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The Gendered Subject of Violence:
Towards a Feminist Account of Ethical Freedom

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Abstract

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In this dissertation, the author employs the ethical writings of Simone de Beauvoir (1944, 1945a, 1946a, 1948, 1949) to argue for the importance of the concept of *ethical freedom* as a critical intervention in contemporary feminist theories of violence and vulnerability. A feminist ethics of freedom, in the tradition of Beauvoir, situates social actors as ethically and politically responsible while simultaneously acknowledging how oppression circumscribes concrete possibilities for ethical thought and action. Although Judith Butler (2004, 2005, 2009), among others, has recently argued that the ethical difficulty arising out of human inter-relationality and intersubjectivity should lead to an ethics of non-violence, the author maintains that such an ethics of non-violence fails to consider the significance of oppression for ethical thought. The author suggests that in order to consider the relevance of oppression for ethics, feminist ethicists need to acknowledge the ambiguity of ethics instead of arguing for the ethicality of non-violence in all lived situations. The conceptualization of oppression within a variety of philosophical and feminist theoretical traditions is critically evaluated in this dissertation in order to understand how these intellectual traditions construe the ethical relationship between violence and oppression. Specifically addressed are classical and modern liberalism, post-Hegelian Marxist and post-colonial thought, and liberal, radical, and poststructuralist feminisms.

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Introduction: Thinking the Relation Between Violence and Oppression

In this dissertation, I argue that the relationship between gendered oppression and the ethics of violence has been under-theorized because of our inability to see women as forceful ethical actors with the capacity for violence. This is due to the tendency to develop either universal moral theories of violence that ignore gendered oppression as a relevant factor or ethical theories that treat women as passive and irresponsible victims. The former approach denies that the gender of an actor makes any difference for the ethical import of their actions, adopting false masculine universals as the moral standard by which we judge all violence. The latter engages in a form of gender essentialism whereby actors oppressed by their gender are reduced to that very oppression. Women are then situated as passive victims who lack the capacity for ethical responsibility in relation to their own violence. *We lack a language to explain the ethical significance of gendered oppression in relation to women's violence.*

In this dissertation, I develop a feminist ethics of violence that treats oppression as significant in the lives of ethical actors. I argue that oppression *is* highly relevant for thinking about the ethical meanings of violence. To do this, I turn to Simone de Beauvoir's ethical writings to emphasize the importance of the concept of *ethical freedom* in her work. The concept of ethical freedom provides contemporary feminist theorists a way to discuss the significance of oppression in the lives of ethical actors. This allows feminist theorists to take gendered forms of oppression seriously when we think about the ethicality of violence without repeating sexist and misogynist views of women as passive, irresponsible, or innately peaceful. While gendered forms of oppression

concretely constrain the ethical freedom of ethical actors, this constraint should not be equated with a lack of force or an inability to be ethically responsible for force. As Beauvoir teaches us, denying the oppressed ethical freedom and an accompanying responsibility for violence is a central feature of oppression itself.

Overview of Argument

In chapter one, I examine two predominant "non-feminist"[1] theoretical approaches to thinking about the ethics of violence. The first is the liberal moral and political paradigm. The second is the revolutionary view of violence developed out of post-Hegelian notions of the struggle for recognition. Neither of these approaches to thinking about the ethics of violence treat gendered oppression as a centrally important factor to consider.

The classical liberal moral and political tradition is built on a notion of equality where equality largely indicates sameness. Thus, despite a liberal commitment to equality, when thinking about the moral significance of violence, liberal ideals appear to be built around blindness to social (and economic) forms of inequality and oppression. The ethical stance on violence under liberalism is developed through recourse to universalistic notions of morality and harm. Acts of violence done by powerful social actors, as well as acts of violence done by oppressed social actors, are considered to be of the same moral (and legal) significance. As such, the liberal tradition offers feminist

[1] I have placed non-feminist in scare quotes to indicate that the boundaries of feminist knowledge are nebulous and not easily defined.

theorists no way to think through the significance of oppression for our ethical considerations of violence.

In contrast to the liberal tradition, advocates of revolutionary violence argue that the false universality and "blindness" of the liberal moral and political tradition actually obscures a great deal of social, political, and economic violence and oppression at a variety of levels. Arguing in a post-Hegelian tradition, Marxist, anti-colonialist, and anti-racist thinkers defend the ethicality of violence done by actors who are themselves oppressed. However, these approaches have very rarely considered gendered oppression in particular. The idealized ethical and political actor found in this paradigm is a masculine resistant hero. The revolutionary approach to thinking about violence provides feminists with little insight for thinking about the ethical relationship between gendered oppression and violence.

Unlike the liberal and revolutionary traditions, feminists *have* considered gendered oppression centrally in thinking about violence. In Chapter Two, I turn my attention to feminist theories of violence. However, as recent critiques of feminist thought on violence indicate, a focus on violence against women has unintentionally solidified the position of women as the ahistorical and transcendental victims of violence. The discourse surrounding violence against women has, largely unintentionally, but quite problematically, cast women as passive, powerless, and in need of protection by powerful others. The tendency to view women in this way is tied to feminist turns to the liberal state as an ideally "neutral" protector of its citizens. However, this provides feminists with very few resources for thinking about the ethical meanings of women's violence in

the context of patriarchy. Feminist theory has yet to develop an ethics of violence that simultaneously accounts for gendered oppression *and* is capable of seeing women as forceful ethical actors with a capacity, and a responsibility, for violence.

In Chapter Three, I turn to Simone de Beauvoir's ethics of ambiguity to argue that her account of *ethical freedom*, articulated throughout her ethical period writings (1944-1949), provides a way for feminist theorists to think about the ethical significance of oppression in our considerations of violence while also situating oppressed people as ethically free, capable, and responsible. This is important because, on Beauvoir's account, denying people ethical responsibility for violence is one of the primary ways oppression functions. This is because, when we treat others as though they are passive, powerless, or irresponsible in relation to the larger human world, we objectify them and deny our own intersubjective and interdependent relation to, and with, them.

In particular, I use this Beauvoirian insight, central to her ethical argument in *The Second Sex*, to argue that feminists need to develop ways to think about women as forceful and potentially violent actors with ethical responsibility for their actions. That is, we need to see women as existents[2] who posit ethical values and make moral meaning of their lives as they act. Yet, at the same time, we must *also* consider the ways that

[2] I use "existents" in place of "humans" or "subjects" in much of this dissertation to gesture towards an existentialist ontology in which people do not have a pre-given essence, but are defined what they do. Although existent is a gender-neutral term, all existents "do" gender in some way and thus "are" gendered. There are no gender "neutral" existents in the sense of being free from gender.

gendered forms of oppression constrain women's[3] ethical freedom, cutting off the possibility for positing certain values or concretely acting towards those values. This constraint on ethical freedom, however, should not be conflated with women's lack of ethical responsibility. Oppressed people are ethically free, but ethical freedom, Beauvoir reminds us, *never* exists outside particular embodied, social, historical, and political contexts. In order to properly judge the ethical meanings of violence, we must consider the situations out of which ethical actors act, and this includes situations of oppression.

The Beauvoirian emphasis on ethical freedom, therefore, counts gendered (and other) forms of oppression as highly significant in our ethical considerations, including ethical considerations of violence, without developing reductive or deterministic accounts of people who are subject to oppressive power relations. As such, this account of ethical freedom provides a much needed alternative (to the liberal feminist and violence against women discourse) for thinking about violence within feminist theory, because it avoids both an ethics based on false masculine "neutral" universals and one based around defining women's identities as violently harmed and harm-able. Feminist theory needs accounts of women's ethical freedom in relation to violence if we wish to disrupt the idea that women exist as objects to be violently acted upon.

In the final chapter, I argue that the Beauvoiran idea of ethical freedom critically intervenes in contemporary feminist ethical arguments for non-violence based on the theorization of human vulnerability. Comparing Judith Butler's recent ethical work on

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[3] This is not to say that gendered oppression constrains women's ethical freedom alone, only that one of my primary concerns here is in thinking about women's ethical freedom specifically.

vulnerability with Beauvoir's ethics of ambiguity, I argue that Beauvoir's attention to the constraints placed on existent's ethical freedom due to various forms of oppression critically calls into question feminist arguments for non-violence. This is because feminist arguments for non-violence risk partaking in oppressive forms of moralism that do not adequately consider the concrete constraints found within the lived situations of ethical actors as they act.

There are times when situations of oppression make non-violence neither a realistic, nor an ethical, response to the human vulnerability of others. Ethical calls for non-violence are misplaced without an accompanying concrete attention to the political and social realities out of which ethical actors are acting. There is no guarantee that non-violence will be the most ethical action in all lived contexts, perhaps especially those marked by oppression. We can derive no *a priori* ethical norm about violence by paying attention to human vulnerability that does not risk a form of oppressive moralism towards the oppressed. Therefore, our ethical arguments for, or against, violence must take into account the ethical freedom of specific ethical actors in concretely lived situations.

Chapter One: Liberal and Revolutionary Ethics of Violence and the Absence of Gendered Oppression

On October 9th, 2002, the state of Florida executed Aileen Wuornos, a 46-year-old woman who had been a transient prostitute since she was fifteen years old. She was convicted of murdering six men who she claimed she had killed after they had tried to rape or injure her.[4] The attention to Wuornos' case, and the debates concerning the justice of her execution, reflect deep cultural ambivalence about how to understand and judge women who are violent. People have created various narratives to make sense of Wuornos' violent murders.[5] One thing is clear. Wuornos exists as an anomaly to the normative expectation that women are non-violent and people search for the significance of her gender when thinking about her murders.[6]

Sometimes, it seems that people find it difficult to see Wuornos as a woman and situate her instead as more like an honorary or *de facto* man. At other times, the fact that

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[4] See Vance 1989 for a discussion of the difficulty of defining acts of self-defense for women in a masculinist justice system.

[5] For example, the two documentaries directed by Nick Broomfield from 1994 and 2003; artistic representations of Wuornos such as those discussed by Miriam Basilio in *Art Journal* (1996); the song "Aileen Wuornos" by the performer "Bitch"; the opera "Wuornos" written by Carla Lucero; the mainstream Hollywood movie *Monster*; and the episode of the *Discovery* channel show *Most Evil* entitled "Murderous Women."

[6] The *A&E Biography* about Wuornos, for example, opens by offering viewers a glimpse into "the life that spawned a rare kind of criminal—a female serial killer." Similarly, the *Discovery* channel series on criminals entitled *Most Evil* devoted a show to "murderous women" which featured Wuornos as one of six "evil" women criminals.

she is a woman seems to be the most important fact, as people interpret Wuornos' murders as arising out of the taken-for-granted aspects of violence against women in contemporary society.[7] The day before her execution, Wuornos herself echoed this claim in an interview by saying,

> Couldn't even get a fair trial… you sabotaged my ass society, and the cops, and the system, a raped woman got executed…I got a big finger in all your faces, saying thanks a lot, you're an inhumane bunch of fucking living bastards and bitches …I'm leaving, I'm glad, thanks a lot society for railroading my ass. (Interview in *Aileen: Life and Death of A Serial Killer*).

While criminalizing portrayals of Wuornos try to explain why she, as a uniquely dangerous individual woman, became a killer, more sympathetic representations of her story call attention to the taken-for-granted aspects of gendered violence in the contemporary U.S. Portrayals of Wuornos that insist she was a *victim* of patriarchal oppression and abuse highlight the fact that gendered forms of oppression are significant when we think about Wuornos' decision to act by murdering. The various interpretations of Wuornos' life, and her execution by the state of Florida, point to important questions concerning the contemporary understanding of what Sharon Marcus has called the "gendered grammar of violence" (Marcus 1992, 392)—the ways that gender informs the distinctions we make between legitimate and illegitimate forms of harm between differentially situated sociopolitical actors.

In this chapter, my intent is not to weigh in on whether Wuornos is a victim of patriarchy or a dangerous individual predatory killer who was justly executed. Instead, I

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[7] See especially Phyllis Chesler's statement on Wuornos re-published on her website (Chesler 1993).

have opened my discussion with the Wuornos case because it is one of many contemporary examples that illustrate the ethical conundrum we face when we think about the use of violence by actors who are oppressed. How do we properly judge the ethicality of violence done by people who are oppressed? Do the same moral frameworks apply to oppressed people as to people who are not oppressed?

The theoretical resources available for thinking about the ethical import of violence committed by oppressed social actors can be roughly divided into three dominant paradigms: liberal, revolutionary, and feminist. The classical liberal political and moral theory of the social contract theorists such as Locke and Hobbes is based on an explicit denial of the significance of difference, including sexual difference, in the name of equality, where equality means equality-as-sameness. Thus, classical liberalism does not fully acknowledge oppression as a significant mitigating factor informing people's actions in regards to violence. In this regard, liberal attempts to understand cases like Wuornos' are dependent on excluding situations of oppression from our ethical and political considerations of violence.

Contemporary liberal theorists, such as Rawls (1971, 1985), Ackerman (1981), and Dworkin (1977,1978), attempt to reform or "revise" liberalism beyond the original metaphysical arguments the classical social contract theorists used to found liberalism. They develop contemporarily relevant accounts of liberal political life, paying special attention to addressing issues of social inequality. Still, despite their various revisions and critiques of traditional social contract liberalism, these theorists still maintain the importance of the liberal state as a *neutral* protector of its citizens from violence (via the

state's monopoly on legitimate force). While their revisions place an important emphasis on producing equality under liberalism (rather than assuming equality as ontologically given in nature), because of their commitment to neutrality, there are a number of reasons to remain skeptical of liberalism's ability to account for, and respond to, the reality of gendered oppression.

Revolutionary theorist of violence, such as Georges Sorel (1908) and Frantz Fanon (1952, 1961), on the other hand, powerfully acknowledge oppression and frequently argue for the morality of concretely situated people's violent resistance to that oppression. In place of a liberal state as neutral protector, these theorists shift the political and ethical emphasis to the actions of people working, sometimes violently, to resist oppression. However, these ethically righteous violent resisters of oppression imagined in this revolutionary discourse are almost always explicitly or implicitly coded as male or masculine subjects. While such revolutionary views on violence importantly consider oppression as a significant factor when we think about ethical questions concerning violence done by oppressed actors, and offer sophisticated defenses of the ethicality of certain kinds of violence (*contra* liberalism), they problematically fail to consider *gendered* oppression in any sustained way. [8]

Finally, feminist ethical and political theories have contributed much to our understandings of the gendered power relations that produce unequally distributed forms of violence. However, much of the feminist theorization of violence has focused on women as the victims of violence and an implicit reliance on the ideals of liberal equality

[8] The effects of which can be seen in the endurance of patriarchy in post-revolutionary societies.

and state protection from violence. Therefore, many feminist ethical theories of violence end up providing little guidance in how to evaluate the justness or ethicality of violence committed by actors who are oppressed, especially due to their gender. Although there have been many feminist critiques of the violence against women discourse in the last two decades, the implications of these critiques in developing feminist ethical theories are only now being critically taken up. Feminist theorists are attempting to conceptualize ethicopolitical alternatives to thinking about the relationship between oppression and violence beyond liberalism and the violence against women discourse. This dissertation, in returning to Beauvoir's feminist existentialist ethics of ambiguity, is one such attempt to develop new resources for feminist theorization of violence.

The Liberal View

The democratic revolutions of the 18th century attempted to put into practice liberal ideals developed by social contract theorists such as Hobbes, Locke, and Rousseau. The social contract tradition is based on the notion of the natural "equal moral worth" of all individual persons. Significantly, social contract theory is, at its very foundations, a theory that revolves around the potential for humans to do violence to one another. The concept of the natural "equal moral worth" of all individuals means that, while humans were naturally equal, they also had relatively equal capacity to do harm to one another. This led to the problem that natural equality threatened peaceful relations

amongst humans, as each was capable of harming others to their own self-interested advantage.

Contract theorists solved this problem by positing the theoretical possibility for humans to gain *political* protection from the violence of their *natural* (i.e. pre-political) equals. As the *Stanford Encyclopedia of Philosophy* entry on "equality" explains,

> Hobbes (1651) postulated that in their natural condition, individuals possess equal rights, because over time they have the same capacity to do each other harm….Rousseau (1755) declared social inequality to be a virtually primeval decline of the human race from natural equality in a harmonious state of nature… For Rousseau (1755, 1762), the resulting inequality and rule of violence can only be overcome by tying unfettered subjectivity to a common civil existence and popular sovereignty.[9]

While Hobbes and Rousseau differed on whether the so-called "state of nature" was originally violent, they agreed that there needed to be a sovereign power which protected humans from one another and thus ensured political equality between individuals. The formalization of political equality under a sovereign power proposed by the social contract theorists was formulated as a solution to the ever-present problem of potential violence between humans who possessed naturally equal liberties and abilities.

Thus, one of the basic assurances, if not *the* basic right, of liberal social contract theory is protection from violence from others. In *The Sexual Contract* (1988), Carol Pateman gives an account of the social contract logic of liberalism. She explains, "social

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[9] Gosepath, Stefan. 2011. "Equality." *The Stanford Encyclopedia of Philosophy (Spring 2011 Edition)*, Edward N. Zalta (ed.). http://plato.stanford.edu/archives/spr2011/entries/equality/

contract enables individuals voluntarily to subject themselves to the state and civil law; freedom becomes obedience and, in exchange, protection is provided" (Pateman 1988, 7). According to social contract theory, then, the move from the "state of nature" to the political realm proper means leaving behind unregulated force for the regulated force of the sovereign.

Contemporary liberalism is a purportedly gender-neutral and universally applicable moral and political system developed out of this mythical social contact. What is supposed to ensure equality under liberal law is precisely the fact that the liberal legal system does *not* take into account sex/gender or other forms of social difference. The concept of formal equality, attributed to Plato by Aristotle, is taken at the broadest level to mean one should "treat like cases as like." Formal equality relies on the idea that moral judgments are universalizable beyond social differences, including gender differences. Liberal ideals of justice and morality are specifically built around non-recognition of oppression as significant in the individual moral lives of human actors. Those who exist in oppressive situations are not considered to be in a morally different situation from people who exist in non-oppressive situations. Liberalism does not differentiate between violence done by a socially oppressed person and socially powerful one.

Contemporary critics of liberal formal equality often highlight the difficulties that arise in treating "like cases as like"—treating people who are socially unequal *as if* they were equal. These critics make the case that the ideal of liberal blindness to social situations of inequality actually *increases* injustice because it cannot account for

significant contextual differences in particular cases. In her reading of Marx's "On the Jewish Questions," Wendy Brown outlines this paradoxical aspect of liberal rights: rights "operate in and as an ahistorical, acultural, acontextual idiom" but "the measure of their political efficacy requires a high degree of historical and social specificity" (Brown 1995, 97). While liberalism attempts to take "distance from specific political contexts and historical vicissitudes," it can only operate within "specific political contexts and historical vicissitudes" (Ibid.). While attempting to be ahistorical, acultural, and acontextual, liberal political life actually occurs in a historical, cultural, and contextual time and place in which people are frequently unequal in a variety of ways.

Therefore, "the ruse of power peculiar to liberal constitutionalism centers upon granting freedom, equality, and representation to abstract rather than concrete subjects" (Brown 1995, 106). This means that subjects are "*ideally emancipated*" as abstract persons, but "*practically resubordinated* through this idealist disavowal" (Ibid., italics original). In other words, liberal moral and political ideals are explicitly built around acting *as if* people act ahistorically and acontextually in order to maintain the ideal of equality where equality means treating all cases as if they are alike under a universal moral and political code. Yet, this arguably entrenches oppression by refusing to acknowledge the significance that oppression makes for our moral and political judgments and actions.

The idealist liberal disavowal of women's oppression has come under critical scrutiny by feminists who noted the disproportionate amount of violence visited upon women. From the 18th century on, feminists have contested the fact that, while social

contract theory proposed the concept of equal moral worth of all people, the political formalization of liberal principles in the form of political right (law) has been far from universally applied (Brownmiller 1975; Jaggar 1983; Pateman 1988; West 1988; MacKinnon 1989; Okin 1989; Brown 1995). Significant proportions of people, including women, were excluded from participation in liberal democratic political systems and were denied the concomitant rights of participation therein—including the right to protection from others from violence. The contradiction between the liberal political framework, which proposed universal equal moral worth for all, and the exclusion of women from liberal political rights and institutions, is the basis for many feminist claims concerning injustice towards, and inequality of, women.

For example, in *The Sexual Contract* (1988), Carol Pateman drew attention to the ways that the theoretical foundations of liberalism were based on the constitutive exclusion of women. Pateman argued that the basis for the "social contract" was actually a sexual one, which relied on a gendered public/private split. This split rendered women open to violence via their exclusion from the public domain and relegation to the private sphere. Pateman shows that the contract theorists situated women as *naturally* subordinate to men prior to the formation of the social contract, thereby preventing women from entering the political realm as *political* equals. Women were not thought to be of "equal moral worth" in nature and thus lost much of their claim to opt in to the social (political) contract. Therefore, the political subordination of women was maintained largely on the basis that, in nature, women were not equal to men and,

therefore, could not enter into the social contract as political equals.[10]

Contemporary liberal theorists such as Rawls (1971, 1985), Ackerman (1981), and Dworkin (1977,1978) have attempted to revise liberal theory beyond the fictional account of a founding political contract to an understanding of liberalism as a dynamic and revisable political way of life that can be "corrected" for some of the oversights and biases of the social contract theorists. Yet, as David Paris has pointed out in his essay "The 'Theoretical Mystique': Neutrality, Plurality, and the Defense of Liberalism," (1987) these theorists still maintain an ideal of neutrality as of central importance to liberalism. Thinking about the importance of neutrality in liberalism, Paris differentiates between neutrality *as* a political principle and the attempt to maintain neutrality *of* principles, calling the former "internal neutrality" and the latter "external neutrality" (Paris 1987, 912, italics original). This amounts to the difference between arguing for a set of rules designed to ensure neutrality within a political system, a position he attributes to Rawls and Dworkin, and the philosophical argument that claims that one conception of the good is not superior to another, a position he associates with Ackerman (Ibid., 911). Yet, the purpose of both "appeals to internally or externally neutral principles," Paris explains, is that such appeals are "part of a process of justification" that "will often serve to confer burdens and benefits" to liberal citizens (Ibid., 916). In other words, neutrality is a foundational principle for establishing the political obligations (burdens) of liberal citizens and the rights (benefits) they acquire vis-à-vis the liberal state in taking up these obligations.

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[10] See pages 39-54 of *The Sexual Contract* for Pateman's extended discussion of the individual nuances of this argument for Hobbes, Locke, and Rousseau.

