themes of relationality, experience, vulnerability, disability, and context are investigated using a phenomenological hermeneutic approach that, once applied, produces practical ways forward for responsible interaction between vulnerable individuals. The phenomenological hermeneutic approach to bioethical inquiry begins from a foundation of uncritical preunderstanding that colours the experiences we have of the others, particularly others we consider vulnerable such as those people with disabilities. Our unexamined, uncritically held positions are a determining factor in how we relate to others we perceive as vulnerable. Despite the fact that our experience of vulnerable others is always coloured by our uncritical pre-understanding, it is through an openness to experiences that challenge our pre-understanding that inquiry into the preunderstanding itself is triggered. Such an investigation can lead to further curiosity, including the collection of experiences and resources that can develop into understanding proper. As this understanding becomes fully incorporated into my experience, it recedes back into preunderstanding, which then colours future experiences. It is in and through the cyclical process of moving from uncritical preunderstanding, to being inspired to investigate the preunderstanding when faced with experiences that do not fit the paradigm, to developing understanding, which then recedes to pre-understanding ripe for a new investigation that the phenomenological hermeneutic approach to bioethical inquiry gives rise to creative solutions to pressing and seemingly unsolvable ethical conundrums.

In *What Contemporary Models of Disability Miss: The Case for a Phenomenological Hermeneutic Analysis* I demonstrate how, models of disability that employ a vertical methodology typically exclude at least some disabled experiences. I argue that this approach is problematic because such methods obscure information pertinent to how we understand disability and furthermore obscure the preunderstandings that govern our understanding of disability. In response to this misleading methodological commonality, I argue for a phenomenological hermeneutic approach to investigating disability. By drawing from a critical analysis of the narratives disabled people use to understand their own lives and by taking seriously the experiences that are concealed when any understanding of disability proceeds through a vertical methodology, I take the position that it is possible to critique and amend vertical theories of disability. Much like *Justifying an Adequate Response to the Vulnerable Other*, this article begins with an investigation of the relevant preunderstanding framework that governs how vulnerable others are viewed. This investigation into the preunderstanding that underpins common understandings of what it means to be disabled is initiated by the divergent experiences of disabled others that contradict those commonly accepted models of disability. This investigation demonstrates how a phenomenological hermeneutic approach to understanding disability functions by beginning from a preunderstanding framework represented by commonly used models of disability, investigating that preunderstanding when the divergent experiences of disabled people reveal its flaws, and using this curiosity to develop understanding proper through the phenomenological hermeneutic approach. Not only is the approach itself demonstrated in this article, but the value of the approach is also demonstrated insofar as the investigation produces an understanding of disability that can account for the multiplicity of divergent experiences reported by disabled people rather than dismissing those experiences as meaningless or inaccurate.

In *A Phenomenological Hermeneutic Resolution to the Principlist-Narrative Bioethics Debate Narrative*, I demonstrate that a phenomenological hermeneutic method for conducting narrative bioethical inquiry allows narrative bioethicists to respond to principlist criticisms of the five characteristics that most narrative approaches to bioethics share. A phenomenological hermeneutic approach to bioethics preserves the ethical relevance of particularity and the epistemological value of first-person experience. This method of inquiry also maintains the integrity of the narrative ethical critiques of principlism as unjustifiably reductive. A phenomenological hermeneutic method for conducting narrative bioethical inquiry also defends the role of narrative in bioethical education as generative of ethical insights, rather than simply illustrative of ethical principles. Finally, this method presents narrative as capable of producing generalisable moral insights, while still maintaining the existence of irreducible and incommensurable narratives. Furthermore, I argue that the phenomenological hermeneutic investigation of narratives of disability is a centrally important bioethical practice that will undoubtedly shed light on the bioethical questions and challenges associated with disability. Before it is possible to engage in bioethical inquiry, a preunderstanding framework made up of stories, beliefs, rules and experiences is already endorsed by the inquirer by her very existence in the community. Understanding arises from a critical investigation of preunderstanding, triggered by new experiences. When a hermeneutic investigation of the preunderstanding is triggered by an experience, the thinker can seek out further experiences and resources to confirm the accuracy of her newfound understanding. With regard to the bioethical debate between narrative inquiry and principlism, the phenomenological hermeneutic approach to narrative bioethics finds a middle road between Arras's principlist account of bioethics and the radical postmodern edge of narrative bioethics by identifying unquestioned assumption in the pre-understanding that give rise to this apparent divide.