One such burden/benefit pair, and one that is integral to liberal theory since social contract theories onwards, is certainly the burden to obey the restrictions on violence placed on individuals in order to secure the benefit of protection. Yet, as my discussion of Pateman et al. pointed out, this treats women (and others) as though they *do* receive the benefit of protection because they *should* in theory. In reality, however, women remain beholden to the burden of non-violence though they often do not acquire the benefit of protection. Certainly, neutrality can help feminists justify arguments for why women *should* receive protection from violence. *What it cannot do, however, is help us understand why it is that women, or other oppressed people, may defy the "burden" to obey restrictions on violence for reasons either directly or indirectly related to their oppression. Nor can it help us consider the role of oppression when we ethically evaluate the defiance of liberal non-violence once it has occurred.*

This is not to say, then, that contemporary liberal theorists still maintain a notion of equality-as-sameness, per say. As Anne Phillips notes,

> Liberalism has…redefined itself so as to make an initially rather descriptive egalitarianism more central… In the process, it has given the lie to some of the older feminist complaints against liberalism. We cannot so easily say that liberalism treats equality always as a matter of sameness, that it offers identical treatment to all individuals regardless of the asymmetries of power (Phillips 2001, 259-260).

Yet, as important as provisions towards equality may be, these theories can provide us almost no guidance for thinking about how to make ethical judgments concerning violence done by people who are *already* oppressed. To argue, on liberal grounds, that people should not be unequal cannot account for the ways that systemic forms of

oppression concretely shape the landscape of people's ethical and political lives and help to shape their actions.

As Laura Hengehold argues, "We need not believe in any actual 'sexual contract' at the origin of the [liberal] state or even take the state for granted as a monolithic organization of social behavior" in order to understand that violence is gendered under contemporary liberalism in a way that "exaggerates female vulnerability and distracts attention from male vulnerability so as to differentiate the experience of citizenship by gender" (Hengehold 2011, 60). Thus, regardless of whether or not we believe Pateman's argument about the "sexual contract" remains relevant to contemporary liberal societies, liberal norms still do not adequately take into account the meaning and significance of social forms of "difference" such as that articulated by Hengehold above.

For example, John Rawls argues that his concept of liberalism as "justice as fairness" "is practical, and not metaphysical or epistemological. It presents itself not as a concept of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens *viewed as free and equal persons*" (italics added, Rawls 1985, 230). Although Rawls has abandoned the claims to truth concerning the metaphysical freedom and equality of humans (who are the same by nature) found in the classical accounts of the social contract theorists, his political concept of "justice as fairness" still relies on treating people abstractly *as though* they are "free and equal persons." Yet, I am suggesting, that we acknowledge the ways that people are *not* free and equal when we ethically evaluate their actions, including violent actions.

Rawls does attempt to account for inequality in his theories through the ideas that

any inequality must be attached to positions equally open to all and that such inequality must "be to the greatest benefit of the least advantaged members of society" (Ibid., 227). The emphasis, then, is on "*equality of opportunity*…one of the key principles of contemporary liberalism, and most of those who take equal opportunities seriously recognize that it implies some attention to background inequalities" (Phillips 2001, 257, italics added). Yet, Rawls' liberalism remains founded on abstract people who are *presumed* to be free and equal. Such a theory can provide us almost no guidance for thinking about how to make ethical judgments concerning violence done by concrete and material people who are already oppressed in the contemporary here and now.

It is worth mentioning that some contemporary liberal theorists, such as David Paris (1987) and Stephen Gardbaum (1996), do abandon liberal commitments to neutrality on the grounds that liberalism is actually a deeply value-laden political system. My argument in this chapter is in agreement with this view of liberalism as a value-laden, and not neutral, framework. Paris argues for a contextually justified political liberalism that embraces greater pluralism, while Gardbaum argues that liberalism should be viewed as a political system designed to ensure and protect the autonomy of its citizens in order to ensure greater pluralism. Thus, neither of these theorists are holding on to a justification for liberalism based on neutrality. Yet, as productive as their thinking is in many ways, they still hold on to the *essential* part of the social contract that makes violence the political and moral concern of the liberal state as sovereign and rightful holder of force. Paris maintains that the point of his contextually justified liberalism is "provisional settlement of conflict without resort to force" (Paris 1987, 937) and

Gardbaum insists that "first order conflict must be contained and prevented from destroying or destabilizing the political order" prior to the promotion of autonomy as a paramount liberal value (Gardbaum 1996, 408).

In other words, even in some of its most revised and reworked iterations, where both formal equality and ideals of neutrality have been eschewed by liberal theorists, liberalism is still seen as a system where people trade non-violent obedience for protection from violence (and also, it seems, a great deal of conflict). However, given oppression, there may be very good political reasons not to obey the liberal injunction against violence (beyond mere "self-defense). These reasons might, arguably, prove to be good ethical reasons, as well. The revolutionary thinkers I discuss later in this chapter make precisely these kinds of arguments.

Non-liberal theorists (Foucault 1977, 1978, 1997; Derrida 1978; Hardt 1993; Cocks 1995; Brown 1995; Roy 2009) have been critical of the attempt to exclude violence as a constitutive outside of political life. Michael Hardt, for example, argues that Rawls' version of the political "does not deal with power; in fact, the precondition of the political… is the exclusion of all power relations," especially those based on social difference (Hardt 1993, 145). Hardt, like other critics of liberalism, are skeptical of liberalism's attempt to effectively expel violence. He argues that a founding and prior violence of "silence and exclusion" is necessary for liberal political notions of stability and protection to be tenable. "The peaceful coexistence of social differences…is founded…on State violence, or at least on the threat of exclusion by force of those who refuse to agree, those who are not reasonable, those who remain different." (Ibid., 146).

The liberal treatment of violence as an "other" to political life offers very little conceptual space for "the possibility of ethically discriminating between forms of violence" (Roy 2009, n.pag.). As Roy argues, the idea that we might need to ethically evaluate violence requires questioning the "underlying… assumption that violence is an external other that needs to be overcome as opposed to a set of practices that is 'rooted in the world and in subjects'" (Ibid.). While contemporary liberal theorists articulate a wide, and often conflicting, range of positions, they all uniformly deal with violence as though it is an other to be externalized from political life.

The question of how to factor in the significance of oppression when we judge the ethicality of violent actions done by oppressed actors, therefore, is largely impossible in the liberal framework because it treats violence as prior to, or outside of, political life. Liberalism treats oppression as though it *should* not matter in our evaluations of violence because non-violent obedience is the precondition of political inclusion. As a resource for considering the ethical relationship between violence and oppression, liberalism is a weak theoretical resource. Although liberal ideals call for equality, these ideals founder when we wish to consider actual lived conditions of inequality and oppression faced by ethical actors situated in historical time and social context–as concrete material subjects rather than as abstract ideal ones who are ideally protected from violence by the state.

The Revolutionary View

Revolutionary considerations of violence are often built in response to liberal ideals through the insistence that oppression *does* matter for the ethical meanings of

violence. Marxist, anti-racist, and anti-colonial struggles have developed sophisticated moral defenses of violence done by oppressed people as they resist their oppression. Yet, there has been no sustained theoretical discussion or defense of women's violence as an ethical response to gendered oppression.[11] While liberalism fails to consider oppression as significant in discussions of the ethicality of violence, revolutionary views of violence have, by in large, failed to think about *gendered* oppression as significant for ethical discussions of violence.

The defense of revolutionary violence often relies, either explicitly or implicitly, on a Hegelian notion of the struggle for recognition derived from his famous master/slave dialectic in *Phenomenology of Spirit* (1807). As Cynthia Willet explains, in Hegel's schema, the "arguably masculinized subject" seeks freedom from the Other who he first perceives as a threat. (Willett 1995, 111). Each subject seeks to dominate the other in a warrior-like "contest of the wills" (Ibid.) as they struggle for recognition in order to gain their freedom. While this instills an alterity-denying hostility at the heart of human intersubjectivity, the advantage of this Hegelianism, as Willett points out, is that Hegel's concept of freedom-as-recognition is situated within "the sphere of the social" (Ibid.,112). Later theorists of revolutionary violence, such as Georges Sorel and Frantz Fanon, adapted the Hegelian struggle for recognition between subjects by using this idea

[11] See Haag 1996 for an account of shifting debates on the topic of violent resistance within feminism. See Zwerman 1994 for accounts of some women's experiences within violent leftist groups and the conflicts surrounding their gender that arose for their politics. Perhaps the most infamous defense of women's violence in resistance to patriarchy is Valerie Solonas' 1968 *SCUM Manifesto* in which she calls for an all out assault on men. (Solanas 2004).

of freedom to explain social struggles between different classes or groups of people. The struggle for freedom was situated as occurring between the oppressed and their oppressors. In this tradition, freedom could be violently, and morally, won by the oppressed from their oppressors.

Rather than situating violence as a problem to be solved by the impartial law and order of the liberal state, a certain level of violence and conflict is imagined as somehow integral to intersubjective human relations. Where liberalism sees the power of the state and social order as providing neutral mediation of violence between autonomous and independent individuals, radical Hegelian thinkers saw humans as radically dependent on each other (for recognition) and often highlighted the ways that the social, political, and economic order actually contained an obscured and disavowed kind of systemic violence.

Drawing on Marxist notions of proletariat revolution, Georges Sorel wrote an ethical defense of resistant revolutionary violence in his 1908 *Reflections on Violence.* In that text, Sorel condemns liberal enlightenment arguments against violence as arising from a bourgeois "bleating herd of moralists" (Sorel 1999, 187). He argues,

> It is very difficult to understand proletarian violence as long as we try to think in terms of the ideas disseminated by bourgeois philosophy; according to this philosophy, violence is a relic of barbarism which is bound to disappear under the progress of enlightenment… (Ibid., 65).

In contrast to this liberal bourgeois viewpoint, Sorel maintained that it was actually liberal enlightenment morality that was barbaric, because it ensured the oppression of the proletariat and denied its own systemic violence, all the while morally condemning violence itself. Sorel's ethical defense of the resistant violence of the proletariat,

therefore, depended on his explicit critique of enlightenment liberal morality as unable to take into account the larger oppressive context out of which the proletariat were acting. To resist such oppressive force with violence was seen as not only ethical, but also quite rational within the terms of Sorel's Marxist post-Hegelian schema of a struggle for freedom from/with others.

Perhaps the most well known critique of liberal moral arguments against violence and ethical defense of revolutionary violence is Frantz Fanon's notion of cathartic violence developed primarily in his works *The Wretched of the Earth* (1961) and *Black Skin, White Masks* (1952*)*. Using an existentialist-phenomenological and psychoanalytic approach, Fanon argued that resistant violence by colonized peoples in Africa could have cathartic results for these oppressed people. The opening of *The Wretched of the Earth* points out the hypocrisy of Western liberal moral prohibitions against the use of violence by individuals given the perverse violence of the colonial political system. Fanon writes, "All that the native has seen in his country is that they can freely arrest him, beat him, starve him: and no professor of ethics, no priest has ever come to be beaten in his place…" (Fanon 1963, 44). In the face of such systemic and oppressive violence, Fanon insists that the ethical thing for the colonized to do during decolonization is to "mock" Western values "and vomit them up" (Ibid., 43). He encourages the colonized to take on the violence of the oppressors and turn it back onto them with force. As Joan Cocks astutely describes Fanon's insights about violence in the context of oppression, "[Fanon] is able to appreciate the paradoxical consequences of a system of rule that, in speaking

the language of pure force, invites its subordinates to use the language in return" (Cocks 1995, 229).

Despite the important attention Fanon pays to oppression as a context that influences the ethicality of violence, the ethical and political subject of resistance imagined by Fanon is largely male or masculinized. This is a feature he shares with almost all theorist of revolutionary violence who, *even if they formally include women as ethical and political actors, uniformly fail to consider how gendered oppression would alter their concept of revolutionary violence*. Although Fanon did sometimes discuss women's involvement in the Algerian struggle for independence from France with approval, his discussions in *Wretched of the Earth* and *Black Skin, White Masks* frequently revolve around women as objects of sexual desire and conquest for men within colonial relations. He often speaks of women as belonging to men (either individually or to the community of men to which they are a part) and speaks repeatedly of "the native and his wife" (Fanon 1963; 55, 81). He also writes at length of the rape of colonized women by colonizing men as an affront, not to the women, but to colonized men (Fanon 1963; 92, 254) and of white women's desire to be raped by black men (Fanon 1967, 140). In situating women this way, the assumed political and ethical actors in Fanon's texts are primarily the men who stand in relation to these women and not the women themselves. While Fanon formally acknowledges women's engagement in anti-colonial violence, it is clear that Fanon sees the struggle for freedom as recognition occurring primarily *between men* as the oppressed and the oppressors.

Because of his lack of attention to gendered forms of oppression between men and women, Fanon gives no ethical consideration to women's revolutionary violence in relation to men (either colonizers or "natives"). Aaronnette White insists that Fanon's lack of attention to gendered oppression made him "overly optimistic about revolutionary violence" and its potential to be cathartic for the oppressed (White 2007, 858). White points out that theories of revolutionary violence frequently assume men as the idealized ethical and political actors who take on "a gendered warrior ethos" (Ibid., 874), while also romanticizing the patriarchal rights of men over women in the past, and the exclusion of women from the public sphere (Ibid., 863-864).

Inattention to gendered oppression can also be found in contemporary discussions by ethicists who have adapted the revolutionary view of violence in their discussions of racial oppression. For example, in his essay "Sartre and Black Existentialism," Lewis R. Gordon discusses a scene in John Duigan's film *Flirting* in which Jean-Paul Sartre appears. In the film *Flirting*, the protagonist is beaten up as he imagines Sartre cheering him on. Gordon argues that the significance of the scene in the film is that: "Each time the bully struck him down, [he] revealed himself courageous and the bully a coward. He thus, at the end of the fight, got the girl, which Sartre surely would have appreciated." (Gordon 2008, 161). Even though the protagonist lost the fight, because he engages in resistant violence in response to the bully, he heroically and ethically affirms his freedom through a Hegelian struggle for recognition.

We can see from the above example the implicit assumption of the resistant masculinity operating in the schema of revolutionary notions of anti-racist violence. If we

stop for a moment and imagine the scene a bit differently, making our protagonist a woman, the quote then reads: "Each time the bully struck her down, she revealed herself courageous and the bully a coward. She thus, at the end of the fight, got the girl, which Sartre surely would have appreciated." It seems more difficult to imagine how a woman getting beaten up by a male rival is an image of resistant freedom. We are far more likely to see this as an image of unfreedom—as a mark of women's violent oppression by men. Alternatively, if we imagine that the one being beaten up remains a man, as in the film, but change the one doing the beating to be a woman, it is unclear whether he would remain our resistant hero. And, if we imagine two women beating each other up, would this be an image of resistant freedom or would it become a pornographic scene for the male gaze? One wonders if Sartre would, indeed, appreciate the violence in any of these scenarios in which women are involved in the scene of resistant violence.

Although there is a rich tradition of ethical defenses of revolutionary violence dedicated to resisting oppression, the idealized ethical figure of this discourse is a masculinized and violent fighter who heroically resists other men's attempts to oppress him. Still, this revolutionary theory of violence is promising insofar as it acknowledges the importance of contexts of oppression when we make ethical judgments about the use of violence. Unfortunately, when we consider contexts of gendered oppression, revolutionary theories of violence, like their liberal counterparts, are very limited due to the masculinism and latent misogyny inherent to these moral and political schemas.

Conclusions

I opened this chapter with the case of Aileen Wuornos as a way to illustrate the fact that people commonly employ gendered narratives when they discuss violence. Despite this fact, however, the ways in which people employ gender to make sense of the ethicality of violence has been largely under-theorized. The liberal moral and political tradition, with its emphasis on formal equality, neutrality, and protection fails to consider the significance of oppression in its treatment of violence. Even in its most revised contemporary forms, liberal theorists are explicit in their view of the liberal state as having the sovereign right to violence regardless of oppression. The ethical defense of violence made by post-Hegelian Marxist, anti-colonial, and anti-racist defenders of revolutionary violence, while taking into account the significance of oppression for ethical discussions of violence, systematically fails to consider *gendered* oppression. Despite their theoretical sophistication when thinking about the moral and political meanings of violence, both these paradigms falter when an explicit discussion of the bearing of gendered oppression on the ethicality of violence is required.

Chapter Two: "Without Recourse to Force": Feminist Critiques of the Violence Against Women Paradigm

> Submission to artificial rules does not offer the equivalent of a spontaneous and habitual recourse to force…..The male has recourse to this fists and fighting when he encounters any affront or attempt to reduce him to an object... she does not believe in a force she has not felt in her body, she does not dare to be enterprising to revolt, to invent; doomed to docility, to resignation, she can only accept a place that society has already made for her. She accepts the order of things as given.
>
> – Simone de Beauvoir [12]

In the last chapter, I argued that liberal and revolutionary ethical and political theories ignore the relevance of gendered oppression as a relevant mediating factor for thinking about the ethics of violence. In this chapter, I turn my attention to a critical examination of feminist discussions of the relationship between violence and oppression, because feminist approaches *do* consider gendered oppression to be centrally important to thinking about violence. Yet, as many contemporary feminist theorists are pointing out, the discourse surrounding many of the discussions of oppressive violence against women have become problematic insofar as they portray gendered oppression as a force that renders women as passive, powerless, and in need of protection. This makes it very difficult for feminists to theorize women's own ethical and political responsibilities for violence as ethical and political actors in their own right.

While due attention to violence against women is an important part of a feminist analysis of gendered oppression, the discourses surrounding this discussion inhibit

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[12] (Beauvoir 1949, 343-344) All citations from *The Second Sex* (1949) are taken from the 2009 translation by Borde and Malovany-Chevallier.

talking abut women as existents with their own ethical freedom. Given the acuity of recent critiques of the violence against women discourse, contemporary feminist discussions of violence require theoretically sophisticated alternatives for understanding violence, as well as alternatives to the liberal protection-based arguments arising out of the violence against women discourse. This means reconfiguring how feminists imagine the connections between being oppressed and being an ethical or political actor in a more general sense.

Women as "Rapable": Violent Injury as the Paradigmatic Form of Gendered Oppression

In her genealogy of feminist theories of violence entitled, "'Putting Your Body on the Line': The Question of Violence, Victims, and the Legacies of Second-Wave Feminism," Pamela Haag traces a significant shift between initial second-wave feminist conceptions of the relationship between violence and oppression and later conceptions of this relationship developed by feminists from the late 1970s onwards. Haag argues that feminist ideas about violence that arose during the leftism of the 1960s did not presuppose a strict (liberal) division between violence and non-violence.[13] This was due to a general leftist rejection (informed by post-Hegelian Marxist critiques of capitalism) of the simple division between coercion and consent that is the foundation for the social contract (Haag 1996, 26). In place of the social contract division between coercion and consent,

[13] See chapter One.

> many of these feminists reasoned that female subjectivity de facto entailed alienation and reification–both identified as forms of violence–they viewed rape as in some respects a *redundant* assault on the body…. (Ibid., italics original, 44).

Therefore, in early second-wave feminist theories of violence, *systemic* oppression of women itself was thought to be violent. This understanding of "violence," therefore included a "plurality of systems of practices, ranging from obvious physical struggles and battles… to the soul of…social order itself" (Ibid., 25-26).

The social contract distinction between consenting submission to social order and unjust coercive force between individuals was thus deconstructed as these second-wave feminists critiqued liberal sociopolitical order as oppressive and already violent. Their critique of such oppressive sociopolitical organization included physical violence against women, but such violence was neither privileged as the site of *particular* knowledge about women's oppression, nor thought of as the key locus for theorizing the oppression of women. Their primary concern, therefore, was not getting the dominant liberal sociopolitical order to notice and regulate violence against women via protection by the state. This is because to do so would mean that "rape [would] remain just another 'liberal' issue." (New York Radical Feminists quoted in Haag 1996, 37) and liberalism itself was under critique for its own oppressive aspects.

However, Haag points out that many feminists eventually turned away from this leftist post-Hegelian critique of systemic violence developed in the 1960s and early 1970s. Instead, they began to develop a different understanding of violence and its *particular* relation to gender founded on "the argument that 'the oppression of women

has its foundation in physical abuse'" (Millet quoted in Haag 1996, 48). In this view, violence was increasingly seen as the province of socially powerful *agents* (instead of systems) and situated "as a 'crime' of the powerful" against the oppressed who were thought of as *essentially powerless* (Ibid., 47). Feminist theorists increasingly turned to revised versions of liberal theory to argue for the protection of powerless women by the powerful liberal state. According to Haag, this shift in the conception of violence brought about "the feminist condemnation of 'violence' as an exercise of male, patriarchal traditions. Women, by these accounts, are presumptively 'available' for violation, and men presumptively capable of violating" (Ibid.). This focus on physical acts of violence against women as paradigmatic of women's oppression "restricted violence to the wrong of *physical* interference and thereby defamiliarized what had been axiomatic for politicized people in the 1960s and early 1970s: namely, the universality of 'violence' as the soul of an alienating, dehumanizing social order" (Ibid., 48).

Abandoning the Marxist-inspired post-Hegelian leftism of many radical movements of the 1960s and 1970s, a number of feminists (re)turned to the powerful moral and political values of liberalism, placing special attention on violence against women as the locus of gendered oppression in contemporary liberal society. In particular, the assumed foundations of the social contract helped to justify why violence against women violates the stability of liberal social order and the liberal promise of universal equality. For example, in 1975 Susan Brownmiller argued that women should be protected from violence in modern society, but that women were not yet protected due to sexism in the law. To this extent, Brownmiller was critical of what she saw as the failure

of modern liberal social order to include women in the protection of the social contract (Brownmiller 1975, 16-18). She postulated that women could be included (and thus be equal to men) if laws were revised to be more thoroughly gender neutral (Ibid. 378-379, 388).

Radical feminist Catharine MacKinnon (1989) was significantly more skeptical than Brownmiller about the potential of supposedly "gender neutral" laws to protect women from violence. Instead, she argued that liberal law needed much deeper reform to account for the reality of violence against women because liberalism ignored the significance of *social* inequalities between men and women. However, despite her rather trenchant critiques of idealized liberal neutrality and formal equality, MacKinnon's theories still relied on the foundational liberal ideals concerning the role of the state as provider of bodily protection. In other words, while both Mackinnon and Brownmiller questioned women's exclusion from the protection promised in liberalism's the social contract, they did not reject the basic premise of the contract itself regarding the relationship between violence and protection by the state.

As Denise Schaffer explains in her article "Feminism and Liberalism Reconsidered: The Case of Catharine MacKinnon," despite MacKinnon's critiques of liberalism, she still agrees with the core values of liberalism of "choice, consent, and protecting individuals from harm by others" (Schaffer 2001, 706). "Taking it as a given that harm to another justifies limitations to one's freedom, [MacKinnon] argues only that harm to women in the form of sexual objectification is such an instance" (ibid). Despite MacKinnon's warranted critiques of modern liberal law, she does not depart from

liberalism's most basic tenants concerning protection from violence as a foundation for political equality.

More recently, Susan Okin and Martha Nussbaum have developed significant feminist revisions of liberalism meant to address women's inequality. Nancy Rosenblum summarizes Okin's feminist liberalism as having the "single object" of using the liberal language of "rights and institutional constraints on power… to argue for the protection of and liberty for the vulnerable" where women are seen as quite vulnerable (Rosenblum 2009, 40). Martha Nussbaum expands liberalism very far in her "capabilities" approach arguing that the point of the liberal social contract is not "mutual advantage among 'rough equals'" but is instead "human fellowship, and human respect" (Nussbaum 2006, 270). She outlines ten capabilities she defines as essential to her version of liberalism, the third of which is, "Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities of sexual satisfaction and for choice in matters of reproduction" (Ibid., 76). Nussbaum's liberal citizens not only have a right to be free from violence (negative liberty in the classical liberal sense), but a positive right to bodily integrity, as well.

The predominant shift in feminist arguments about violence traced by Haag–from arguments critical of liberalism to attempts to revise liberalism to women's advantage (Brownmiller 1975; Mackinnon 1989; Okin,1989; Nussbaum 2000, 2006)–remains highly significant to the contemporary landscape of feminist thinking about the relationship between violence and gendered oppression. The theory of gendered oppression developed via attention to physical violence to women that was born in the

late 1970s expresses the idea articulated by Catharine MacKinnon that, "To be rapable...defines what a woman is" (MacKinnon 1989*,* 178). While many contemporary feminists adamantly disagree with the radical feminist position that women are defined by the violence done to them, feminist discussions of violence still live under the shadow of this influential theory insofar as feminism continues to imagine oppression as a condition of passivity requiring protection by moral and benevolent others.

The last two decades have seen a plethora of challenges to feminist understandings of gendered oppression that treat physical violence against women as the key to understanding women's oppression. Significantly, the majority of these critiques call attention to the fact that such an understanding of oppression within feminism may actually inhibit women's freedom. These critiques urge us to think away from a liberal protection-based solution to unequal power relations and oppressive forms of violence. These critiques illustrate the ways in which such arguments obscure how oppressive power functions and often contribute to an oppressive paternalism towards the oppressed. However, the implications of these critiques in developing contemporary feminist theories of violence as an *ethical* issue remain relatively unexplored. In the chapters that follow this one, I (re)turn to Beauvoir's ethics in an attempt to think through some of the implications of the critiques of the violence against women discourse discussed in this chapter for thinking about ethics as primarily a question of freedom.

Challenges to the "Violence Against Women" Paradigm: Contesting Passivity, Protection, and Powerlessness

The critiques of the violence against women discourse vary and overlap, but they can be divided into roughly three areas of focus: passivity, protection, and powerlessness. Critiques of "passivity" refer to a concern about the discourse of "victimization" used to discuss violence against women. Critics fear that some accounts of violence against women risk "defining women *solely* by their victimization" (Cahill 2001, 8, italics original). In addition, they argue that women are often portrayed as somehow outside of society, though paradoxically acted upon by it. The main concern of these critiques is that attempts to take seriously the violent victimization of women often do so while also discounting women themselves as forceful sociopolitical actors. The passivity critique is therefore an interrogation of the narratives about gender and power used to make intelligible "violence against women" as a gendered sociopolitical phenomenon, a moral wrong, and a political injustice.

Critiques of "protection" by theorists such as Pateman (1988), Brown (1995), Hengehold (2000), and Bumiller (2008) extend the critique of passivity by arguing that attempts to protect women from violence, especially by the state, risk further entrenching women's oppression via their dependence on a protector. One primary concern about "protection" is with the idea that freedom is essentially the business of the powerful state and not socially embedded ethical and political actors. Within the violence against women paradigm, women's subjection to the state and compliance with its paternal

power is frequently cast as the key to ending women's oppression. As the critics point out, such a view evacuates feminist discussions of their potential for radical grassroots political change and rather problematically proposes that the solution to women's lack of social power is further subjection. In addition, any "protective" solution to violence is likely to be, at best, inconsistently enforced.

Finally, the critique of "powerlessness" is the most pervasive critique because it questions the very understanding of "power" most often employed within the violence against women paradigm. Critics, such as Cahill (2001), Mohanty (2003), and Halley (2004, 2006), contest the picture of gendered oppression created by feminists who concentrate on violence against women, because violence appears to be a simple form of repressive and subordinating power that acts upon *already formed statically gendered* subjects. This idea of power as brutely subordinating sets up a trans-historical conceptual dichotomy between powerless oppressed women, who are violated, and powerful male oppressors, who violate. *This dichotomy reifies the idea that to be oppressed is to be rendered powerless by other socially powerful actors who act freely upon the oppressed. While there are very real imbalances in social, political, and economic power, this notion of power as repressive is an oversimplified and overly dualistic understanding of the complicated ways that oppression inflects people's lived political and ethical possibilities.* In the next chapter, I argue along with Beauvoir that such a dichotomy, while appearing to address oppression, actually increases oppression because it cannot account for the actions of the oppressed (including violent actions) through any lens

except for one of powerlessness. [15] Oppressed existents are situated as completely lacking freedom, an idea alien to Beauvoir's existentialist ontology.

The various critics of the violence against women paradigm insist we need to illuminate the power dynamics that produce gendered forms of oppression rather than simply treating gendered power dynamics as static realities. This requires a revision in our thinking from concentrating on "having" power towards the ways in which power is "circulated" (to use the Foucauldian term) between actors in oppressive and unjust ways as they act in specific historical and sociopolitical contexts. The critics of the violence against women paradigm call for feminists to give accounts of how it is that gendered forms of power operate *throughout* our lives in both "productive" and "repressive" registers, and not simply in instances of injurious, or dominating force. This is because oppression seen merely as brute or repressive force is not an accurate picture of the complex workings of oppression. Rather, brute or repressive force is merely one aspect of a multifaceted web of power in which all social actors, including women, are embedded and actively participate.

Taking these critiques seriously, it becomes essential that feminists rethink how it is we understand the relationship between power, oppression, and violence. While it is tempting to see violence against women as proof of patriarchal oppression's totalitarian domination of women and women's bodies, such a view of oppression paradoxically

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[15] This critique is influenced by the reading of the relationship between a dichotomous notion of power and the development of modern morality outlined both by Nietzsche and Foucault. See Nietzsche section 260 of *Beyond Good and Evil* and his discussion throughout *On the Genealogy of Morals*. See also the Foucauldian understanding of power articulated in *The History of Sexuality: An Introduction*, *Discipline and Punish,* and "*Society Must be Defended*."

risks obscuring our ability to see women as political and ethical actors. As I outline in the following chapters, such a dualistic view of oppressive power actually works to discount women as significant social and political actors, furthering their oppression (Chapter 3) and oversimplifies ethical calls for non-violence by evacuating ethics of its political valence (Chapter 4). Thus, the following chapters push the critiques of passivity, protection, and powerlessness discussed in this chapter beyond critique by gesturing towards a feminist theory of the ethicopolitical relationship between violence and oppression as a relationship primarily concerning *ethical freedom*.

Women as Acted Upon: Gender as Passive Victimization

The ethicality of women committing violence can not be considered in discourses in which women's violence is not a live possibility to be considered. Examining feminist identity politics in her controversial 1992 article, "Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention," Sharon Marcus argues "against an identity politics which defines women by our violability" (Marcus 1992, 387). Marcus strongly contests any feminist political theory that assumes that men and women simply enact gendered roles that are pre-scripted for them and thus "make the identities of rapist and raped preexist… rape itself" (Ibid., 391). Identity politics that are based around women's injurability increase women's fear and emphasize women's vulnerability instead of discussing the possibility for women to actively (and ethically) resist violence done to them.

In her book *Just Sex*? Nicola Gavey argues that such feminist identity politics require "discursive support for ways of being and acting that make sexual coercion and rape more possible" (Gavey 2005, 174). She argues that the "the language of sexual victimization," as it is currently spoken by many feminists, often contributes to the rape script. *This is in place of developing a feminist language that can disrupt gendered scripts of violence and allow for a wider array of ethical possibilities and actions*. Given that feminism has often engaged in critiquing and resisting oppressive gender roles assigned to women, the critique of passivity should give us significant pause. Feminists who theorize gendered oppression as a mode of brute "unfreedom" reduce women down to a position of passive helplessness in the face of oppression.

The language of victimization found in many feminist narratives of violence against women uncomfortably aligns with sexist caricatures of women as helplessly "feminine" and innately vulnerable subjects. This view of women is widely intelligible and ideologically in line with deeply misogynist views of women and their bodies as passive and violable. Thus, identity politics based on physical harm done to women stand in tension with the possibility of articulating other ethical and political meanings and interpretations of the ties between gender and violence. Christine Helliwell's point in "'It's Only a Penis': Rape, Feminism, and Difference" is instructive here. She notes that the way Western feminists often discuss rape relies on reiterating "the normative Western iconography of sexual difference" that "leads them to reproduce (albeit unwittingly) the very discursive framework of Western rapists themselves, with their talk of 'tools' and 'holes'" (Helliwell 2000, 812). Feminist views of oppression that theorize along similar

lines as those systems and discourses that oppress women must be questioned for their repetition of "truths" about the ontological status of womanhood as one based in passive injurability.

These critiques of "passivity" should not be read simply as an objection to calling women "victims" because doing so contributes to the sexist view that women are weak or passive. This critique is also not essentially a question of whether women have something called "agency"–an individual and rational will to act in their own self-interest (itself a liberal ideal).[16] Although both of those concerns may be related to the critique of "passivity," they do not adequately capture the depth or import of this critique.

The critique of passivity resists the transformation of women's experiences of violence into an ontological *claim about being a woman* based in a conception of oppression that situates the oppressed *as solely acted upon*. These critiques refute the discursive process (unintended or not) of taking violent events that happen to women and converting them into essential knowledge about the identity "woman." Most significantly, the feminist critics of passivity do not want the identity of the injurable woman to be the foundation for a feminist politics that speaks, in a paternalistic fashion, politically and morally *for* women.

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[16] It is beyond the scope of this chapter to discuss the feminist debates over agency. However, as Martha Mahoney points out, the contemporary notion of agency commonly deployed in discussions about battered women is reliant on the atomistic, self-interested actor of traditional liberalism. She writes, "In this concept, agency does not mean acting for oneself under conditions of oppression; it means *being without oppression*…" (Mahoney 1994, 64). See also Saba Mahmood's discussion of agency in *The Politics of Piety* (2004).

Due to high rates of violence against women in various aspects of their lives, some feminist theorists have even gone as far as to posit a type of "gender war" between men and women in daily life.[17] This extreme version of the violence against women paradigm argues that men enact a war upon women through the pervasive use of violence against them. Although the metaphor of war may seem accurate to describe gendered power relations, the fact that women appear to be oddly non-participatory in this gendered "war" troubles some feminist critics of this discourse. Kristin Bumiller notes that such views of a "gender war" often assert the view that there is a "global system of terror in which women are in constant fear of the violation of their bodies" (Bumiller 2008, 18). It is not that we shouldn't take note of the ways in which women do fear, or *do experience* in large numbers, violence against them. Rather, the issue with such a representation of a gender war is that women are oddly cast as fearful subjects whose *only part* in this "global system of terror" is paradoxically as receivers of seemingly *inevitable* attacks. In other words, women are situated as passive, yet embodied, objects. Cahill argues, "Even in such an extreme model, the conflict would be between men and women, and the model….–where women are precisely denied a participatory role in the conflict…–would be inaccurate" (Cahill 2001, 20-21). In order for there to be a "gender war," women would have to be *participating* in that war. Instead, women are more often portrayed as being acted upon, but not doing any acting of their own.

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[17] Kristin Bumiller cites Stevi Jackson (1995), Susan Brownmiller (1975), and Judith Herman (1997) as all employing metaphors of war in their discussions of rape and violence against women. See Bumiller 2008, page 170, footnote and Chapter Two of Bumiller entitled, "Gender War: The Cultural Representation of Sexual Violence".

The violence against women paradigm speaks in the name of women by casting women as mute and in need of a protector because they cannot actively participate themselves. As Marcus argues, this constitutes

> a gendered polarization of the grammar of violence in which the male body can wield weapons, can make itself into a weapon, and benefits from an enforced ignorance concerning its own vulnerability; the female body is predicated by this grammar as universally vulnerable [and] *lacking force*…(Marcus 1992, 395, italics added).

Such a view does not, as Carine Mardorossian argues, imply "that woman who get raped… [submit] to the role of victim" nor that it "places…the 'responsibility' for the outcome of this scripted interaction on women and women alone" (Mardorossian 2002, 753). Contrary to this claim, these critiques contest an understanding of gendered violence which re-objectifies women by denying that oppressed people, including women, lack force.

Casting the relationship between women's violent victimization and their gendered identity as essential often has the effect of making it seem as though women are non-participatory members in the societies in which they live. Marcus emphasizes that gendered forms of power do *"not simply oppress, dominate and destroy women* but… [incite] us to become subjects by subjecting us to fear" (Marcus 1992, 394, italics added). Casting women as *objects of violence* has the effect of ignoring women's positions as subjects who are participatory members of human societies that actively produce gendered subjects.

Feminist attention to the production of gendered subjects does not deny that women are often unequal or oppressed within the given sociopolitical order, but it does

strongly reject the idea that to live in an unequal or oppressive gendered system renders women somehow non-participatory in those social systems. After all, women *do* live and act even if their actions are constrained by oppression. A strict division between the oppressiveness of those who act and the passivity of the oppressed (situated as acted upon) further entrenches oppression. As I discuss in the next chapter, Beauvoir insist that being oppressed is not the same as lacking the ethical freedom to act within the world.

Divisions between politically empowered subjects and victimized objects should be immediately suspect to feminists wary of a long history of paternalism towards women. Carine Mardorossian notes in "Towards a New Feminist Theory of Rape,"

> What made the second wave strong was that victims of male violence took social transformation into their own hands…while such political activities still occur, they have been irremediably dissociated from victims insofar as the latter are now *the objects rather than the subjects* of these movements (Mardorossian 2002, 768, italics added).

Treating women as sociopolitical non-entities contributes to their oppression. It is possible to maintain the idea of women as still being sociopolitical actors during acts of violent harm against them without saying that women have consented to violence they experience are that they are responsible for it. To notice that women are present, that they are not reducible to their injured bodies (even as those bodies are injured), is *not* to hold women responsible for the injury done to them. While we must be wary of victim blaming tendencies in discussions of violence, narratives that re-objectify women in the process of explaining violence against them (while often well-intentioned) do not move us far very from deeply sexist views of women that deepen the hold of their oppression.

While critics of "passivity" may at first seem to echo anti-feminist critics such as Katie Roiphe and Camile Paglia, they differ over the emphasis they give to gendered oppression. Roiphe and Paglia's primary critiques are levied against feminism itself, as a theory of gendered power, accusing it of having "disempowering" effects on women by falsely claiming that women are oppressed. As Gavey notes, these thinkers "share an uncritical investment in a particular kind of modern liberal subject–as autonomous, rational, and free actors…The female subject in these kinds of accounts is ideally invulnerable to social pressure…" (Gavey 2005, 71). Critics of "passivity" appear to share something with these anti-feminist critics because both groups object to situating women primarily as victims.

However, the anti-feminist investment in liberal ideas about men and women as "equal in their rights and responsibilities" is offered *without* attention to "gendered forms of power" (Ibid., 199). This makes these anti-feminists essentially individualist liberals insofar as their schema for understanding violence is based on the "gender sameness" of the idealized liberal actor.[18] The feminist critics of "passivity" I am discussing here (Marcus, Gavey, Helliwell etc.) *do* recognize differences in gendered power as essential to their interpretative framework and reject the idealized gender-neutral actor proffered by liberalism (Ibid., 228). Thus, the critique of passivity is not simply a critique of "traditional feminine" gender roles or notions of women's victimhood, but rather it is a critique of the analytic practice of situating women as somehow the passive objects of

[18] See Chapter One

oppression. The critics of passivity wish to situate oppressed people, including women, as active subjects even though they are embedded in systems of unjust power relations.

The critique of passivity, then, strongly refutes a tendency to discount women as ethical and political actors by focusing instead on men (and masculinized subjects) as the ethical and political actors. That women's potential range of action is significantly restricted or curtailed by both the immediate acts of violence (or threat of violence) and larger sociopolitical systems of gendered oppression does not turn women into passive or blank objects and we should be very wary of discourses that slip into conceptual schemas of this kind. Cahill writes,

> it is inaccurate to understand women as *only* acted on and never acting. In other words, to say that the political and social structures acts in such as way as to perpetuate the threat of rape, and thus to construct women as rape victims by definition and training, is to assume that that same structure does not in some important way include women as acting subjects themselves (Cahill 2001, 25).

Feminists need a model for discussing violence that goes past "acting" and "acted upon" towards one that recognizes the vulnerability of embodied actors within specific political, social, and economic contexts. "We must be careful to remember that women are not only victims of culture, but members of it (albeit secondary members in many ways)," Cahill argues. She continues, "If we understand women as not merely acted upon, but acting–that is, if we understand power as producing possibilities, abilities, and identities–then women are not fundamentally outside culture, but implicated in it" (Ibid., 4). It is imperative that feminists refuse to discount women as sociopolitical actors in our attempts to make power imbalances between men and women intelligible. By returning to

Beauvoir's existentialist ethics, as I do in the next chapter, feminist theorists can simultaneously understand women as social, political, and ethical actors *and* existents whose freedom is constrained by relations of oppression. It is not necessary, in this view, to situate women as passive and outside the very societies that oppress them in order to discuss the harms and limitations caused by oppression.

The Paternalism of Protection: Women's Subjection to the Liberal State and Social Order

While critiques of "passivity" concentrate on the ways that women are objectified in discussions of violence, critiques of protection extend this analysis of objectification to the subjection of women to the powerful protective body of the state. Protective solutions to violence contribute to the conception of women as lacking the ability to directly transform social reality themselves and posit instead that the force of the state must be used to "protect" passively vulnerable women. Protection arguments eclipse the need to increase women's social and political power, because they focus primarily on the expansion of state power over people, including women. The turn to the state, therefore, implicitly or explicitly relies on a position in which men seem to have an unquestionable power over women (and their bodies) and feminists attempt to "dissuade" men "from using this power by means of threatened punishment from a masculinized state or legal system" (Marcus 1992, 388). In short, the assumption of women's "passivity" is transformed into a reliance on a paternalistic legal system that seeks to protect women from men's disproportionate power, particularly the power to harm women's bodies.

The feminist turn to the state, made in the name of the legal protection of women from violence, is essentially in line with the social contract formulation of liberal ethicopolitical order. The "protection" of women appears quite rational and persuasive against the backdrop of abstract rights and *freedom defined*, *in its first instance*, as protection from the harm of other individuals.[19] Insofar as "protection" uses the conceptual frame of social contract for its foundational assumptions about violence and state power, gendered oppression must be transformed into finite instances of subordinating injury in order to make it "illegal," justifying governmental intervention and regulation. As Wendy Brown notes,

> While the effort to replace liberalism's abstract formulation of equality with legal recognition of injurious social stratifications is understandable, what such arguments do not query is whether legal 'protection' for certain injury-forming identity discursively entrenches the injury-identity connection it denounces (Brown 1995, 21).

While legal approaches to violence against women are intended to protect women from violence, they also further entrench the ideological connection between women and their injurability and between being oppressed and being acted upon (but not acting). Further, the politics of "protection" do not necessarily entail changing the unequal social order (ending gendered oppression) that ostensibly renders women in need of protection in the first place. Codifying "sex-specific" violence into the law may paradoxically entrench the concept of women as injurable in a purportedly decontextual and ahistorical legal discourse.

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[19] See Chapter One

Furthermore, as Brown points out, calls for protection under the law often make it so the liberal state appears "neutral" (in the guise of the mutually beneficial and "voluntary" social contract) rather than "invested with the power to injure" (Ibid., 27). The capacity of the state to do violence as the sovereign power disappears so that "efforts to 'outlaw' social injury powerfully legitimizes law and the state as appropriate protectors against injury and cast injured individuals as needing such protection by such protectors" (Ibid.). To be dependent on the state for protection does not necessarily render women any more powerful within it or the larger social body. It does, however, bolster the power of the state itself (of which women currently have a minority share) and the hegemony of social order based on the foundational liberal myth of the social contract.

Women have particular reason to be wary of the politics of protection (Ibid., 169). Under the terms of the sexual contract, for example, women were forced to turn to men to protect them from other men in lieu of being considered full political subjects (Pateman 1988). Brown notes, "to be 'protected' by the same power whose violation one fears perpetuates the very modality of dependence and powerlessness marking much of women's experience across widely diverse cultures and epochs" (Ibid.,170). That the liberal state is effectively a benign actor towards all women is far from clear, and women's dependence on it for protection arguably serves to politically dis-empower women while also opening them up to identity-specific (gender/race and/or class specific) forms of state regulation, coercion, and violence.

In her book *In An Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence,* Kristin Bumiller argues that calls for the (neo)liberal

state to protect women from violence have become commonplace with feminism, especially feminist NGOs. However, she argues that such calls for protection are made primarily "for the purposes of containing crises and managing harm, *not to address women's systematic oppression*" (Bumiller 2008, 13, italics added). Violence against women becomes a sign of generalized social disorder and not women's systemic and unjust oppression. The emphasis placed on social order in these discourses means that women become the objects of management and surveillance by both the state and quasi-state civil bodies such as NGOs. Bumiller, therefore, questions, "narratives [which] exaggerate the potential for all women to become victims and the need for state-exercised social controls" and narratives that "make it appear that sexual violence is at the root of social disorder" (Ibid., 17). Violence against women has been transformed into an intelligible moral wrong in contemporary society because it is threatening to the liberal idea of social order.[20]

While second wave analyses of violence against women were primarily rooted in the need to end *systemic* oppression (Haag 1996), analyses of violence against women is now largely tied to the contemporary sociopolitical "management" of violence against women by both state and quasi-state bodies. Where increasing women's *freedom* (sexual, political, bodily, social) was once a primary concern in the feminist discussion of violence against women, Bumiller argues that the violence against women discourse is now employed in ways that effectively *limit* women's freedom. She writes, "an ostensibly feminist knowledge about sexual violence inform[s] professional practices and

[20] See Chapter One.

spearhead[s] the surveillance and management of victims" (Ibid., 7). Mardorossian also observes this shift in the potential solutions posed for violence against women. She notes, "democratic grassroots organizations working toward ending the 'social' problem of sexual violence" have now become "state-funded liberal agencies promoting self-help and personal healing" for women victims (Mardorossian 2002, 771). If increasing women's collective political power and freedom was once a goal of the grassroots feminist movement, this concern for women's power and freedom has gradually shifted towards the biopolitical management of women and a conservative feminist moralism evoked in the name of women as "vulnerable."