Justifying an Adequate Response to the Vulnerable Other presents and defends the fundamental indeterminacy of vulnerability, and illustrates the foundational relationship between responses to indeterminate vulnerability and personal identity. This article then uses the relationship between indeterminate vulnerability and personal identity to provide a justification for why we are obligated to respond adequately to the vulnerable other. Namely, we ought to respond adequately to the vulnerability of others because assuring the other's identity is the condition of the possibility of my own identity. Furthermore, I argue, it is our relationship to the vulnerable face of the other that grounds the ethical requirement to respond adequately to that vulnerability. This article lays the groundwork for a phenomenological hermeneutic approach to addressing vulnerability in others, such as the vulnerability often associated with disability, by beginning from an uncritical preunderstanding of my own identity as an agent, and through the questions raised by the experience of relating to and interacting with vulnerable others, I am compelled to reconsider the ontological and ethical responsibilities associated with being a vulnerable other among vulnerable others.

The first three articles in this project examine the preunderstanding framework that underpins contemporary approaches to understanding vulnerability and disability, as well as our ethical responsibilities to disabled and vulnerable others. This examination is prompted when, instead of ignoring experiences that do not align with our preunderstanding of what it means to be disabled or what it means to be vulnerable, we allow those experiences to inspire curiosity. It is through an experientially driven investigation into our uncritically held beliefs that we are able to explore what a phenomenological hermeneutic approach that puts the experiences of vulnerable people at the centre looks like. The second trio of articles provide a bioethical examination of practical ethical questions associated with the treatment of vulnerable people, specifically individuals with disabilities, when it comes to social and political positions on disability and sexuality, solidarity, and representation. Like three first three articles, the second three articles are defined by themes of relationality, experience, vulnerability, disability, and context that are investigated using a phenomenological hermeneutic approach. However, whereas the first three articles seek to provide a theoretical framework for a phenomenological hermeneutic investigation of vulnerability and disability, the second three articles provide a practical application of a phenomenological hermeneutic investigation of vulnerability and disability to pressing ethical issues. This practical application achieves two aims; first it produces practical ways forward for securing responsible interaction between vulnerable individuals, and second it demonstrates the value of a phenomenological hermeneutic investigation of vulnerability and disability through the production of these practical ethical recommendations.

In *Who Can Make a Yes?: Disability, Gender, Sexual Consent and 'Yes Means Yes'* The 'yes means yes' model of sexual consent, and the political and ethical commitments that underpin this model, possess three fundamental disadvantages. This position unfairly polices the sexual expression of participants, particularly women and vulnerable participants such as disabled people, it demands an unreasonably high standard for defining sexual interaction as consensual, and, by denying the body's capacity for expressing sexual consent, this model allows perpetrators of sexual violence to define consent. As is the case with the previous three articles this article begins with an investigation into what has become an uncritically held preunderstanding of sexual consent and its relationship to vulnerability. 'Yes means yes' has become dogma as opposed to a consciously held position and as such it informs sexual interactions without the position itself receiving its due consideration. It is through a description of sexual experience, especially the sexual experiences of vulnerable individuals such as those people with disabilities, that the failings of the 'yes means yes' position are revealed. The communication between individuals that allows for both to willingly participate in shared projects, such as sexual contact, is complex. We say 'no' when we mean 'yes', and 'yes' when we mean 'no'; We consent and refuse with eye contact, facial expressions, touch and reactions to touch. Positions such as 'yes means yes' attempt to simplify and hierarchise sexual consent in an effort to clarify which sexual interactions can be classified as consensual and which can be classified as not consensual. However, rather than investigating how people actually negotiate consent, the 'yes means yes' model prescribes one style of expressing consent, verbal consent, and relegates bodily consent to a subordinate position. It is through a phenomenological hermeneutic investigation of the 'yes mean yes' model of sexual consent, an investigation that is initiated by the divergent experiences of vulnerable participants that the failings of this model are brought to light.