Therefore, the fight to "end violence against women" now largely defers "to the more pressing prerogatives of security, public health, preservation of the family, and other demands to maintain order" (Bumiller 2008, 7). This fact causes Haag to argue, "feminist antirape initiatives directed at the social contract" directly benefit law enforcement bodies as these enforcement bodies "display [their] gentler role as protector of the besieged citizen's body" tacitly represented by raped women (Haag 1996, 55). The patriarchal liberal social order, once under critique by feminism, now oddly appears as a benevolent and protective regulatory feminist body.

The feminist turn to the law plays on social panic and maintains the idea of the police and state as the protector of "virtuous white women" (Bumiller 2008, 9-11). In her important 1991 article "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women," Kimberle Crenshaw first drew attention to the particular inadequacies of an identity politics based approach to violence against women from the

perspective of addressing violence against non-white women. As she argues there, "the violence that many women experience is often shaped by other dimensions of their identities, such as race and class" (Crenshaw 1990, 1242). Turns to the state for aid or protection may prove particularly inadequate and misguided for women who are more likely to be violently regulated by the state because they are seen as part of a social group that "threatens" the social order (instead of one that needs protection). [21]

Speaking specifically about rape trials in her article "Remapping the Event: Institutional Discourses and the Trauma of Rape," Laura Hengehold sees these trials as "rituals for healing social wounds" that operate on "a case-by-case basis…by punishing individual offenders without disrupting patterns of organized racial and economic violence or sexual custom" (Hengehold 2000, 195). Thus, as Brown notes, feminists should be concerned with "the potential dilution of emancipatory political aims entailed in feminism's turn to the state to adjudicate or redress practices of male dominance" (Brown 1995, ix). Such calls for protection require accepting a liberal narrative about the relationship between injury and equality that results in a myopic view of oppression that is often complicit with racism, classism, and other oppressions. "Protection" is an unequally applied solution at best and one that, at worst, contributes to the political oppression of women, people of color, immigrants, the working class and other socio-politically marginalized groups.

Insofar as these types of protection-based feminist arguments about violence implicitly rely on the narrative of social order found under liberalism's social contract,

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[21] And this is to say nothing of regulation of, and violence towards, women who are not legal citizens by the same liberal nation-state that is ostensibly providing "protection."

they obfuscate a clear feminist account of oppressed people as ethical actors with a capacity and a responsibility for violence. Because the violence against women paradigm focuses on the protection of women it construes women as ethically and politically passive actors, mirroring both the patriarchal idealization of passive femininity and liberalism's idealization of passive political subjects who are obedient and subjected to the forceful sovereign state. This passive feminine subject is in direct conflict with another set of feminist goals: ensuring women's freedom as active social participants and powerful political and ethical actors in their own right.

The task remains for feminist theorists to find a way to account for oppression in our political and ethical frameworks without reducing oppressed people down to oversimplified and vulnerable victims. Protection-based arguments distract feminists from this task. Noting the ways in which social position and social differences inflect *all* people's ethical and political realities and choices can help us avoid essentializing oppressed people and resist reductive universalistic moral and political paradigms that ignore the significance of difference. As I discuss in the next chapter, the rejection of moral and political universalism and a due attention to social difference is a key component of Beauvoir's insights about the ambiguous nature of ethical action.

Gendered Oppression Beyond 'Powerlessness': Violence as Interaction

As critiques of both passivity and protection imply, the larger conception of "power" used in the violence against women paradigm to theorize gendered forms of oppression is problematic for both its inaccurate depiction of patriarchal power as

totalizing and the because this view harms women with its (re)objectifying analytic. Feminist identity politics based on an analysis of violence against women often situate oppression as a whole as simply a question of subordinating and dominating force. Women, therefore, seem to be objects acted upon by the brute force of patriarchy instead of as active (if still unequal or oppressed) members of human society. As I mentioned at the outset of this chapter, this makes it very difficult for feminists to develop political and ethical frameworks that help us theorize women's own ethical and political responsibilities in the context of oppressive circumstances.

Postcolonial, anti-racist, queer, and poststructuralist feminists have all questioned a dualistic and repressive conception of power relations. Yet, the ramifications of these critiques for feminist conceptions of violence, in particular, remain largely under-theorized. As Mardorossian claims, "sexual violence has become the taboo subject of feminist theory today." She continues by noting that the subject has been "relegated to introductory women's studies courses, where it is predominantly subjected to issue-oriented and experiential analyses" (Mardorossian 2002, 743). While there does seem to be some renewed interest in rethinking the theoretical relationship we imagine between gender, oppression, and violence by many feminist theorists (as evidenced by the critiques cited in this chapter), Mardorossian is correct insofar as violence against women is most often treated as a base reality of women's lives in need of "solutions," not theorization.[22]

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[22] See Nussbaum 1999 and Mackinnon 2006 for two examples of feminists who argue against poststructuralist theory as obfuscating feminist solutions to the problems of "real" women, such as violence. Counter this view, there is a growing feminist argument

In her now canonical feminist critique "Under Western Eyes: Feminist Scholarship and Colonial Discourses," Chandra Mohanty takes issue with the conception of power used by some feminists to represent women in the "third-world." While her critique applies particularly to Western feminist representations of non-western women, she insists that her analysis is not limited to those two groups, but applies also to conceptions of power based on a simple division between oppressed and oppressor. She writes,

> The major problem with such a definition of power is that it locks all revolutionary struggles into binary structures–possessing power versus being powerless… The crux of the problem lies in that initial assumption of women as a homogenous group or category ('the oppressed'), a familiar assumption in Western radical and liberal feminisms (Mohanty 2003, 39).

Mohanty objects to this understanding of power as dichotomous because it presupposes the "homogeneity of women as a group" and mistakes "the historically specific material reality of groups of women" for a transcendental, transhistorical essence (Ibid., 23). As a result, women are seen as "an always already constituted group" that is "labeled powerless, exploited, sexually harassed, and so on" by various feminist discourses which are "quite similar to sexist discourse labeling women as weak, emotional, having math anxiety, etc." (Ibid.). This means that feminism then becomes a knowledge project oddly

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that "experience," including the experience of violence, does not exist outside our socio-historical reality as raw and uninterrupted data in need of a feminist interpretation after the fact. Instead, the interpretive meaning assigned to experiences are thought to be central to the having of "experiences" themselves (Scott 1991). Therefore, the question of the discursive "representation" of violence within feminist political and ethical thought is integral to both the individual and collective meaning we give to acts of violence as we interpret them.

devoted to "finding a variety of cases of powerless groups of women to prove the general point that women as a group are powerless" (Ibid.). In so doing, however, "the analysis of specific historical differences becomes impossible, because reality is always apparently structured by divisions—two mutually exclusive and jointly exhaustive groups, the victims and the oppressors" (Ibid., 25). This reproduces the idea that to be oppressed is to be trans-historical and trans-cultural victims—that to be a member of an oppressed group is to be fixed in a position of powerlessness. While this understanding of oppression lends itself to clear cut moral positions concerning violence, I am arguing that feminists turn away from this paradigm in the name of acknowledging both the empirical reality that the world is not divided into two clearly divided groups, the powerful and the powerless, and the ethical difficulty, complexity, and ambiguity that inevitably arises once we acknowledge this fact. I will say more about this in the next two chapters.

The prescient point here is that people do not enter into relations with others as already fully formed selves with a definite amount of power they then employ to their advantage as they act. Instead, it is *through* our interactions with others that we reproduce the sort of beings we "are," and wish to be (Butler 1993a). It is through our productive interactions with one another that power operates, working simultaneously on and through situated actors. For example, Hengehold argues that women's increased fear of violence and vulnerability causes women to "actually differentiate their bodies from those of men, exaggerating their ability to be (and imagine being) *done to* and reducing their ability to *do* and imagine *doing* (italics original, Hengehold 2011, 60). It is this capacity to imagine doing that is central to thinking about ethical possibilities, and, as I

argue along with Beauvoir in the next chapter, a key feature of oppression is to limit the oppressed's concept of itself as capable of doing, *especially* where violence is concerned.

Violent interactions are a salient site for the expression of power because violence (like sexuality) directly makes use of both the vulnerability of the body and some of our most foundational and deep-seated cultural narratives, institutions, and ideologies concerning gender.[23] Understanding how power works in this productive and interactive fashion prohibits a feminist analytic that presupposes the fully formed identity groups "oppressed or victimized women" and "oppressive men." Thus it would be inaccurate to say that women are raped because men have power over women. Instead, as Marcus argues, we must "ask how the violence of rape is enabled by narratives, complexes, and institutions which derive their strength not from outright, immutable, unbeatable force but rather from their power to structure our lives as imposing cultural scripts" (Marcus 1992, 388-89). This framework allows us to acknowledge, for example, "Rapes that occur in different situations and to different (and differently embodied) subjects can have radically different meanings to the victim, and indeed can constitute radically different harms" (Cahill 2001, 114). Given this, the ethical and political import of rape cannot be taken as universal for all women or as revealing, in every case, a deeper "truth" that men have power and women do not. As such, the meaning we assign to rape, and other acts of violence, should consider gender as a relevant contextual factor, but not one that

[23] This is not to imply that we can strictly divide the sexual and the violent interaction.

determines the meaning of the violence it a way that prematurely forecloses the importance of socio-historical and political context.

Violence against women cannot be reduced to an assumption of women's *a priori* powerlessness. This view of power is essentially repressive so that women can be understood as nothing other than powerless victims (Ibid., 45). As Cahill maintains, the violence against women paradigm

> adopts a dichotomous model of power dynamics whereby, by definition, women are victims and men are oppressors… power is a strictly straightforward matter, a means wielded by men to dominate women, a force that infuses all aspects of social interaction and is therefore inescapable. In this model of power, women are only acted on, not acting…. (Cahill 2001, 44).

This concentration on women's powerlessness creates a "politics of recrimination that seeks to avenge the hurt even while it reaffirms it, discursively codifies it" (Brown 1995, 74). This involves a reproach of power in favor of a "vengeful moralizing" as women are seen as lacking power and their identity as women is produced in relation to this idea of decontextualized and transhistorical powerlessness (Ibid., 70).

While arguing that women are powerless, Janet Halley points out, feminists may also be "threaten[ing] to wield power while denying it." This involves denying that the norms of feminism may also have power, including the power to injure or harm (even women) (Halley 2006, 34-35). Feminism is therefore left without "a theory and practice of its own role in governance, *of itself as responsible wielder of power" when it situates women as always already powerless and derives its critique from that position of speaking for powerless women* (Halley 2004, 65, italics added). *Because being*

oppressed is conflated with being powerless in this framework, there is no articulation of what oppressed actors ought to do politically or ethically in the face of such oppression. Seeing women as ethical and political actors, especially where violence is concerned, is un-theorizable in a framework that situates women as completely lacking in both power and force. That patriarchal societies have often fostered views of women as ethically and politically irresponsible and as passive is a given within feminist thought, but that some feminists repeat this view of women through a recourse to dichotomous understandings of power in their discussions of oppression highlights the need for feminist political and ethical theories devoted to the ethical responsibilities and obligations of oppressed people—that is, to their ethical freedom.

Conclusions: Thinking Violence and Gendered Oppression Through Ethical Ambiguity and Vulnerability

The insistence that women's oppression is equivalent to their powerlessness problematically confuses the exercise of power with violence so that all uses of power appear somehow injurious. Counter this view, Foucault argues, "in itself the exercise of power is not violence" (quoted in Gavey 2005, 87). To talk about women exercising power is an important part of resisting the position of women as the transcendentally powerless. This involves accounting for the possibility (and actuality) of their force, including violent force, and the ethical ambiguity that comes along with giving up dichotomous models of gendered power.

Thinking about women's force opens up different possibilities for acting and being that do not insist on the inevitably of violence against women. Speaking of women's force is therefore valuable because "representing the very possibility of such a thing arguably shores up the possibilities of women's nonpassivity and men's vulnerability…." (Ibid.,196). This is not to argue for an "inversion" of power relations between oppressed women and oppressive men so that women oppressively exploit men's vulnerability. Instead, it is to recognize "the body as lived and experienced by the situated subject" (Cahill 2001, 74) and, in so doing, acknowledge the dynamic and shifting aspects of power within people's lives, only some of which have to do with their gendered identities and subjectivities. Judith Halberstam argues in "Imagined Violence/Queer Violence," "The depiction of women committing acts of violence against men does not simply use 'male tactics of aggression for other ends…it…challenges the hegemonic insistence upon the linking of might and right under the sign of masculinity" (Halberstam 2001, 191). Such a shift in thinking allows us to acknowledge women's force and men's vulnerability when it occurs, pushing us to consider the ways in which violent force and vulnerability are not innately sexed or gendered, but arise contextually in lived human situations. Rather than structuring our understanding of violence around the assumption of women's passivity and men's invulnerability, feminist theory should be devoted to showing the ways in which these assumption often do not bear themselves out, and in failing to "come true" complicate the process of ethical choice and judgment. Such attention to ethical difficulty and ambiguity helps us to refuse the view of gendered

oppression in which men, by definition, are the transcendental subjects of power and women, by default, become the violently acted upon objects of that power.

Shifting our analysis of gendered oppression beyond "subordination as injury" (Halley 2006) approaches necessitates articulating "new and more varied moral arguments" (Gavey 2005, 191) beyond ones that rely on demonstrating injury to make moral and political claims intelligible under liberalism. This means rethinking the feminist discourse that argues that violence against women is the objective proof of women's oppression. The use of brute and violent force against others is only one way that oppression may be enacted, and then, it is only within a larger social and historical context that this is so. That we could theoretically imagine (and hope for) a world in which violence against women disappears does not mean (unfortunately) that in such a world gendered oppression would have been eradicated.

Accounts of oppression that rely upon proving and re-proving women's injury to demonstrate women's oppression ignore *the ethical and political lives of women as themselves significant sociopolitical actors*, if still oppressed ones. As I said in my introduction, this feminist approach to thinking about violence and gendered oppression fails to adequately consider women as relevant sociopolitical actors by situating women as primarily acted upon rather than acting. This is why Beauvoir's ethics of ambiguity is such a rich place of engagement for feminist considerations of ethics—because she centrally concerns herself with how oppression alters the ethical responsibilities and possibilities of oppressed people, especially women.

In this chapter, I have highlighted a variety of critiques of the violence against women approach and the way this approach imagines the relationship between gendered oppression and violence. Despite the acuity of these critiques of the violence against women discourse, they do not offer feminists much in the way of alternative ethical theories of violence. As such, even despite the large body of literature critiquing the way feminists have thought about violence against women, feminism has yet to fully develop accounts of the ethical and political obligations and possibilities of women in regards to violence outside of a dichotomous model of power in which men "do" violence and women "receive" it. As Gavey notes, "the language of victimization was proposed as a way of making sense of and opposing the moral injustice of women's oppression through violence and harassment" (Ibid., 170). This means, however, that in order to show that there is something unjust about patriarchal power relations in contemporary society we must establish "harm in order to make a moral stand…" (Ibid., 189). This involves a "habitual holding up of 'the broken body as the way to argue that a set of social arrangements is objectively wrong'" (McCaughey in Gavey 2005, 229). Such a task requires "that women cry amply, unfurl physical bruises, and appear sufficiently raw and distraught…because if they do not their victimization is too subtle to register in courts of law or public opinion" (Haag 1996, 60). The violence against women paradigm therefore requires that *actua*l "broken bodies" of women be used as visible evidence all women as oppressed. Yet, in demonstrating the reality of gendered oppression in this way, feminism itself paradoxically comes to depend on women's broken bodies, both actual and metaphorical, to speak politically and morally against oppression. The chapters that

follow provide a way for feminists to think and speak about the relationship between violence and oppression without needing the empirical evidence of violence against women to make ethical or political claims.

In addition to these concerns about understanding the gendered oppression of women through reference to physical violence, Renée Heberle persuasively argues that the violence against women approach vastly overestimates and consolidates men's power. She suggests in her 1996 article, "Deconstructive Strategies and the Movement Against Sexual Violence" that men's violence against women can be read as a "sign of the instability of masculinity rather than the sign of the totality of patriarchal power" (Heberle 1996, 67). She continues this line of thought in a 2009 article, "Rethinking the Social Contract: Masochism and Masculinist Violence," arguing that an attention to the "paradoxes of liberal, modern subjectivity" should caution us against "investing masculine norms with a coherence and solidity they do not possess" (Heberle 2009,126). Therefore, she insists, "Acts of sexual violence are not only the seamy underside of liberal contractual relations, they are an acting out of the terms of identity and power…inherent in relationships and social dynamics shaped by the terms of the social contract" (Ibid., 129). Men's violence against women is often justified by men via their own assertion of victim status. This claim is productive because of "the modern *liberal* masculine subject of the social contract" who is "constituted through the anticipation of victimization" (Ibid., 126, 132, italics original). Therefore, similar to feminist cautions against situating women as powerless in a totalizing system of male power, Heberle warns us against understanding men's violence as simply a sign of their totalizing power.

As such, feminists also need ways to talk about men's vulnerability (bodily and otherwise). This means unhinging being vulnerable from being oppressed. In Chapter Four, I consider both the importance and limitations of feminist ethics built around acknowledgements of universal human vulnerability.

Having reviewed the many critiques of the violence against women approach, I now turn to Simone de Beauvoir's concept of ethical freedom in the following chapter. Beauvoir's ethics can help feminists think the relationship between oppression and violence without situating women as passively and powerlessly oppressed (and men as innately and unavoidably powerful and invulnerable). Oppressed people, Beauvoir reminds us, have ethical responsibilities too, but ethical decisions always arise within social, political, and historical contexts. Thus, ethical freedom is not an unbounded possession or attribute of the subject to make any choice despite his or her circumstances. Ethical freedom must be lived and worked through, presenting us with inevitable ethical difficulties as we exist in complex, interdependent, and sometimes oppressive, relation with others.

Chapter Three: The Ambiguity of Oppression: Simone de Beauvoir's Ethics of Violence

In recent years, there has been a renaissance of work focused on the *oeuvre* of Simone de Beauvoir. Scholars, such as Kristina Arp, Nancy Bauer, Debra Bergoffen, Penelope Deutscher, and Toril Moi, among a number of others, have published insightful scholarship dedicated to critically reexamining Beauvoir's work beyond its entrenched domestication within feminist theory and existentialist philosophy. The tendency amongst feminist and women's studies scholars is to read small sections of *The Second Sex* (most frequently, it seems, the first chapter) in a largely symbolic genuflection to Beauvoir as a feminist foremother. The tendency in philosophy is to understand Beauvoir as derivative of J.P. Sartre. As has been widely noted of late, neither of these engagements involve more than a superficial glance at Beauvoir's work, mentioning it in order to situate it as a now overcome precedent to more pressing contemporary theoretical positions.[24] What has emerged from recent renewed study of Beauvoir is a complex series of interpretations

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[24] Toril Moi writes in the preface to *What is A Woman?,*

> Although it would be wrong to say that it has been forgotten, *The Second Sex* has yet to be properly inherited by contemporary feminist theorists. By this I mean that it is still not generally drawn upon in contemporary theoretical discussions; that teachers of feminist theory and women's studies often tell me that they haven't read it since they were 18, or that they never finished it; that it is not usually taken seriously in seminars on feminist theory; that it tends to be either quickly dismissed or rapidly genuflected to in prefaces and introductions; and that when it is engaged with, the text is usually read from a stance of critical impatience and superiority (Moi 1999, vii).

of her philosophical and literary works that uncover a variety of themes in Beauvoir's work: her use of the phenomenological tradition and her attention to the body,[25] her adaption and revision of the Hegelian master-slave dialectic,[26] her views on the relationship between literature and philosophy,[27] her rejection of abstract philosophical "system-making,"[28] her attention to the political and to situations of oppression,[29] her idea of ambiguity,[30] her treatment of universals and particulars,[31] and her vision of erotic generosity and reciprocal recognition.[32]

Beauvoir's theorization of violence, however, has been remarkably under-examined, especially in its relation to feminist theory. As Ann V. Murphy has recently stated,

> Even as the current renaissance in scholarship on Beauvoir continues to explore her profundity and importance as a philosopher, sparse attention has been granted to her thinking on violence. This elision is of some importance, for it is around the notion of violence that Beauvoir organizes her thinking on the relationship between ethics and politics (Murphy 2006, 262).

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[25] Heinämaa 2006

[26] Lundgren-Gothlin 1996; Bauer 2001; Musset 2006

[27] Fallaize 1998; Grosholz 2004

[28] Le Doeuff 1989; Vintges 1996; Bauer 2001; Moynagh 2006; Zakin 2006

[29] Kruks 1990, 1998; Arp 2001; Marso and Moynagh 2006; Murphy 2006; Weiss 2006

[30] Keltner 2006; Tidd 2008

[31] Moynagh 2006; Zakin 2006

[32] Bergoffen 1997, 2006

As Murphy maintains in that essay, what Beauvoir has to say about the relationship between violence and oppression is a needed contribution to feminist theory in the 21st century.

Beauvoir shows us that denying oppressed people ethical freedom, especially where violence is concerned, is a key feature of their oppression. A few scholars have recently paid attention to the centrality of violence in Beauvoir's work. See Hutchings (2007a; 2007b) and Murphy (2006). Arp (2001) also discusses Beauvoir's treatment of political violence in her ethics, but maintains that her argument is "unconvincing" (Arp 2001, 125). I expand on their helpful work in this chapter, as I argue that Beauvoir's insights about violence and ethical freedom can helpfully contribute to feminist theory. She strongly refutes the tendency, common in feminist theories of violence, to situate oppressed people solely as victims of violence with no possibility for ethical action or ethical responsibility themselves. Beauvoir's ethics offer contemporary feminist theorists an account of the ways violence *can* be oppressive without defining oppressed people, especially women, as the passive receivers of such oppressive violence.[33]

Through her focus on the relationship between ethics and freedom, Beauvoir shows us that ethical actions involve an inherent ambiguity derived from the possibility that we may do violence to others. In order for feminists to give an ethical account of violence that does not contribute further to the oppression of women, we need to take up violence as our own possibility and responsibility. Attention to the Beauvoirian emphasis

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[33] See Chapter Two for critiques of this tendency in feminist theory.

on *ethical freedom*[34] can aid feminist theorists in this task by showing us how to think about violence in ways that recognize the oppressive aspects of violence without denying the ethical freedom of people who are oppressed.[35] While it is true that ethical actors may be constrained, even radically constrained, in a variety of ways by the oppressive situations in which they exist, these situations of oppression should not be conflated with the oppressed's lack of ethical freedom *in toto*. Toril Moi attempts to capture this aspect of Beauvoir's work by differentiating between concrete freedom and existentialist ethical freedom in Beauvoir's writing. Moi argues, "On the existential and ethical level, nobody is more or less free than anyone else. To imagine otherwise is to objectify and diminish the other, to imply that some human beings are less exemplary than others. For this reason it is a cause for outrage for Beauvoir that some people have far greater concrete freedom" (Moi 1999, 230). I agree with Moi here, insofar as I see Beauvoir maintaining the idea that all existents have ethical freedom and we should treat them as such. Still, not everyone has the *same* ethical freedom because of limitations on their concrete freedom.

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[34] Kristina Arp develops the concept of "moral freedom" in Beauvoir's ethics in her *The Bonds of Freedom: Simone de Beauvoir's Existentialist Ethics* (2001). I will discuss Arp's conception of moral freedom later in the chapter. Arp prefers the term "moral" freedom over the term "ethical" freedom, despite the fact that translations of Beauvoir most often use the term "ethics." I am using the term "ethical" freedom here, not because of a translation preference, but because I would like to situate Beauvoir within a conversation concerning "post-moral" ethics (see Butler, *Giving an Account of Oneself* from 2005, pages 3-5 for a discussion of the differences between ethics and morality in this vein). As I understand it, the term post-moral ethics denotes a kind of thinking of ethical problems that insists on the importance of context—social, political, historical, etc.— for making ethical decisions. Thus, in her resistance to philosophical "system-making" and moral rules, I see Beauvoir contributing to this kind of ethical project which is more a method or praxis than a set of virtues or normative rules for behavior.

[35] See Chapter Two.

To this extent, a distinction between ethical and concrete freedom seems less helpful than it may at first appear because Beauvoir's point is that the two are inextricably bound.

Ethical freedom is not an unbounded or unlimited form of liberty inherent to ethical subjects. A focus on ethical freedom calls for attention to the conditions of possibility that allow for the creation of ethical values and action towards those values. The concept of ethical freedom in Beauvoir's writing recognizes that our ability to act is deeply enabled and constrained by our lived *situation*. This focus is essential if feminist ethicists want to avoid oppressive forms of morality that may be concretely untenable or inappropriate within oppressive situations. To have limitations on one's ethical freedom because of oppressive power relations is not the same as being ethically passive, irresponsible, or in need of paternalistic protection. To treat the oppressed in this way contributes to their oppression, because it discounts their capacity to posit ethical values or enact those values in the shared human world. In other words, it forecloses our ability to recognize them as active ethical agents and instills the temptation to speak morally in their name.

In this chapter, I focus on the philosophical works of Beauvoir's so-called "ethical period" (roughly 1945-1949) in order to demonstrate their usefulness as a contribution to some key impasses in contemporary debates in feminist theory, especially the feminist theorization of violence.[36] Until recently, feminist scholars have mostly ignored the work

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[36] I am restricting my analysis to her non-fiction pieces written during this time. She also published several novels and a play during her ethical period. Most scholars consider these fictions works to be philosophically significant, and Beauvoir herself would have also seen them as such (see her essay "Literature and Metaphysics" from 1946). As Sara Heinämaa writes, "…the contrast Beauvoir makes between philosophy and literature is

that came before *The Second Sex* in Beauvoir's *oeuvre*. However, Beauvoir's writings on ethics coincided with the period in which she wrote *The Second Sex.* Attention to these texts provides a fuller picture of her ethics, especially her ethical project in *The Second Sex*. Indeed, *The Second Sex* is the culmination of her "ethical period" writings. For Beauvoir, oppression, including gendered forms of oppression, was foremost a question of ethics—of ethical freedom.

Situations of Oppression: The Foreclosure of Ethical Freedom

Many feminist moral claims are articulated in the form of making theoretical arguments about why people *ought not* act in ways that cause the oppression or suffering of others.[37] Alternatively, feminist ethicists attempt to theorize ideal forms of ethical relations that would not be oppressive or harmful to others.[38] A good deal of feminist

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not a rejection of philosophy for art, but a rejection of philosophies that do not pay attention to living experience and its expression in language." (Heinämaa 2006, 28). It is decidedly not my intention to demarcate a strong division between the literary and the philosophical. Rather, my focus on non-fiction works from the period, particularly the essays from the post-war journal *Les Temps Modernes*, is strategic, because these essays have less often been critically considered as a significant contribution to Beauvoir's ethics. Kristina Arp also makes this point in her *The Bonds of Freedom,* commenting that Beauvoir was dismissive of the *Temps Modernes* essays (and generally her "moral period") later in life (Arp 2001, 32). Arp, however, does take up the essays and her attention to them certainly influences my own emphasis on ethical freedom in this chapter.

[37] For classic examples see: Wollstonecraft 1792 and Mill 1869; For more contemporary examples see: Gilligan 1982; Ruddick 1989; Kittay 1998.

[38] For example see: Irigaray 1994; Cornell 2000; Oliver 2001; Butler 2004, 2005, and 2009.

writing, then, deals with moral questions by demonstrating the moral wrong that is the abuse of force or power used to dominate and injure others or articulating forms of ethical relations that would not involve such abusive force. In other words, there is a strong feminist moral tradition emphasizing the importance of non-violent relations with others in both the Continental and Anglo-American theoretical traditions.

These arguments, while important, often fall short by failing to consider the ethical limitations and obligations of people who are oppressed. Feminist ethicists should be concerned not to evade the political realities of oppression that are a central feature of the contemporary world, even as they are committed to articulating ideas about how to ethically live out our relations with one another. The question of how to ethically respond to those who are harmfully oppressing you is left unaddressed. This contributes to the sense that the "real" ethicopolitical actors on the scene are only those who are in a position to be oppressive to others.[39] Beauvoir's attention to the ethical responsibilities of the oppressed is significant for its refusal to situate oppressed people as merely powerless and acted upon with no ethical freedom of their own.

Beauvoir's attention to oppression entailed a strident critique of moral idealism. She saw moral ideals as a practically uninhabitable system of moral rules that often contributed to, rather than lessened, oppression. A moral prohibition against violence was one such moral rule. She argues in her essay, "Moral Idealism and Political Realism,"

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[39] This implicitly leads to the problematic split between the powerful and powerless critiqued in Chapter Two. As Beauvoir shows us, this dichotomy is itself constitutive of oppression.

> ethics is not an ensemble of constituted values and principles; it is the constituting movement through which values and principles are posited… the great moralists were not virtuous souls, docilely subject to a preestablished code of good and evil. They created a new universe of values…. (Beauvoir 1945, 188)

For Beauvoir, it is the challenge of ethics for existents to "create a new universe of values." In a world marked by oppression, this kind of ethics is a resolute and fragile challenge for many people as their ability to create and act towards particular ethical values is concretely limited.

Beauvoir takes great pains to show us in her ethical writings that a central feature of oppression is the false positioning of the oppressed as passively acted upon and the concomitant denial of their ethical freedom. Beauvoir's ethics show feminist theorists that we must take up the ethical challenge of our own possibility of doing violence to others if we are to be ethically responsible to those others with whom we are in inescapable and interdependent relation. This insight is a crucial addition to feminist scholarship, because women have, by-in-large, been understood to be the acted upon victims of patriarchal violence by both feminists and non-feminists alike. An account of women's ethical responsibility for violence, as actors who may also be constrained by oppression in a variety of forms,[40] has been underdeveloped by feminist theorists.

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[40] It is important to stress here that gendered oppression is but one way that Beauvoir theorizes people could be limited by their lived situation. She also focuses on age, class, and race/ethnicity in her writing. In addition to these vectors that are commonly associated with "identity," there are a number of other concretely lived situations that would enable and constrain the ethical freedom of various actors that don't neatly fall into the category of identity. For example, see her discussion of the French Resistance in World War II in Beauvoir 1945a.

Beauvoir helps us to think through the complex relationship between oppression and violence without making women appear as passively acted upon objects. She allows us to emphasize the ethical freedom of women without ignoring the significance of oppression for our considerations of what constitutes ethical relations with others.

Alienation and The Ethical Responsibilities of Oppressed Existents

Beauvoir's attention to the ethical obligations of the oppressed is significant for its refusal to situate oppressed people as *merely* powerless and acted upon. Specifically, because she does not understand women as primarily the victims of violence, she seriously considers women's ethical responsibility as existents capable of various forms of violence in their own right. Prior to writing *The Second Sex*, Beauvoir considered the situations of women, and other oppressed people, developing a general account of how oppression works to limit the ethical freedom of oppressed people. She emphasized that situations marked by oppression infantilize the oppressed, treating them as though they are incapable of making responsible ethical and political judgments.

In *The Ethics of Ambiguity*, Beauvoir likens the situation of slaves and (some) women with that of children (Beauvoir 1948, 37). The situation of the child, she explains, "is characterized by his [sic] finding himself cast into a universe which he has not helped to establish, which has been fashioned without him, and which appears to him to as an absolute to which he can only submit" (Ibid., 35). Thus the child experiences "human inventions, words, customs, and values" as "given" and "inevitable" (Ibid.). Beauvoir maintains that there are adults who exist in situations like that of the child insofar as they

"can exercise their freedom, but only within this universe which has been set up before them, without them" (Ibid., 37). Among the people Beauvoir mentions are "women in many civilizations" who "can only submit to the laws, the gods, the customs, and the truths created by males" (Ibid.). This is one of the first places in Beauvoir's ethical writing where we see her struggling to account for lived situations that can limit the ethical freedom of existents. She argues that for such people "the future is radically blocked off" so that the possibilities for meaningful ethicopolitical action are limited (Ibid., 32).

Beauvoir is careful in her ethical writings to differentiate an abstract and fundamental form of universal alienation, represented by the figure of the child, from forms of alienation arising from oppressive situations. Oppressive situations are those that trap the existent in an alienated state because the ability of the existent to act meaningfully in relation to that alienation is foreclosed (Ibid 37, 48, 83; Beauvoir 1949, 10, 16, 664). So, although we may all be born (or "thrown") into a world not of our choosing, the possible ways of dealing with that fact are different depending on one's lived situation (Beauvoir 1944, 123-124; Beauvoir 1948, 18; Beauvoir 1949, 4, 284, 646, 661, 664). Oppressive situations are marked by an inability to meaningfully alter the world through positing values and acting towards those values—to make ethical meaning out of an existence that lacks prior transcendent metaphysical meaning (Beauvoir 1948, 37; Beauvoir 1949, 10, 16, 311-312, 664).

Oppression forecloses the capacity of an existent to alter the world in a way that transforms fundamental alienation into the radical freedom of creating new values or

ends. As such, the oppressed are effectively prevented from the business of positing values—the very heart of ethics for Beauvoir. As she writes towards the conclusion of *The Second Sex*, "It is not a question of abolishing the contingencies and miseries of the human condition [for women] but of giving [women] the means to go beyond them" (Beauvoir 1949, 762).[41] Situations of oppression, therefore, differ from universally shared forms of alienation that confront all existents because they curtail the oppressed existents' possibilities for ethical meaning-making and action towards their values.

In this light, the importance of the oft-quoted opening to book two of *The Second Sex* becomes clear. Beauvoir writes, "One is not born, but rather becomes, woman" (Beauvoir 1949, 283). This process of becoming "woman" is of great *ethical* concern for Beauvoir because of the ramifications it has for women existents as ethical actors. Because women are oppressively prohibited from *doing* and are defined as those who are (and *ought* to be) passive Others to man's activity, women are always in danger of being excluded from the business of articulating values and making meaning. It is the business of creating and acting towards ethical values that constitutes the very foundation of Beauvoir's account of ethics. She maintains,

> The individual who acts accepts responsibility for good and evil just like the others, he [sic] knows that it is up to him to define ends, to see that they triumph; in action he experiences the ambiguity of all solutions; justice and injustice, gains and losses, are inextricably intermingled. *But whoever is passive puts himself on the sidelines and refuses to pose, even in thought, ethical problems…* (Beauvoir 1949, 646, italics added).

[41] All quotations are taken from the 2009 translation of *The Second Sex* by Constance Borde and Sheila Malovany-Chevallier.

In *The Second Sex*, Beauvoir diagnoses the condition in which gendered forms of oppression work to ethically incapacitate women so they cannot exercise their ethical freedom. Precisely because women are encouraged to understand themselves as passively irresponsible in relation to the ambiguity of free existence, they are often excluded from the business of articulating ethical problems "even in thought." It is thus because women are often constructed as passively acted upon existents (who need others to make moral decisions for them) that women are not understood, and often to do understand themselves, to be ethically free within, or responsible for, the collectively created human world. This effectively bars them from ethical action and is a main aspect of their oppression. [42]

What is Freedom?: Freedom-in-Situation

Gail Weiss argues in her essay, "Challenging Choices: An Ethic of Oppression," that Beauvoir's ethical thinking allows us to take into account oppression when we are considering the ethicality of people's actions. Weiss' notes that some situations of oppression "make it difficult to understand [actor's] actions through a traditional rational

[42] Rather interestingly, Michèle Le Doeuff discusses Beauvoir's own disavowal of being a "philosopher" as an example of women's exclusion from the creation of new values in the form of philosophizing. She writes about women who attempt to be philosophers, "It is as if it were forbidden to say to oneself, out loud, that philosophy should continue and that one feels called up to take up one's responsibilities in this continuous creation" (Le Doeuff 1989, 140). Women's exclusion from philosophy, including Beauvoir's own self-exclusion, can thus be read as a symptom of her own account of the oppression of women as being denied ethical freedom by sexist oppression.

framework that blame the individual..." (Weiss 2006, 243-243). This is because, as Weiss herself articulates, it is "plausible" to understand "the severely oppressed [as] lack[ing] freedom altogether" and thus as not being "proper moral agents." Such a viewpoint, although "attractive," is dangerous, because "it runs the risk, as Beauvoir seems to realize, of further dehumanizing the oppressed insofar as freedom and the concomitant capacity for a moral existence is… precisely what distinguishes human beings from all other types of beings" (Ibid., 248-249). To define the oppressed as no longer being "proper moral agents" because of their oppression repeats the very logic of their oppression because it denies their ethical freedom, treating them as passive objects instead of free existents.

Treating the oppressed as if they are entirely lacking in freedom falsely divides humans into active ethical and transcendent subjects and passive, unfree immanent objects. This denies the fundamental truth of what Beauvoir calls human *ambiguity*—that we are both subjects and objects at the same time in interdependent relation with others. Beginning with her first ethical essay, "Pyrrhus and Cineas," Beauvoir begins to develop her concept of ambiguity. There she rejects the idea of humans as 'independent agents' who have no connection to the world or others in it. Such a view is epitomized in her essay by Camus' "Stranger." Beauvoir objects to Camus' depiction of human existence as founded in radical alienation and separation, writing, "If I myself were only a thing, nothing indeed would concern me" (Beauvoir 1944, 92). Yet, because humans are not "things," Beauvoir insists that they are not radically separated objects, trapped in their own subjectivities. To this end she writes, "It is because my subjectivity is not

inertia, folding in upon itself, separation, but, on the contrary, movement toward the other that the difference between me and the other is abolished…"(Ibid., 93). She elaborates on this view, rejecting the idea that "foreign indifference to the world" is an automatic given of human existence. This is because, "I am not first a thing but a spontaneity that… acts" (Ibid.). She therefore argues that it is the capacity of each existent to "move" towards other existents, because human beings are radically free to act. Thus, no radical conflictual separation between people is ontologically given.

However, Beauvoir is also careful to argue that neither is any particular kind of *connection* between humans necessarily given either. Because humans are beings who act, it is up to them to create, through their actions, their particular ties to other existents. Beauvoir represents this view of human relatedness by employing her concept of situation. She recognizes that other people constitute a vital part of my own situation—others *are* part of my situation and I am part of theirs. This leads her to develop a unique idea of existentialist intersubjectivity that is neither solely conflictual nor primarily one of collective concord.

Beauvoir's concept of ambiguity is one of intersubjectivity in which subject-object and self-other are simultaneously separated and united, independent and dependent. Debra Bergoffen explains this concept in her introduction to "Pyrrhus and Cineas":

> As a particular existing individual I am not an individuated particular who shares a common destiny with others of my species. I am an isolated particular separated by/in my freedom from the freedom of others. This separateness is the source of conflict, which Beauvoir finds inevitable, and

> solidarity, which Beauvoir find necessary. The argument from finitude to separateness to conflict seems pretty straightforward. The argument from finitude to separateness to solidarity seems counterintuitive. It depends on acknowledging our ambiguous condition as both a subject for the world and an object in it. As a subject for the world, my actions create the realities of the world (Bergoffen 2004, 83).

This idea of existents as both subjects and objects in varied relation to others is what Beauvoir terms *ambiguity*. Much of her ethical period writing, from "Pyrrhus and Cineas" (1944) forward, is devoted to developing this concept of ambiguity and an ethics based around this seemingly contradictory fact of human existence as interrelated subject-objects.

While Beauvoir does accept that human existence involves struggle and conflict with others, she combines this Hegelian view with the somewhat opposing Heideggerian concept of *Mitsein*—a primordial fellowship of humans defined as an essential "being-with" others. Thus, in the opening of *The Ethics of Ambiguity,* Beauvoir writes of the "paradox" that is part of human "destiny":

> [Man] asserts himself as a pure internality against which no external power can take hold, and he also experiences himself as a thing crushed by the dark weight of other things… [The] privilege… of being a sovereign and unique subject amidst a universe of objects, is what he shares with all his fellow-men. In turn an object for others, he is nothing more than an individual in the collectivity on which he depends. As long as there have been men and they have lived, they have all felt this tragic ambiguity of their condition, but as long as there have been philosophers… most of them have tried to mask it" (Beauvoir 1948, 7).

As Beauvoir goes on to argue, the tradition of philosophy has too readily vacillated between accounts of human existence in which human's subjective or objective aspects are privileged, i.e. idealism vs. materialism, mind vs. body, consciousness vs. matter. This problematically denies the truth of human ambiguity in her view.

Stacy Keltner examines this passage in *The Ethics of Ambiguity* in her essay "Beauvoir's Idea of Ambiguity," explaining, "For Beauvoir, discourses of philosophy, religion, and politics have functioned to conceal our fundamental condition of ambiguity" (Keltner 2006, 203). This is accomplished "either through a philosophy of the subject that takes the subject as an atom or through a philosophy that obliterates the subject in an organic unity" (Ibid.). In contrast, Beauvoir attempts to outline a position that can account for both the "subjective" and "objective" aspects of human existence at once. As she formulates the idea at the end of section two of *The Ethics of Ambiguity*, "The me-others relationship is as indissoluble as the subject-object relationship" (Beauvoir 1948, 72). Thus, in response to the question she asks herself in her journals in January of 1941, "Hegel or Heidegger?" she seems to be answering "both, and yet neither" (journal quoted in Deutscher 2008, 13).

Noting the significance of the idea of ambiguity for Beauvoir in her essay "Beauvoir and Ethical Responsibility," Karen Shelby writes that Beauvoir's ethical theory is "based in… the fundamental ambiguity of the human condition." Shelby explains this idea of ambiguity, writing, "What we all have in common… is the perception of ourselves as subjects, of others as objects." Yet this fact inevitably leads to ethicopolitical "difficulties that inhere in the recognition that for those 'other' subjects,

we are objects, and that they are themselves subjects in their own right" (Shelby 2006, 94). These difficulties arise because our own radical freedom as subjects means that when we act in the world we are constituting the situations of other living subject-objects. This fact brings with it the possibility that we may violently impinge on the freedom of others, and they on ours, as we act.

It is precisely in reminding us, through her development of the concept of human ambiguity, that the oppressed *are not* merely objects, but also subjects, that the possibility is found in Beauvoir's work to recognize the ethical freedom of the oppressed. This involves emphasizing the responsibility of all existents in relation to other existents as ambiguous—as interdependent subject-objects for one another. How this fact of ambiguity is lived out by concrete existents as they act, however, is a matter of the historical and political human world and not simply a metaphysical question of consciousness, liberty, and the like. Therefore, emphasizing ethical freedom requires attention to the concrete political, social, and historical situations of ethical actors. This leads Beauvoir to emphasize freedom-in-situation, an idea which takes into account concrete conditions of enablement and constraint on our freedom.

In her reading of Beauvoir's ethical works in *The Bonds of Freedom*, Kristina Arp claims that Beauvoir "distinguishes two types of freedom." Arp terms these ontological freedom and moral freedom (Arp 2001, 66). Heuristically, this move on Arp's part furthers the explanation of Beauvoir's views on the relationship between ethical freedom

and oppression.[43] Arp maintains that although humans are all ontologically free, the "moral freedom" of actors may be limited by oppressive situations.

However, such a distinction between abstract freedom at an ontological level and concrete forms of lived freedom cannot be easily maintained. As Penelope Deutscher's has articulated in both *Yielding Gender* and The *Philosophy of Simone de Beauvoir*, while theoretical maneuvers that attempt to rid Beauvoir's thought of contradiction may serve an important explanatory function, they ultimately oversimplify Beauvoir's argument in ways that weaken its meaning. The distinction between moral and ontological freedom is one such instance. It is worth quoting Deutscher at length here:

> Giving herself the aim of articulating women's situation, the clash between possible conceptions of ethics should not necessarily be understood as the author's impediment… theoretical incompatibility need not weaken Beauvoir's arguments and proposals. Certainly, her point is that the subjugation of women is itself a paradox. Women are equal, and they are definable in terms of an irrecusable freedom. If they are nonetheless constrained, if there has been a diminishing…of the very freedom of consciousness that, via a definition accepted by Beauvoir, is not diminishable, the paradox would belong to women's situation rather than to a deficiency in her understanding of freedom. It was a paradox with which she intended to startle the reader: women could not—by a definition of freedom to which Beauvoir appealed—be less free. And yet, she persuasively argued, so they were (Deutscher 2008, 9).

Following Deutscher's reading, it is important not to strongly delineate between ontological and ethical freedom in order to get rid of the seeming paradoxes of

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[43] Other authors make similar moves to try to separate out various parts of Beauvoir's ideas about freedom, separating them *ex post facto* even when Beauvoir herself does not. (See also Kruks 1990 for her idea of social vs. ontological freedom).