In *Craving Sameness, Accepting Difference: The Possibility of Solidarity and Social Justice* I note that realist accounts of solidarity attempt to justify human solidarity on the basis of one or another shared and objective feature of human nature, such as the capacity for reason, the capacity for labour or the possession of a particular type of body. Such positions pose problems when it comes to the inclusion of groups who have historically been oppressed. The exclusion of oppressed groups from solidarity is a flaw that originates from realist epistemic positions. Richard Rorty offers a pragmatic account of solidarity, which makes note of the following three central characteristics: solidarity usually manifests as 'us' versus 'them', solidarity is most strongly felt towards those who are relevantly similar and weakens in accordance with the proliferation of relevant differences, and finally, solidarity can be extended. The inclusion of people within the community of those with whom we stand in solidarity is facilitated by the hermeneutic function of the imagination. This capacity for extension is the primary reason why Rorty's pragmatic account of solidarity is more inclusive than the realist account. However, Rorty's solidarity is prone to the critique that his 'us vs them' conception of the solidarity definition does not offer the same universality of human solidarity that the realist position offers and thus leaves oppressed groups at risk of exclusion. However, by combining Shotwell's relational solidarity with Rorty's pragmatic solidarity, stretching the boundaries of the community of those with whom we stand in solidarity becomes not a possibility but a moral requirement. In this article I continue to demonstrate the value of the phenomenological hermeneutic approach to ethical issues like the question of solidarity insofar as this approach allows for the possibility of examining uncritically held beliefs, in this case our uncritically held preunderstanding of what it means to stand in solidarity with one another, based on the divergent experiences of vulnerable individuals such as those people with disabilities. It is through this examination that we are able to see the negative ethical implications of choosing only to stand in solidarity with those with whom we have a particular characteristic in common. Furthermore, it is this phenomenological hermeneutic approach, and the role of unfamiliar experience within this approach, that reveals the centrality of the imagination in facilitating the development of a more inclusive community with whom one can stand in solidarity.

In *Translating Non-Human Actors* Latour describes the intent of those who consider themselves to be "modern" to purify all existents so that they can be classified under the poles of Nature or Culture. The great internal divide between Nature and Culture that defines the moderns renders unrepresentable anything that does not fit into those two categories, and anything that is a combination of both categories, like hybrids. Furthermore, this internal divide translates into an external divide between the moderns and any human population who does not subscribe to the modern programme of purification, such as premodern and non-modern peoples. Latour posits an immanent confrontation between those who once considered themselves modern and the human and non-human third worlds that they have excluded. This confrontation reveals the exigency of enhanced, more effective translation between humans and non-humans. Latour installs the scientist as the central figure capable of translating for non-humans. I argue that physically disabled people ought to be considered alongside scientists as a population that is particularly capable of translating for non-humans in a manner that is amenable to being taken up politically. This final article provides a third demonstration of how a phenomenological hermeneutic investigation of uncritically held beliefs can be used to identify immediate solutions to complex ethical conundrums, solutions that would be inconceivable had such an investigation into the assumptions of the preunderstanding not taken place. In this case through the divergent experiences of hybrids, that is beings that do not fit neatly into the categories of Nature and Culture, we are forced to examine our presumption that Nature and Culture are meaningful categories into which the world can be neatly slotted. By noting that the experiences of certain people, such as individuals with disabilities, level a challenge to the modern Nature/Culture divide we can also employ the insight of those individuals to help to responsibly and ethically navigate a world where that divide no longer inheres.

Living Disability: Ways Forward from Decontextual Models of Disability consists of six separate articles that provide both theoretical and pragmatic commentaries on decontextual approaches to vulnerability and disability, but more than that these six articles both outline and demonstrate a phenomenological hermeneutic methodology for a meaningful investigation of the divergent experiences of vulnerable people. The first three articles illuminate the theoretical underpinning that determine the contemporary conversation concerning vulnerability and disability, and offer alternative ways forward for examining these concepts fruitfully based on a phenomenological hermeneutic methodology. This new theoretical apparatus can then be used to offer practical solutions for the pressing ethical questions facing disabled people and their communities such as, 'what does ethical sex between and among vulnerable people look like?', 'to whom do I owe my solidarity and why?', and 'who has the right or even the capacity to speak for the voiceless?'. Overall this project engages in an examination of the central themes of relationality, experience, vulnerability, disability, context using a phenomenological hermeneutic approach that, once applied, produces practical solutions for the persistent ethical dilemmas associated with responsible conduct between and among the vulnerable.