Beauvoir's ethical thinking. Such a move too easily mirrors a split between the philosophical and the political in way that limits the radicality of Beauvoir's thinking of existential freedom as always already contextualized within socio-political, historical, and embodied situations. For Beauvoir, freedom is *always already* freedom-in-situation and not an abstract metaphysical proposal. This is one reason she is able to insist on the importance of what I am calling ethical freedom, while also considering the limitations on that freedom that can arise within oppressive situations.

Lived constraints on freedom neither constitute a lack of freedom, nor justify a denial of the freedom of those constrained. So too, constraints cannot be ignored in the name of some abstract ontology of freedom in which freedom is treated as inherent, de-contextualized, or metaphysically pure. Thus, freedom-in-situation may be a rather paradoxical concept insofar as it posits freedom as always also constraint.[44]

Beauvoir delineated the position that people are existentially free, but that this freedom can be severely limited. In such a case, she calls for us to judge the existent within the limitations of his or her situation. Therefore, Beauvoir radicalizes the existential insight that freedom is concretely situated in the context of human history and politics by showing how the lived situations of existents can actually lessen their ethical

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[44] I wonder, however, if the concept of a constrained freedom only seems paradoxical to us because of a liberal tendency to conflate freedom and liberty. For example, I may be at liberty to jump off a bridge, but insofar as gravity will act on my body if I do, my freedom to jump of the bridge is constrained by my embodied situation on earth. Still, this analogy may not be the best, as the sorts of constraints Beauvoir wants to address are not simply inevitable forces such as gravity, but humanly created and sustained forces, as well. Further, as her chapter on biology in *The Second Sex* indicates, the line between these two kinds of force is not fixed.

freedom to posit values and act towards those values. It is the recognition of this fact that allows her to insist that people make ethical decisions from within their lived situations, often with a very limited set of viable actions. Thus, if we are all free to live out our existence, the scope of that freedom is constrained or enlarged by our sociopolitical relations with others.

Beauvoir's consideration of the concrete limitations created by oppressive situations means that she thinks we ought to ethically judge the actions of the oppressed in relation to those oppressive situations. In *Hipparchia's Choice*, Michèle Le Doueff argues, "*The Second Sex* aims to grasp aspects of oppression which would be moral faults in other circumstances..." (Le Doueff 1989, 59). We see Beauvoir grappling with the question of the "moral faults" of oppression as early as *The Ethics of Ambiguity,* as she struggles to differentiate between the "bad faith" of people who do not authentically enact their existential freedom and those people who cannot be said to be in "bad faith" because their freedom is curtailed by their oppressive situations. Therefore, the concept of freedom-in-situation allows for Beauvoir to both maintain the ethical freedom of oppressed people and account for how oppression can limit ethical freedom in ways that should not result in the moral condemnation of the oppressed (which can further contribute to their oppression).

Passivity, Oppression, and Violence

By the time Beauvoir wrote *The Second Sex*, her articulation of the gendered oppression of women was an appropriately complex phenomenological account of some

of the various kinds of limitations women face as they act as free, yet oppressed, existents. Beauvoir claims, "woman's whole character—her convictions, values, wisdom, morality, tastes, and behavior—is explained by her situation" (Beauvoir 1949, 661). At first glance, this claim is seemingly in direct contradiction to Beauvoir's claim made early on in *The Ethics of Ambiguity* that situations do not impose themselves on passive consciousnesses (Beauvoir 1948, 20). This claim also reads as a kind of gender determinism in which women cannot resist the compulsion to become Woman. However, considering the idea of freedom-in-situation, there is a kind of double reading required to understand this claim about women's situation.

Beauvoir is claiming that women's situation is fundamentally marked by the idea of "woman" as Other to man—that women are seen as essentially passive in relation to men's action. This positing of woman's passivity and alterity does not flatly or uniformly impose itself on women existents in a deterministic fashion. This is because women are not, contra the insistence of the patriarchal logic behind the idea of "woman," essentially passive consciousnesses. Women are ambiguously free existents even as they are sociopolitically situated as the essentially passive and unfree "Woman." This situation of existing as "woman" consistently works to foreclose women's capacity to live out their freedom, often with great success. This is especially true in regards to women's ethical freedom and is a point that seems to be largely missing in contemporary feminist ethics, especially within moral arguments for non-violence.

In *The Second Sex*, Beauvoir repeatedly discusses women's exclusion from what she calls "the lesson of violence." Exclusion from this lesson, she insists, is one of the

fundamental ways that women's ethical freedom is systemically foreclosed. She, rather infamously, argues early on in the book,

> The worst curse on woman is her exclusion from warrior expeditions; it is not in giving life but in risking life that man raises himself above the animal; this is why throughout humanity, superiority has been granted not to the sex that gives birth but to the one that kills (Beauvoir 1949, 74).

It is possible to read this passage in a way that sees Beauvoir as problematically claiming the value of killing over birth due to sexism in Western philosophy (and culture) that associates women's bodies and reproductive activities with inferiority. The possibility that Beauvoir is reiterating sexist logic must be taken seriously especially because it seems puzzling that Beauvoir would claim a seemingly transcendental significance to killing given that, for the existentialists, no human action in itself should be inherently valuable.

In the context of Beauvoir's other claims about violence in both *The Second Sex* and her other ethical essays, her concern over women's exclusion from doing violence should not be discounted as simply an unfortunate element of misogyny in her work. Instead, Beauvoir is importantly arguing that *exclusion from freedom and responsibility for violent force is fundamental to the systemic denial of ethical freedom of the oppressed*. *If women are not understood to have the capacity for violence, they can also never be recognized as ethically free or responsible in relation to its use.*

Beauvoir's discussion of the relationship between ethical freedom and women's oppression comes out most strongly in the passage in *The Second Sex* that opens the significant section of the text entitled "Woman's Situation and Character." That Beauvoir

mentions the significance of violence for women in relation to women's ethical freedom is no accident:

> The woman herself recognizes the universe as a whole is masculine; it is men who have shaped it and ruled it and who still today dominate it; as for her, she does not consider herself responsible for it; it is understood that she is inferior and dependent; she has not learned the lessons of violence… (Beauvoir 1949, 639). [45]

Therefore, having learned the "lessons of violence" is a feature of becoming an ethically free and responsible adult existent insofar as it involves a recognition that one can do violence to others. Again, this possibility of doing violence arises from our fundamental ambiguity—our interdependent relations with one another as simultaneously subjects and objects.

To know oneself capable of forceful and violent action in relation to other existents is an integral part of recognizing one's own freedom and one's own ethical

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[45] Beauvoir goes on to say,

> In this sense there is truth in the saying that condemns her to remaining 'an eternal child'; it has also been said of workers, black slaves, and colonized natives that they were 'big children' as long as they were not threatening; that meant they had to accept without argument the truths and laws that other men gave them. Women's lot is obedience and respect. She has no grasp, even in thought, on this reality that involves her. It is an opaque presence in her eyes… (Beauvoir 1949, 639)

Thus, we can see that this discussion of violence, oppression, and ethical freedom is not limited to Beauvoir's analysis of women's situation, but constitutes a more general way to explain oppression through an existentialist framework concerned primarily with the freedom of existents. In other words, the limitation on ethical freedom is not particular to women's oppressive situation.

responsibility in relation to ones own capacity for that violence. Knowing that one can forcefully act on others in a way that causes them harm or injury is required before one can ethically evaluate whether doing so is ethical within one's own concretely lived situation. Beauvoir's concern, therefore, should not be reduced to the fear that girls are socialized to become women in ways that rob them of traditionally valued "masculine" attributes such as honor, aggressiveness, courage and the like. In the chapter entitled, "The Girl" ("La Jeune Fille") in *The Second Sex,* Beauvoir repeats several accounts of how it is that girls are acculturated towards an idealized mode of female sexed existence that "is to show oneself as weak, futile, passive, and docile" (Beauvoir 1949, 348). Her concern is that girls—some young sexed existents—are, through the process of "becoming" women, taught to misrecognize their capacity for force as existents. This oppressive denial of women's capacity for forceful action is a fundamental aspect of the limitation of their ethical freedom.

The lack of ethical freedom concerning violence helps to explain how it is that women come to be understood as "irresponsible" for the collective human social, political, and ethical world. Beauvoir writes,

> At about thirteen, boys serve a veritable apprenticeship in violence, developing their aggressiveness, their will for power, and their taste for competition; it is exactly at this moment that the little girl renounces rough games. Some sports remain accessible to her, but sport that is specialization, submission to artificial rules, does not offer the equivalent of a spontaneous and habitual recourse to force…[girls] only submit to their bodies passively; far more clearly than in their early years, they must forgo *emerging* beyond the given world, affirming themselves *above* the rest of humanity; they are banned from

> exploring, daring, pushing back the limits of the possible[46] (Beauvoir 1949, 343, italics original). [47]

Therefore, the boy comes to know that he can resist or revolt against the given if he wishes. It is his fundamental capacity as an ethically free existent, but unlike the girl, this capacity is not denied by his sociopolitical surroundings. He is allowed to do (some) violence and objectify the world around him. As such, he comes to know that he is capable of, and ethically responsible for, his actions. Even when he is not resisting or revolting against the given world, he understands his participation in the human world as active participation instead of passive submission to the given. He knows he has *both* the ontological capability and the sociopolitical right to act.

For girls, this is far from clear in their adolescent transition to adulthood. The girl, on her path to "womanhood," is made to feel that she

> only submits to [the world]; the world is defined without her, and its face is immutable. This lack of physical power expresses itself as a more general timidity: she does believe in a force she has not felt in her body, she does not dare to be enterprising, to revolt, to invent; doomed to docility, to resignation, she can only accept a place that society has already made for her. She accepts the order of things as given…. (Ibid.).

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[46] For more on this theme of female embodiment in Beauvoir see Iris Marion Young's classic account in *On Female Body Experience: "Throwing Like a Girl" and Other Essays* (Young 2005).

[47] Following this section, Beauvoir compares the situation of girls to the situation of African Americans in the American south and the pacifist French during the Nazi occupation. She argues that, in each case, those denied access to violence are aware of themselves not as self-affirming subjects, but instead as those for whom "their subjectivity no longer had the means to express itself concretely" (Beauvoir 1949, 344).

It thus denied that women have the force to act in any meaningful way, especially in the ethical and political realm of values. This aspect of oppression is a great ethical problem for Beauvoir, as it marks the denial of ethical freedom to adult women existents and oppresses them by denying them the freedom to act in relation to the given sociopolitical world of other existents.

Beauvoir's descriptions of "the boy" and "the girl" should be read as critiques of the process in which human ambiguity is *systemically denied* as boys are taught to regard themselves as subjects in relation to women who are objectified. What Beauvoir clearly articulates in *The Second Sex* is that it is a definitive aspect of women's oppression that women are invited, at every turn, to be "complicit" in the oppressive limitation of their own ethical freedom. We should resist the temptation, however, to see Beauvoir as misogynistically *blaming* women for their complicity even if she still wishes to hold women ethically responsible in relation to it.

It is not surprising, therefore, that near the very end of the conclusion to *The Second Sex* we find Beauvoir calling for further responsibilities for women. Yet, at the same time, she recognizes it as a function of oppression that women have hitherto had limited ethical freedom. She writes, "give woman responsibilities and she knows how to assume them; the fact is, one would not think of expecting gratuitous generosity from oppressors; but the revolt of the oppressed at times and changes in the privileged caste at other times create new situations…" (Beauvoir 1949, 764). *For Beauvoir, having an active account of ethical freedom and responsibility for oppressed existents is integral to ending their oppression. To treat women as passive objects is to repeat the logic of*

gendered oppression. Yet to maintain that women are limitlessly free is to deny the significance of gendered oppression. Thus, we must articulate the ways that women are, and are not, ethically free at the same time.

Throughout her discussions in *The Second Sex*, Beauvoir emphasizes the ways that oppression bars women's own sense of ethical freedom. She emphasizes the ways that women's exclusion from violent and forceful actions centrally contributes to the sense of women as ethically incapable and irresponsible. This leads to limitations on women's ethical freedom as they are repeatedly situated as those who are incapable of ethical responsibility in relation to others—they are not seen as ethically free—they are situated as merely acted upon objects.[48]

Ambiguous Ethical Freedom: Generosity, Violence, Risk, and Responsibility

Beauvoir's discussions of violence is scattered throughout *The Second Sex*, so it may be easy for readers to miss the significance of violence for her ethics. This is especially true for feminist theorists and women's studies scholars, as many of us only read selections of *The Second Sex*. Because there is no systematic and sustained discussion of violence in one place in the text, it has been relatively easy to dismiss Beauvoir as simply being "patriarchal" or "male-identified" in the passages in which she does discuss violence. However, Beauvoir also discusses the ethical significance of

[48] See Chapter Two for tendencies within feminist theory to repeat this move of objectifying women as passive and irresponsible in relation to violence.

violence in almost all of her other works from her "ethical period" writings.[49] Her ethical essays were written at the conclusion of World War II, as Beauvoir attempted to reflect on the experience of the war as a situation of extreme ethical difficulty and violence. The difficulty posited by Beauvoir is knowing what to do in a world marked by the attempt of others to violently assert a system of values and meanings to which you object, and which attempt to foreclose your ability to act out your own ethical freedom.

In her "Moral Idealism and Political Realism," Beauvoir posits that both of these positions, utopian idealism and cynical realism, deny the ethical struggle that is the free act of ethical decision. Sonia Kruks explains in her introduction to the essay that Beauvoir critiques those who embrace revolutionary violence in the name of political realism because they posit their political ends as an absolute moral good. This means that they do not take ethical responsibility for the means they use to achieve those ends. Still, action that asserts one's own meanings and values—the act of exercising one's ethical freedom—may result in injury to others. Kruks explains, "The political actor who wishes to change the world in accordance with his or her values does have to act—and it is not unlikely that one's actions may injure others" (Kruks 2004, 171). Ethical freedom and responsibility involves acknowledging that human ambiguity inherently involves the ever-present possibility of doing harm to others as we act.

Beauvoir refuses a kind of moral idealism that prohibits any possible actions that might be violent or injurious. Kruks explains that Beauvoir maintains, "In the face of this

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[49] Recall that *The Second Sex* is the final, longest, and most developed text in her ethical period writings. All the other works from this period are in essay form and are quite short in comparison to *The Second Sex*.

dilemma" (that one might injure others as one acts in the world) "one must not, however, claim the ethical idealist's high ground, keep one's hands clean, and refuse to act" (Ibid.). Taking the example of French pacifists during World War II as her example, Beauvoir argues, "It is absurd to ensure the defeat of those values that one wants to triumph, out of respect for them" (Beauvoir 1945, 185). She thus critiques the way that moral purism and idealism meant that the French pacifists "served the cause of peace poorly" through their very insistence on being peaceful. She maintains, "When in 1940 the French had to decide what their attitude toward the occupier should be, no preexisting system could dictate their behavior. They had to choose freely, [to exercise their ethical freedom] and through their particular choice of a course of action they defined the values that made this choice necessary" (Ibid., 188). By failing to act violently in the name of peace, Beauvoir implies that they also failed to meet the ethical challenge presented by the extreme violence and oppression of the Nazis.

That we must choose how to act from within our own situations, even oppressive situations, and that action inherently entails the risk and possibility of doing violence, means that we all must recognize our own capacity for injury and violence to other existents. Ethical freedom, by its very nature, involves the possibility of doing violence to others. When we act, we cannot be certain our actions will not cause harm to another, but considering that our actions may do so is central to recognizing the difficulty of existing as ethically free beings.

Beauvoir's anti-utopian position on ethics and violence is also apparent in her first essay "Pyrrhus and Cineas" and it is further elucidated in *The Ethics of Ambiguity*.

There, Beauvoir strongly rejects the idea that "ethics" could be pushed into the future through a strict division between a current violent world and a future utopian peace after we have all become righteous moral actors. Rather, Beauvoir argues that part of the challenge of ethics is to recognize them as an ongoing and unavoidable struggle of free existents who must act (Beauvoir 1948,119). There is no ideal utopia towards which we are striving, because human freedom forecloses this possibility. She argues, "the man [sic] of action, in order to make a decision, will not wait for a perfect knowledge to prove to him the necessity of a certain choice...A choice of this kind… is… free, and it implies risks that must be assumed as such." (Ibid.,123). For Beauvoir, action of any type entails a risk, and this includes the risk of doing violence to others. Ethical freedom involves deciding what kind of action is warranted for each existent in his or her situation.

This includes (or applies perhaps especially to) situations of oppression. Beauvoir does not wish to de-contextualize human actions in the name of lauding an ontological human freedom. *The ethicality of any action can only be derived from within a situation that both constrains and enables the existent's possible actions.*

True to her concept of ethics as a method that was doomed to failure in a world marked by the tragedy of free human existence, Beauvoir does not maintain that any action, violent or not, will *necessarily* be ethical. This view is consistent with her discussion of political violence in *The Ethics of Ambiguity*, where she argues that one does not necessarily have to "retreat from violence" because it is a means that forecloses freedom. Yet she also insists that one "Must not regard [violence] as justified *a priori* by its end" (Beauvoir 1948, 147). Instead,

> One finds himself back at the anguish of free decision. And that is why political choice is an ethical choice: it is a wager as well as a decision; one bets on the chances and risk of the measure under consideration…. And in so doing one sets up values (Ibid., 148-149).

In light of this position about the relation between the political and the ethical as *coterminous*, it seems important to resist readings of Beauvoir that attempt to place ethics as somehow prior to, or above, politics. The ethicality of actions cannot be determined before, or above, the political, especially in light of oppression. Beauvoir's account of ethics ought to be differentiated from the conflictual account of other existentialists. Instead, we need to take her idea of ethical ambiguity as founding an ethics that is precisely that—ambiguous, resting precariously between the ethical and political.

In her book *The Philosophy of Simone de Beauvoir: Gendered Phenomenologies, Erotic Generosities*, Debra Bergoffen attempts to elucidate what she calls Beauvoir's "muted voice." This voice, according to Bergoffen, "speaks of joy, generosity, the gift, the erotic and the couple" (Bergoffen 1997, 2) in a way that runs counter to Beauvoir's more dominant existentialist voice that emphasizes conflict, struggle, and the like. Bergoffen is right to point out that Beauvoir emphasizes the ethical potential for an erotic generosity. However, Bergoffen too easily maintains the virtue of generosity as an ethical value for Beauvoir in a way that denies the significance of the political and the concept of freedom-in-situation suggested in her discussions of violence.

As Nancy Bauer's argues, "Bergoffen as I understand her reads Beauvoir here to be declaring that erotic love provides us with *the* paradigm for the achievement of recognition…" (Bauer 2001, 226, italics original). Beauvoir's discussions of violence

seriously calls into question an emphasis on erotic love in Beauvoir's ethics. The idea of one singular paradigm or virtue that would ensure reciprocal recognition runs counter to Beauvoir's insistence on political context and ethics as a method. Erotic generosity is only one form of relation between free ambiguous existents. Violence is another. Human ambiguity cannot point us towards any one preferred mode of relation because of the necessity of acknowledging political realities, especially the reality of oppression. Ethical freedom involves a difficult struggle of determining how it is we will act towards others, how it is most ethical for us to act given our concrete lived situations.

Similar to Bergoffen, at the end of *Women as Weapons of War*, Kelly Oliver turns to Beauvoir to make the argument, "we might ask how we can imagine making politics ethical" (Oliver 2007,163). She cites Beauvoir's concept of ambiguity to say that ethics, "requires taking responsibility for our own ambivalence towards violence" (Ibid., 164). In this regard, Oliver is in line with Beauvoir's emphasis on ethical responsibility, especially responsibility for violence. Yet, the move from that claim to one that prioritizes the ethical over the political, especially in the name of non-violence, as Oliver does, is a step that Beauvoir's thinking explicitly refuses. The recognition of our ambiguity does not translate into any particular set of normative acts, virtues, or moral rules such as non-violence or erotic generosity.

Feminist ethics, such as Bergoffen's and Oliver's, that preference the ethical as prior to, or above, the political, run counter to one of Beauvoir's central insights about ethical freedom—that it is inseparable from the lived human world and ethics can only be determined in the context of specific situations. These situations are often quite

oppressive, calling into question whether non-violence or erotic generosity is really the most ethical action for such a situation. Therefore, although Beauvoir develops an existentialist ethics, this ethics should not be confused with the preferencing of certain kinds of virtues or act, such as "generosity" or "witnessing," as necessarily more morally righteous in all cases. *Beauvoir's emphasis on ethical freedom for women means actively recognizing women's capacity for violence and holding open the thought that that violence may be the most ethical course of action within particular situations, especially within situations that are oppressive.*

For Beauvoir, ethics are based on the condition of human freedom understood to be situated in a lived, concrete, and embodied historico-political context—a situation. In some situations erotic generosity may contribute to relations of oppression. As Ann V. Murphy argues, "The universal and abstract embrace of generosity as a political strategy is unsatisfying, for Beauvoir, in that it evades consideration of… circumstance. One cannot simply assent to love all others… if there are some among them who desire the enslavement and oppression of others" (Murphy 2006, 267). Murphy argues, generosity and violence cannot be situated as opposite moral values because, "It is precisely [the] imperative that I respect the freedom of the other that leads to the possibility of violence…The ambiguity of human freedom implies violence" (Ibid., 272). There are times when the respect for the freedom of the other may warrant violence and times when it will lead to generosity. Determining what action is ethical in relation to another is what constitutes ethics. This is the strong sense of ethical freedom and responsibility

Beauvoir's ethics evoke and one the feminist theorists should adopt in their considerations of violence.

Conclusion: Against Oppressive Morality, For Ethical Freedom

In this chapter, I have argued that Beauvoir's ethical thinking provides valuable insights for contemporary feminist theory, especially in our discussions of violence. In particular, Beauvoir's attention to oppression as a kind of situation that forecloses the ethical freedom of certain existents by treating them as merely acted upon objects provides a critical insight into why me must articulate a notion of ethical freedom for oppressed existents. Specifically, Beauvoir's discussion of violence shows how denying that the oppressed have the capacity for violence limits their ethical freedom and contributes to their oppression.

Ethical freedom requires a recognition of our capacity to do violence to others. Positing moral rules against acts that potentially injure others does not properly acknowledge the ethical challenge that is ethical freedom–in-situation. This is particularly true in the case of gendered oppression, as women are thought to lack both the capacity and the ethical responsibility for violence. From Beauvoir, we can derive a strong sense of ethical freedom for all existents, though this freedom differs according to each existent's concretely lived situation. Freedom, and ethical decisions about how to use one's freedom, can only be derived from within each existent's situation. These situations, when oppressive, often foreclose one's possible actions and limit one's ethical freedom to posit values and act in accordance with those values.

However, just because the oppressed have limitations on their ethical freedom, we should not situate them as no longer free ethical actors. To do so is to repeat the ruse of oppression that situates some people as free and responsible ethical subjects and others as victimized and passive objects. This is perhaps Beauvoir's most important lesson to us. As such, it is important to resist feminist accounts of violence that implicitly or explicitly situate women as violently acted upon victims of patriarchal violence with no ethical freedom to do violence themselves. We need to actively develop a notion of women's ethical freedom and responsibility in relation to violence even as we acknowledge oppressions that can limit women's ethical freedom.

In the next chapter, I turn to the recent feminist ethical turn to vulnerability in order to show that attention to vulnerability cannot produce any definitive normative arguments for non-violence. I show there how Beauvoir's insights about violence and ethical freedom have important implications for contemporary feminist theories of violence because of the strong emphasis Beauvoir places on the ambiguity of ethics. Human vulnerability, Beauvoir persuasively argues, is a feature that importantly shapes our ethical possibilities towards others, but knowing whether the best response to that vulnerability is one of violence, or not, cannot be derived outside of the lived political and social situation in which that vulnerability occurs. This radical contextualizing of ethics provides a much needed intervention into feminist discussions of vulnerability and violence.

Chapter Four: Oppression, Normative Violence, and Vulnerability: The Beauvoirian Legacy of Butler's Ethics

This chapter places Butler's recent ethical focus on non-violence [50] in conversation with Simone de Beauvoir's earlier existentialist feminist ethical writings[51] concerning the ethicopolitical import of violence. Together, these two thinkers reorient the dominant feminist conversation about violence away from an emphasis on women's violent and oppressive victimization and towards an idea of gendered actors who are simultaneously ethically enabled and constrained by the bodily, historical, and political situations out of which they act. Ultimately, however, Beauvoir's argument that ethics are always deeply contextual and are thus normatively ambiguous is a preferable feminist alternative to Butler's attempt to delineate a specifically non-violent ethics. This is because Beauvoir gives thorough attention to contexts of oppression as a major mitigating factor, shaping our ethical possibilities.

For Beauvoir, there is no guarantee that a non-violent response to vulnerability is *a priori* the most ethical response. Beauvoir does not insist on a non-violent ethics, because the ethicality[52] of violence must be derived from within the embodied situations out of which people are acting. Ethicality cannot be determined prior to, or outside of, the lived contexts in which people are situated. Beauvoir's ethics remind contemporary

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[50] Butler 2004, 2005, 2009

[51] Beauvoir 1944, 1945, 1946a, 1946b, 1948,1949

[52] The Oxford English Dictionary defines ethicality as, "Ethical quality, behaviour, or principles." The Oxford English Dictionary. s.v. "Ethicality."

feminist theorists that both vulnerability, and responses to vulnerability, whether violent or non-violent, are *always* contextually mediated by the forces of history, politics, and circumstance. This reminder is essential if we do not wish feminist ethical claims to override the feminist political goal of lessening oppression. Beauvoir's attention to contextual specificity shows us that our possible responses to vulnerability are ethically ambiguous in the sense that no normative claim about how one ought to respond to human vulnerability, taken in the abstract, can be elucidated without the risk of making our ethics potentially oppressive.

By returning to Beauvoir's ethics, especially Beauvoir's attention to oppression and freedom, I echo the concerns of a growing number of contemporary feminist theorists who express hesitation about the recent "turn" to vulnerability in feminist theory (Bergoffen 2001; Butler 2004, 2005, 2009; Fineman 2008; Oliver 2008) and more generally about moral claims being made in the name of feminism (Murphy 2009; Dean 2008; Halley 2008; Mills 2007; Brown 1995). While each of these authors approach "vulnerability" in a different way, they all emphasize attention to it as somehow significant for contemporary feminist theory. My focus on Beauvoir's ethics here is meant to help return contemporary feminist discussions to an emphasis on the importance of thinking about freedom as a feminist concern (Zerilli 2005; Willett 2001, 1995). Beauvoir's ethics demonstrate that the ethicality of our responses to vulnerability cannot be judged without a thorough attention to the ethical freedom[53] of oppressed ethical actors.

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[53] See Chapter Three.

Feminist Thinking on Violence and The Turn to Vulnerability

Judith Butler's most recent writings are a sophisticated theorization of the significance of human vulnerability as a resource for "a non-violent ethics... that is based upon an understanding of how easily human life is annulled" (Butler 2004, xvii). Butler argues that recognition of the constitutive vulnerability of human existence leads to the conditions of possibility through which we can respond to an ethical "appeal" or "call" for non-violence (Butler 2009, 165, 170). This recent work carries on the feminist theoretical tradition of theorizing non-violence via an attention to human vulnerability that has been strongly present in feminist care ethics (Held 2006; Kittay 1998; Ruddick 1989; Noddings 1984; Gilligan 1982). However, rather than turning to the care ethicists to think through the ethical relationship between vulnerability and violence, Butler produces an innovative feminist ethics by turning to a variety of thinkers in Continental philosophy and psychoanalysis, such as Hegel, Freud, Cavarero, and especially Levinas. Butler's discussion of the ethical import of human vulnerability therefore extends a long-standing feminist tradition of arguing for non-violence while also helping to expand the theoretical resources feminists have used for this task.

Feminist ethicists have tended to undervalue attention to specific historico-political context in their discussions of violence as they develop normative arguments against violence. Kimberly Hutchings notes in her article, "Simone de Beauvoir and the

Ambiguous Ethics of Political Violence," there are two contemporary feminist positions on violence. Both positions situate themselves as "against" violence but they differ based upon the relationships they see between violence and oppression (Hutchings 2007, 111). The first position, "while suspicious of political violence in general, nevertheless makes a distinction, on feminist grounds, between oppressive violence and violence that resists oppression" (Ibid.). Proponents of the second position make no such distinction, arguing instead that all violence inherently reproduces systems of sexist oppression by "working against feminist values and feminist goals" (Ibid., 113).[54] Without a doubt, there is a hegemonic conflation of feminism with a moral prohibition against violence. However, as Hutchings points out, the emphasis that one places on oppression as a mitigating consideration in ethical evaluations of the uses of violence significantly influences whether one morally advocates non-violence in the name of feminism or not.

A number of feminist theorists have recently emphasized the importance of recognizing human vulnerability and of non-violent responses to it. This emphasis on vulnerability within feminist theory is significant for its implicit critique of an idealized independent and autonomous liberal subject. However, without careful attention to the differences between oppression and violence, the recognition of vulnerability may work against some feminist goals of increasing the freedom and socio-historical power of oppressed people. Human vulnerability is lived out in concrete and specific contexts instead of as an abstract ethical proposal. The concrete and specific ways we ethically

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[54] See, in particular, Hutchings discussion of Ruddick, 113-114.

and politically respond to vulnerability vary vastly. For example, the liberal political tradition, with its emphasis on autonomy, liberty, rights, property in the body, etc. is itself one attempt to politically deal with human vulnerability, largely through mechanisms of state and moralistic repression and control. However, there is no feminist consensus on liberalism as an ideal for feminist ethics or politics. It is because of this that there is no obvious feminist normative claim for non-violence to be derived from concentrating on vulnerability.

In this chapter, I make three key arguments regarding the turn to vulnerability as a source for feminist theorizing of non-violence by comparing Beauvoir and Butler's thinking on the ethical import of violence. First, I argue that Butler's theorization of vulnerability shares a significant amount of its conceptual foundations with Beauvoir's ethical theory of ambiguity insofar as both thinkers concentrate on the ethical import of intersubjectivity and interdependence between embodied human actors. Despite Butler's critiques of Beauvoir's concepts of the body and agency in *Gender Trouble* (1990), the two thinkers actually share a significant amount of common ground in their conceptualization of embodied and conditioned forms of freedom. This reveals Butler's disavowed intellectual debt to Beauvoir's feminist existentialist-phenomenology, especially in her ethics. A number of scholars, discussed later in this essay, have remarked on Butler's unacknowledged debt to the existentialist-phenomenology of Beauvoir in regards to her development of the idea of *gender performativity* (Coole 2008; Disch 2008; Lloyd 2007; Moi 1999; Heinämaa 1997). However, there has been much less attention paid to Butler's considerable debt to Beauvoir in her contemporary ethical

writings. Butler's understanding of gender, embodiment, human vulnerability, and constrained conditions of agency can be read as her feminist inheritance from Beauvoir.

My second claim in this chapter, following upon the above discussion, is that despite the considerable similarities of Beauvoir and Butler's ethical thinking concerning questions of embodiment, interdependence, and ethical action, they each come to different conclusions about the possibility, and desirability, of a non-violent ethics. Beauvoir's careful attention to the limitations created by oppression lead her to be much more cautious about arguing for a *non-violent* ethics than Butler. Beauvoir's attention to the ethical constraints experienced in oppressive situations is lacking in Butler's recent ethical discussions of constitutive human vulnerability. Beauvoir's focus on ethical ambiguity is therefore a preferable feminist alternative to Butler's talk of non-violence, because Beauvoir more fully considers the ethical limitations that arise from existing in concrete historico-political situations that are oppressive. Such oppressive situations may render calls for non-violence concretely untenable, and even ethically suspect in some instances. As Joan Cocks writes, "To admit the physicality of certain forms of domination and the visceral aspect of fury at injustice is also to admit that under certain circumstance, the absence of the impulse to violence must be counted as a puzzle, not a virtue." She continues, "we should consider whether the lack of desire to lash out forcefully against domination is itself a domination effect" (Cocks 1995, 243).

Finally, I nuance the former two points by outlining how it is that Butler and Beauvoir's ethics might productively be brought together. A returned attention to Butler's articulation of "normative violence"—the violence of norms themselves—first developed

in her early work on gender, provides a useful extension to Beauvoir's theorization of ethical ambiguity. Normative violence is a discursive kind of violence that nonetheless is material in its effects. Beauvoir did not explicitly focus on developing a formal concept of discursive violence as such, though she was certainly aware that the meanings ascribed to gender in literature and language had concrete material effects that were often oppressive or harmful. Thinking about normative violence, which Butler does so impressively in her earlier work, productively extends Beauvoir's point about the ambiguity of ethics into the realm of subjectivation.

Butler's earlier work has an astute and far-reaching comprehension of oppression extending to the discursive realm that has weakened in her later ethical writings. A strong return to Butler's idea of normative violence has the potential to both extend Beauvoir's insights about the ambiguity of ethics and critically revise Butler's own ethics of non-violence. This revision of Butler's ethics would bring her much closer to a Beauvoirian notion of ambiguity, rather than hanging on to a Levinasian call for non-violence as some how necessary to ethics. Feminist arguments for non-violence are best made contextually within situations in which such an appeal for non-violence works to curtail oppression rather than extending its constraining grasp on the lives of the oppressed. When a call for non-violence, however, would seem to extend situations or systems of oppression, Beauvoir's ethics help us think through the difficultly and ethical ambiguity of this conundrum.

Beauvoir's Existentialist-Phenomenological Account of Sexual Difference or Butler's Gender Performativity?: A "Stylized Repetition of Acts"

As is by now well known, much of what is taken as Judith Butler's significant contribution to feminist and queer theory rests on both her uses and critiques of "French feminists"[55] in *Gender Trouble: Feminism and the Subversion of Identity* (1990). In particular, she is especially critical of Simone de Beauvoir and Monique Wittig, arguing that these French feminists maintained a problematic notion of the universal unsexed human as subjects prior to discourse. Butler employs the insights of another "French feminist," Luce Irigaray, to argue that such an unsexed figure of the human serves to "eclipse the feminine" and thus deny sexual difference (Butler 1990, 13). Counter her earlier writings that contained favorable readings of Beauvoir that expanded upon her ideas,[56] Butler's poststructuralist critique of Beauvoir in *Gender Trouble* accuses Beauvoir both of reiterating traditional sexist philosophical dualisms and of a related inattention to the alterity of sexual difference.

Butler's critique of Beauvoir and Wittig is formulated in order that Butler can set up her own argument—the deconstruction of the American feminist binary of sex/gender in which sex is posited as natural, biological, and material, and gender as socially

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[55] Of course, the title "French feminists" is a misnomer because most of the people grouped under this title are not French and several do not consider themselves feminists. In general, the term refers to Irigaray, Cixous, and Kristeva. I am also including Beauvoir and Wittig in the category here, as Butler engages with them in *Gender Trouble* in her intellectual genealogy of French feminist theory.

[56] For example, Butler 1986

constructed. In order to make this critique, however, Butler maps the sex/gender binary onto Beauvoir's work, claiming that Beauvoir upheld a binary opposition between the factic and natural body and the willful, agentive consciousness. Butler dismisses Beauvoir on the grounds that she uncritically repeats a masculinist Cartesian mind/body split. She argues that Beauvoir's idea of existentialist freedom is associated with the mind understood as the Cartesian *cogito* "capable of doubt" and in opposition to the factic body (Butler 1990, 11-12; footnote 20, 152). Further, she accuses Beauvoir of situating "nature" (i.e. the sexed body) "as a resistant materiality, a medium, surface, or an object" (Butler 1990, 125). Butler's critiques of Beauvoir are aimed at Beauvoir's conceptualization of the body as a factic object and agency as a voluntaristic consciousness.

As Beauvoir scholars point out, Butler's reading of Beauvoir is questionable for both its accuracy and candor. Moya Lloyd notes that Butler's opposition to Beauvoir in *Gender Trouble* is built upon a critique of the relationship between embodiment and agency where previously Butler had situated Beauvoir as her theoretical ally:

> Having initially argued that Beauvoir successfully reconciles the relation between constraint and choice through her conceptualization of agency as always embodied…in *Gender Trouble* [Butler] rejects this view. Instead, she now argues that Beauvoir, in fact, adopts too voluntaristic a conception of agency because she adheres to a Cartesian view of the subject in which the body is subordinate to the mind (Lloyd 2007, 40).

Lloyd maintains that Butler had to "re-script" Beauvoir in *Gender Trouble*, and "It is this 're-scripting' of Beauvoir's work that is pivotal to the genesis of Butler's own theory of performativity" (Ibid, 41).

Butler acknowledges, and then disavows, Beauvoir in order to launch her critique of the sex/gender dichotomy and outline her own theory of gender performativity. However, Butler's account of the performativity of gender implicitly relies on an understanding of gender that is quite existentialist in its emphasis on embodied and situated human action.[57] Because Butler's critique of Beauvoir is precisely one centered on Beauvoir's conceptualization of embodiment and agency, it is easy to miss the ways in which the two thinkers actually significantly overlap on these questions.[58] As I show in

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[57] This is no minor point, as Beauvoir's existentialist-phenomenological account of "becoming woman" in *The Second Sex* is the ground upon which Butler's own theory of gender performativity rests (see Butler 1990, 111-112 for Butler's argument that Beauvoir's account of "becoming woman" is reliant upon a division between "immutably factic" sex and "acquired" gender.) Butler's critique is particularly troubling because Beauvoir was, after all, the first feminist theorist to develop a notion of sexed existence as "something we *do*, rather than as something we *are*" (Moi 1999, 56, italics original). For Beauvoir, there was no distinction between a sexed body and a gendered actor, because sexed existence was already a thoroughly embodied form of doing.

[58] Moya Lloyd outlines a trajectory of Butler's published work on Beauvoir prior to the publication of *Gender Trouble* in 1990. Lloyd carefully reads the trajectory of Butler's changing account of Beauvoir's theory of the body and agency. Butler rather perplexingly turns her initial account of Beauvoir's theory into a description of her own (Butler's) theory of gender performativity in *Gender Trouble*. As Lloyd points out, "In the early papers, Butler presents Beauvoir's phenomenological account of gender as a '*stylized repetition of acts.'* In *Gender Trouble*, these same words are used by Butler to describe *her* own (ostensibly) non-phenomenological theory" (Lloyd 2007, italics original, 37). Lloyd therefore argues, "Butler, quite literally, would have been unable to develop her account of gender performativity" without her earlier work on Beauvoir (Ibid). While once Butler worked out her account of gender performativity *through* Beauvoir's existentialist-phenomenology, even attributing the idea of a "stylized repetition of acts" to Beauvoir, she later develops her concept of gender performativity in

the next section, Butler's own treatment of the body and her formulation of agency in her ethical writings shares much with Beauvoir's notions of the body and her formulation of agency in *her* ethical writings. Because Butler made it seem as though Beauvoir's feminist existentialist-phenomenology shared little with her own feminist theoretical work it is tempting to see the two feminist thinkers as in opposition.

Diane Coole argues in her essay "Butler's Phenomenological Existentialism" that a "simple narrative" is often employed to explain the transition from humanist existentialist and phenomenological French thought to posthumanist poststructuralism. Specifically, Coole notes how "the freedom and experience emphasized by the former now become the objects of profound suspicion" for the latter (Coole 2008,11). We can see *Gender Trouble* enacting this narrative quite clearly as Butler critiques Beauvoir's emphasis on "freedom" for its ostensible Cartesianism in which the free conscious mind of existentialism overcomes the factic material body. Coole argues that such a simple intellectual progress narrative (outdated existentialism overcome by the savvy of current poststructuralist theory) relies on ignoring the strands of previous existentialist thinking that were "*rarely as Cartesian or as uncritically humanist as its critics suggest*" (Ibid., italics added). In particular, Coole questions Butler's critique of Beauvoir as one that

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apparent *opposition* to Beauvoir's existentialist-phenomenological framework. Butler's claim in *Gender Trouble* that she has changed her mind about her earlier readings of Beauvoir does not, as it were, cancel out her considerable debt to Beauvoir concerning her development of a theory of gender performativity (Butler 1990, 12). The pertinent point for the discussion in this essay, however, is that prior to *Gender Trouble* Butler placed herself explicitly in a Beauvoirian tradition on questions of embodiment and conditioned forms of action. This existentialist-phenomenological lineage is quite apparent when we compare the two feminist thinkers, not on gender, but on the ethics of violence.

employs a superficial poststructuralist formula characterized by "sweeping dismissals [that] serve to construct [Beauvoir] as the other that delimits and defines her own constructivism" (Ibid., 22). In other words, Butler sets up Beauvoir as a foil against which she positions her own apparently unique theory of gender performativity. Coole questions Butler's argument that Beauvoir is a "humanist who subscribed to a metaphysics of agency" (Ibid.) maintaining that such a position "obscures [Butler's] debts to materialist, existential and phenomenological accounts of embodied sexuality" (Ibid.). Coole argues that these existentialist-phenomenological "debts," having to do with the theorization of embodiment, reemerge in Butler's later works, "haunting" her theorization in a kind of spectral return (Ibid.).

As I show in this chapter, this "haunting" becomes particularly evident in Butler's theorization of human vulnerability in her ethical writings. While Butler does not actively elucidate her theoretical debts to Beauvoir's existentialism, and even disavows them in *Gender Trouble*, the similarity between the two thinkers on questions of embodiment, agency, and human inter-relationality is striking when one read their ethical works side by side.

Butlerian Constitutive Vulnerability vs. Beauvoirian Ambiguity

The ethical writings of Beauvoir and Butler are similar in three significant ways. First, both thinkers give their account of ethics via discussions of violence. This similarity is the most superficial as many ethical thinkers are concerned with violence.

Their ethical accounts more profoundly overlap in terms of *how* they address violence as a way to think the difficulty inherent to ethics. Both thinkers develop a notion of embodiment that strongly elucidates our dependence on, and vulnerability to, other embodied beings. This interdependence is formulated as a kind of intersubjective relation or "tie" that conditions ethical life, especially where the possibility of injury or violence are concerned. This "precarious" or "ambiguous" relation to others, this tie that *simultaneously* binds and threatens, is integral to understanding the conditions of possibility for ethics outlined by both thinkers. This similarity lays the groundwork for their congruent accounts of agency and a non-juridical notion of ethical responsibility. Both Beauvoir and Butler question moral theory that attempts to tell people how they ought to act and instead question the conditions of possibility that enable ethical action.

In her ethical works (2004, 2005, 2009), Butler seeks to discuss under what conditions we can enable an ethics of non-violent response to others. Beauvoir, on the other hand, wants to know under what conditions people can gain "ethical freedom."[59] The major difference in their accounts of ethical life, then, is that Butler seeks the conditions of possibility for something she is calling "non-violence," (Butler 2004, 19-49, 128-151; Butler 2005, 64; Butler 2009, 167-184) whereas Beauvoir is centrally concerned with the conditions in which ethical freedom—the ability to formulate and enact ethical values and responsibilities—can arise.[60]

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[59] See Chapter Three

[60] See, for example, the conclusion to *The Second Sex* in which Beauvoir calls for the mutual recognition of "ambiguity" in relations between the sexes (763) in order that women not be "doomed…to immanence and inferiority" by oppression (754). This would

Beginning with her first ethical essay, "Pyrrhus and Cinéas," Beauvoir rejects the idea of humans as 'independent agents' who have no connection to the world or others in it (she attributes this idea of existentialist subjectivity to Camus' figure of "The Stranger"). Instead, she defines subjectivity as "movement toward the other" (Beauvoir 1944, 93). Beauvoir terms the indeterminacy between self as subject and other as object "ambiguity." She insists that the self is *also* an object and the other also a subject. She formulates this idea at the end of section two of *The Ethics of Ambiguity*, maintaining, "The me-others relationship is as indissoluble as the subject-object relationship" (Beauvoir 1948, 72).[61]

The development of this notion of ambiguity relies on Beauvoir's attention to the body as a "situation." Contra Butler's contention that Beauvoir privileges the mind over the body, Beauvoir's concept of situation takes the body as central to human existence and action. The body, for Beauvoir, is always the non-dualistic phenomenological *corps vécu*, or "lived body." This lived body, as Sara Heinämaa explains, "*is not a thing but a way of relating to things, a way of acting on them and being affected by them*" (Heinämaa 1997, 31, italics added). This notion of the body as *simultaneously* the thing that allows us to act and to be acted upon—the condition of both our doing and undoing—Beauvoir shares with Butler. As Butler articulates it in *Precarious Life*, this kind of inter-corporeal

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mean women would "have the means to go beyond" "the contingencies and miseries of the human condition" (762) and would no longer be considered ethically irresponsible (757). Both sexes would be recognized as experiencing "the same drama of flesh and spirit, and of finitude and transcendence…both are eaten away by time, stalked by death… they can take the same glory from their freedom" (763).

[61] See also Keltner 2006 and Tidd 2008 on Beauvoir's idea of ambiguity.

relationality is "composed neither exclusively of myself nor you, but is to be conceived as *the tie* by which those terms are differentiated and related" (Butler 2004, 22). The key idea shared by both thinkers about embodiment is that the body both separates us from others and opens us up to those others at one and the same time via "a primary and unwilled physical proximity with others" (Ibid., 26).

This importance placed on our unavoidable inter-relationality with others due to our embodiment and physical proximity is one reason why violence is such an important consideration for both Beauvoir and Butler in their ethics. As Sonia Kruks highlights in her introduction to Beauvoir's essay "Moral Idealism and Political Realism," Beauvoir's ethical work contains a thematic "discussion of violence and responsibility to others" and "the vulnerability of individuals to injury through each other's actions" (Kruks 2004, 168). Violence has the potential to powerfully *expose* our capacity to be acted upon by others in a way that reveals our selves not to be autonomous or sovereign but constantly in relation to, and dependent on, those others (Butler 2005, 90-91; Butler 2009, 172-173). As Butler explains in the introduction to *Precarious Life*, "One insight that injury affords is that there are others out there on whom my life depends…This fundamental dependency on anonymous others is not a condition that I can will away" (Butler 2004, xii). For both thinkers, our irremeable condition of being given over to others (in both a generalized ontological and concrete-particular historical sense) must be integrated into our concept of ethical responsibility.[62]

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[62] Beauvoir makes a strong metaphysical claim in an "Eye for an Eye" (1946a) that drives home the importance of our interdependence, writing, "The affirmation of the reciprocity of interhuman relations is the metaphysical basis for the idea of justice. It is what

Conditioned Agency and Non-Juridical Ethical Responsibility

Both Beauvoir and Butler's consideration of the consequences of our embodied dependence on, and vulnerability to, others leads them each to develop an account of agency based on subjects who are opaque. The notion of ethical agency developed by both thinkers is one of partial self-knowledge and not the juridical accountability of knowing, rational agents of liberalism. The conditions for ethical responsibility can only be thought by first acknowledging that ethical actors are ambiguous and situated (Beauvoir) or ek-static and constitutively vulnerable (Butler).

In her review of Merleau-Ponty's *The Phenomenology of Perception* (1945b), Beauvoir articulates her sense of the embodied subject as opaque due to its situatedness in a human historico-political world of others. Subjects are "situated" in the dual sense that their consciousness is embodied and that embodied consciousness is also situated in human history and socio-political life. Toril Moi explains,

> For Sartre, Beauvoir, and Merleau-Ponty, the concept of situation is crucial, since they need it in order to avoid dividing lived experience up in the traditional subject/object opposition. For Sartre my class, my place, my race, my nationality, my body, my past, my position, and my relationship to others are so many different situations. To claim that the body *is* a situation is not the same thing as to say that it is placed *within* some other situation. The body is a situation *and* is placed within other situations (Moi 1999, 65, italics original.)

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vengeance strives to reestablish in the face of the tyranny of a freedom that wants to be sovereign" (249).

Beauvoir writes of this concept of situation, "My history is incarnated in a body that possesses a certain generality, a relationship with the world prior to myself, and that is why this body is opaque to reflection" (Beauvoir 1945b, 163). Thus, all bodies share a "generality" in which they have a prior relationship to the world that renders them opaque even to their own reflection. This inability of each subject to be entirely self-knowing is related to Beauvoir's idea of "situation."

For Beauvoir, one consequence of this opacity is ethical struggle. This is the struggle to delineate ethical values and to enact them when we are not sovereign consciousnesses. This struggle produces a certain inevitable ethical failure. Human existence, which requires human action, is only based on partial knowledge of the self and the human historical world. This makes all ethical judgment incomplete and any notion of "agency" is truncated by this partial knowledge. Beauvoir expresses this sense of inevitable ethical failure strongly at the end of "An Eye for Eye," writing,

> [Man] is at the same time a freedom and a thing, both unified and scattered, isolated by his subjectivity and nevertheless co-existing at the heart of the world with other men… In the same way as hatred and revenge do, love and action always imply a failure, but this failure must not keep us from loving and acting. For we have not only to establish what our situation is, we have to choose it in the very heart of its ambiguity. (1946, 258-259).

Any sense of ethical freedom we might entertain exists from *within* our ambiguous status as existents who are freedom-things, coherent-incoherences, isolated and interrelated from/with others. Ambiguity conditions our freedom in a way that implies a certain kind of failure of self-knowledge and sovereign rational will. Therefore, when we think about

the ethicality of violent or non-violent responses to vulnerability, Beauvoir will insist that our ethical possibilities do not involve a limitless freedom or individual agentive capacity for non-violence. Instead our agency is radically constrained and enabled by the condition of our ambiguity.

Butler similarly highlights a sense of inevitable ethical failure due to our incomplete self-knowledge and embodied situatedness in the world. In *Giving an Account of Oneself* (2005), Butler seeks to outline a theory of ethics that arises from our condition as opaque subjects. She argues that the "failure" that comes with being "a subject whose access to itself is forever opaque" should not be considered as a prohibiting an account of "agency" or ethical "accountability." Instead, she argues, "our 'incoherence' establishes the way in which we are constituted in relationality: implicated, beholden, derived, sustained by a social world that is beyond us and before us" (Ibid., 64). This is Butler's notion of ethical subjects as "ek-static"—we are outside and beyond ourselves. And it is from this notion that she queries, "Can a new sense of ethics emerge from such inevitable ethical failure?" (Butler 2005, 42).

Like Beauvoir, then, Butler wants to formulate an account of freedom, agency, and ethical responsibility that takes up our opacity as subjects situated in the world. She reflects,

> If there is an operation of agency or, indeed, *freedom*…it takes place in the context of an enabling and limiting field of constraint. This ethical agency is neither fully determined nor radically free… This struggle with the unchosen conditions of one's life—an agency—is also made possible, paradoxically, by the persistence of this primary condition of unfreedom (Butler 2005, 19, italics added).

Here we strongly see the overlapping accounts of Beauvoir and Butler on conditioned ethical agency. Butler rarely uses the term freedom, but here she adopts the term to refer to conditions of enablement and constraint surrounding ethical agency. That is, "the body implies" both vulnerability and agency at the same time (Butler 2005, 26). This fact conditions our ethical capacity to act—our ethical freedom—for both thinkers.

The Ambiguity of Recognizing Vulnerability

Despite the similarities on the question of embodiment and ethical freedom I have just outlined, Beauvoir and Butler come to different conclusions about the ethical import of violence. While Beauvoir is primarily concerned with enabling conditions of ethical freedom, Butler speaks in terms of what she calls "livability." Beauvoir sees oppression as the biggest limiting condition to ethical freedom, while Butler situates the problem in terms of the ontological "derealization"[63] of some people as human. This derealization renders their suffering unintelligible and disavows human vulnerability so that some violence may not even register as violence as such (Butler 2004, 33). Beauvoir seeks to

[63] "Derealization" is a term Butler uses to discuss the limits of ontological definitions of the human. She writes, "I am referring not only to humans not regarded as humans, and thus to a restrictive conception of the human that is based upon their exclusion. It is not a matter of a simple entry of the excluded into an established ontology, but an insurrection at the level of ontology, a critical opening up of the questions, What is real? Whose lives are real? How might reality be remade? Those who are unreal have, in a sense, already suffered the violence of derealization. What, then, is the relation between violence and those lives considered as 'unreal'? Does violence effect that unreality? Does violence take place on the condition of that unreality?" (Butler 2004, 33).

make the oppressed more ethically "free,"[64] while Butler wishes to enable the conditions for the recognition of, and non-violent response to, our constitutive vulnerability to one another. This requires, for Butler, an attention to how it is that the suffering and injury of others is made intelligible when there is no guarantee that constitutive vulnerability will be recognized, or once recognized, responded to with non-violence. Beauvoir's attention to oppression however, seriously calls into question whether the recognition of vulnerability *ought* to lead, in all cases, to a generalized call for non-violence.

Even if both thinkers are concerned with the conditions under which we come to recognize our vulnerability with/to others, for Beauvoir this recognition does not lead to any claim or call for non-violence. Instead, it demonstrates a very deep sense of the ambiguity of ethics, the abysmal quality of our freedom, as we live out our vulnerability in relation to/with others. Both thinkers agree that violence and non-violence are possible responses constituted by human vulnerability (at the ontological level). However, Beauvoir insists that the responses we concretely enact in relation to lived vulnerability are historically, socially, and politically contextual *in ways that foreclose non-violence as an overarching normative ethical principle*.[65]

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[64] Where "free" takes on the dual sense of enabled and constrained.

[65] This is tragic for Beauvoir. Nonetheless, she insists that we recognize this "truth" as a challenge inherent to our ethical struggle. See, for example, her discussion in "Pyrrhus and Cineas" (1944) in which she writes, "Respect for the other's freedom is not an abstract rule… I can only appeal to the other's freedom" (136). Yet, when "persuasion fails, only violence remains…" (138). Still, even when this is the only option left, "One cannot…lightheartedly accept resorting to force…and yet abstention is also impossible; one always acts. We are condemned to failure because we are condemned to violence…"

In *Precarious Life* (2004), Butler persuasively argues for the ethicality of a non-violent political response to 9/11 that is based on an acknowledgement of shared human vulnerability. She speaks of, and to, a "tenuous we" defined around the experience of grief and loss, writing, "despite our differences in location and history…all of us have some notion of what it is to have lost somebody" (Butler 2004, 20). She maintains that this experience of loss powerfully illustrates our ek-static relationality with one another. She then argues, "When we lose some of these ties by which we are constituted, we do not know who we are or what to do. On one level, I think I have lost 'you' only to discover that 'I' have gone missing as well" (Ibid., 22). From this foundation, Butler then points towards what she calls a "normative aspiration" (Ibid., 26). This is aspiration towards the "affirmation" of relationality "as an ongoing normative dimension of our social and political lives, one in which we are compelled to take stock of our interdependence" (Ibid., 27).

To argue, largely to a U.S. readership, for a non-violent responses to 9/11 that acknowledges, instead of denies, our constitutive vulnerability, inter-relationality, and

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(138). See also Beauvoir's discussion of balancing means and ends in "Moral Idealism and Political Realism" (1945a) in which she discusses the ethical meanings of violence as a political means. She claims in this essay in regards to French pacifism, "It is absurd to ensure the defeat of those values that one wants to triumph, out of respect for them" (185). Finally, see Beauvoir's argument for capital punishment for Nazi Robert Brasillach in "An Eye for an Eye" (1946a). She concludes the essay, "We know enough at present to know that we must stop seeing vengeance as the serene recovery of a reasonable and just order. Nonetheless…to punish is to recognize man as free in evil as well as in good. It is to distinguish evil from good in the use that man makes of his freedom" (259). In other words, Beauvoir is arguing that the value of respecting interdependence and human reciprocity is served through a means (capital punishment) that paradoxically defies this value.

interdependence with other people makes sense in terms of Butler's ethicopolitical framework. This is because, at the historical moment Butler was writing, so many people were arguing for the kind of political response to 9/11 that was built specifically on the *denial* of human vulnerability and interdependence and on a notion of individual and national sovereignty and retributive violence. The need to build political arguments responsive to the uneven global distribution of power and suffering based on the denial of constitutive vulnerability is no less great a decade after 9/11.

However, when Butler moves from arguing for a normative aspiration for non-violent response in this specific historico-political context, to an argument for a "normative aspiration" for non-violence in general, she runs the risk of reinscribing the specifics of a particular historical and political context into an oppressive ethical command. While Butler is careful to note, "I do not mean to deny that vulnerability is differentiated, that it is allocated differentially across the globe," she nonetheless speaks throughout her essay to a "we" that is in need of convincing that it ought to value vulnerability because of the very sociopolitical power of that "we" to violently deny it (Butler 2004, 30-31). Butler therefore references the differential allocation of vulnerability while failing to take into account what this differential allocation means for the conditions of possibility for *non-violent* response to others.

While Butler was writing to an audience largely in need of reminding of its own constitutive human vulnerability, Beauvoir was writing out of a context in which human vulnerability could not have been more evident to those around her. The historical period in which Beauvoir was developing her ethical writings followed directly after WWII

(roughly 1945-1949) and her writing was influenced by her experience of the Nazi occupation of Europe. Her reflections on the need to resist Nazi oppression in Europe were also supplemented by her growing awareness of the conditions of racism in the U.S. and French colonial domination in northern Africa at the time (Simons 2001). Considering historico-political situations such as these lead Beauvoir to question a normative ethical thrust towards non-violence in all cases, as such a normative thrust problematically ignores the very real constraints ethical actors face when they exist in situations that are already violently oppressive to them at a variety of levels. Drawing direct inspiration from these different historico-political contexts to think about the ethical meanings of violence lead Beauvoir and Butler to different theoretical conclusions about the value of non-violence as an overarching normative principle. This would seem to support Beauvoir's argument that lived context matters greatly for our ability to normatively advocate the value of non-violence for concretely situated ethical actors. While we may all be constitutively vulnerable at an ontological level, we do not share the same conditions of ethical freedom that would allow us to be responsive to that vulnerability in a non-violent way without also potentially increasing violent forms of oppression and suffering at the same time.[66] This is what Beauvoir so powerfully elucidates in her ethics.

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[66] For example, think here of the situation of a homeless child. That child is far less likely to be able to respond to the vulnerability of others than a child with reliable housing. We might rightly expect the latter child to be responsive to the vulnerability of the former, but the opposite expectation is ethically perverse insofar as it sets up an obligation that is unrealistic and arguably oppressive. The two children do not have the same ethical freedom.

Beauvoir's ethics calls into question Butler's project of avowing our vulnerability through an ethics of non-violence. The fact that we are interdependent with, and vulnerable to, one another undeniably makes violence possible, but that does not mean that this violent exploitation of our condition of ambiguity is always oppressive. In fact, within conditions of larger sociopolitical oppression, the exploitation of vulnerability through violence might paradoxically be one means to achieve less oppressive ends. In other words, an affirmation of our ambiguity or constitutive vulnerability to one another might actually arise through violence. Because we are embodied existents who are interdependent and vulnerable to one another we have the capacity to act on one another. This condition provides the opportunity for both entrenching and resisting oppression with and through our embodied action. Whether violence entrenches or resists oppression is unclear outside of our lived existences. And, in fact, even *within* our lived contexts it is often very difficult to determine and delineate actions that lessen or deepen oppression. This also points to the ambiguity of ethics, not only on the level of normative claims, but even more radically at the level of daily existence.

Ann V. Murphy calls into question the normative effects of recognizing vulnerability in her article examining the recent feminist turn to vulnerability entitled, "'Reality Check': Rethinking the Ethics of Vulnerability." She argues,

> We are in bad faith to assume safe passage from the primordial vulnerability and exposure that constitutes the embodied subject to a model of justice wherein this ethical corporeity is universally respected. To force some remembrance of our primordial ties to one another is one thing, but in and of itself, *this retreat to vulnerability and*

> *exposure does not readily conjure any particular ethical sensibility* (Murphy 2009, 63, italics added).

Attention to vulnerability may be the grounds on which we become non-violently responsive to others by disposing us towards a response to them that acknowledges their (and our own) vulnerability. However, recognition of vulnerability (in ourselves or others) is just as likely to create a response of violence. While Butler, following Levinas, acknowledges this and argues for responses of the former type, she fails to show us how recognition of vulnerability *concretely* leads to such non-violent responses and she ignores the ways that conditions of oppression may foreclose the possibility or ethicality of non-violent response. It is the leap from the intelligibility of human vulnerability to the idea that intelligibility of that vulnerability *should* lead to the non-violent affirmation of it that is under critique here.

Speaking of Butler's tendency to assume that recognition of vulnerability ought to lead to some particular ethical response, Moya Lloyd explains, "Butler argues *as if* the ethical imperative is *apolitical* (because it is presented as prediscursive and, thus, as not predicated on power relations) and *as if* ethical encounters in determinate contexts are political…." (Lloyd 2008, 103-104, italics original). This places the ethical imperative prior to, or outside, the historical and political human world. As George Shulman argues, "Butler depicts an unconditional 'ethical' obligation to (the suffering of) the other, but never explores the political questions that must mediate (and complicate) it" (Shulman 2011, 233).

The historical and political human world keeps open and undecided the question of whether a non-violent response to constitutive vulnerability is necessarily an ethical response. Shulman notes, "there is a kind of formalism in Butler's argument about vulnerability… it selects only the universal vulnerability to injury and death, while ignoring other forms of vulnerability, say, to climate change or economic oppression, which might generate different political conclusions—and profound conflict" (Shulman 2011, 233). Not only might it lead us to different political conclusions, but ethical ones, as well.

The division between the ethical and the political found in Butler is one that Beauvoir's ethics of ambiguity refuses and I am suggesting in this article that feminist theorists take seriously the importance of this refusal. We cannot, as it were, situate the ethical imperative to respond to vulnerability as somehow prior to the political situatedness of those subjects who are responding from within a conditioned ethical freedom. This accounts for the irremediable difficulty that is the ethical struggle outlined by Beauvoir in her ethics. We exist in a human historico-political world that conditions our very capacities for ethical response in concrete, not merely theoretical, ways. Our ethical freedom is enabled or constrained by the larger contexts in which we are acting. What I read as Beauvoir's challenge to Butler, then, is the fact that non-violent responses to constitutive vulnerability may unexpectedly work *in favor of oppression*. There is no guarantee that recognition of vulnerability ought to lead to a normative aspiration to affirm vulnerability through non-violence (and in some situations the opposite may occur).

A return to the insights of existentialist-phenomenological accounts of oppression is quite instructive for our contemporary ethical considerations of vulnerability within feminist theory. As Murphy argues,

> The inherently ambiguous nature of embodied vulnerability is particularly obvious when it is viewed through the lens of phenomenology…Here one might consider one of several accounts of oppression and vulnerability…. Including Simone de Beauvoir's investigation of sexed embodiment, as we all as Frantz Fanon's descriptions of black embodiment under colonialism…. Experiences of dispossession challenge the virtues of a return to vulnerability… for some, a sense of dispossession may be accompanied by a sense of communion with others… for others it may be experienced solely as violation and terror (Murphy 2009, 59).

Although Butler acknowledges, following Levinas, that exposure to another's vulnerability may well lead us to an impulse to violate them, she gives no real account of the ambiguity of vulnerability in conditions of oppression. That our relationality can be exploited towards oppressive ends, or just ones, is part of the ethical challenge of understanding how violence is differentially politically employed. We cannot separate constitutive vulnerability from its differential "allocation" in our daily existence, even in theory.

In her essay, "Vulnerability, Violence and (Cosmopolitan) Ethics: Butler's *Precarious Life,*" Angela McRobbie attributes to Butler a position that does explicitly address power differentials. She writes, "The vulnerability of others solicits a response which Butler argues compromises both a temptation to be murderous or aggressive ourselves, and at the same time produces the possibility of the opposite response, the

prospect of peaceful intervention." McRobbie then claims that this structure of relation produced by constitutive vulnerability, "is one in which he or she who has power, actually will not kill" (McRobbie 2006, 83). It is unclear to me why the one who has power will not kill, though the normative claim that the one with power *ought not* respond with aggression seems far more tenable. If it were this claim that Butler was explicitly making, then her ethics would avoid many of the problems I am outlining in this section. As it stands, however, I do not see Butler adequately taking into account social, historical, and political power differentials as relevant to the ethical aspiration towards non-violence.

As Beauvoir's ethics importantly acknowledges, there is a certain ambiguity at the heart of our ethical responses to the vulnerability of others. Choosing violent or non-violent responses is a challenge inherent to the recognition of vulnerability and one that is radically conditioned by situations out of which we are responding. This challenge cannot be foreclosed by an *a priori* call for a normative aspiration for non-violence such as Butler's without foreclosing the very meaning of ethical struggle that Beauvoir finds so valuable when developing her concept of ethical ambiguity.

Normative Violence: Why Non-Violence is Unethical

A number of contemporary feminist theorists have expressed concerns, such as those discussed above, about Butler's non-violent ethics. Such critiques have forced Butler to be more specific about what she means by non-violence. Butler's previous

attention to "normative violence" appears to be in tension with her call for a non-violent ethics. Catherine Mills argues in a 2007 essay entitled, "Normative Violence, Vulnerability, and Responsibility," Butler's "turn to an ethics of nonviolence threatens to retreat from what are some of the most valuable provocations of Butler's understanding of the appearance of embodied subjectivity within the normatively regulated social sphere" (Mills 2007, 153). Butler's careful attention to the conditions of possibility within which people are constrained and enabled is in tension with her ethical call for non-violence. This is because Butler locates *within* normativity a force that both constrains and enables our intelligibility as acting subjects that is often violent. We depend on social norms for our appearance and intelligibility as subjects, but this same process of becoming intelligible does a kind of violence by constraining the very ways we can become intelligible as such.

A call for non-violence appears puzzling from a thinker who situates a certain kind of violence as intrinsic to the very normativity necessary to sociopolitical existence. Mills argues that Butler's turn to a non-violent ethics "is not fully reconciled with her insights into ethical subjectivation and resists rather than extends the immanent challenge of those insights to think and live ethics in the midst of violence" (Ibid.). It is this effort to think and live ethics in the midst of violence, rather than trying to expunge violence from our midst in the name of a utopian or idealistic future, that is a central problem for feminist ethics contemporarily. This was also one of the central preoccupations of

Beauvoir's ethical thought—how to think and live ethics from within situations that constrain our ethical freedom and foreclose idealized or utopian responses.[67]

Butler first introduced the term "normative violence" in the preface to the second edition of *Gender Trouble*. She coined the term as a shorthand way to describe her theoretical efforts up to that point. Samuel Chambers helpfully explains the meaning of normative violence in Butler's work, writing, "Normative violence points not to a type of violence that is somehow 'normative,' but to the violence of norms" (Chambers 2007, 99). Thus, the concept of normative violence does not mean violence that is routinely taken for granted or normatively justified, but rather the violence intrinsic to normativity. As Chambers writes, "The concept of normative violence draws our attention not to the violence done to a pre-formed subject, but to the violence done *within the formation of subjectivity"* (Ibid., 47, italics added). We are, according to Butler, dependent on normativity for own intelligibility as subjects, yet this dependence also renders us open to a certain violence of those very norms upon which we depend.

Butler argues in *Undoing Gender*, "although we need norms in order to live, and to live well, and to know what direction to transform our world, we are also constrained by norms in ways that sometimes do violence to us" (Quoted in Mills 2007, 149). Thus, we are dependent on norms at one and the same time that they may do violence to us. They simultaneously enable our existence as socially intelligible subjects and

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[67] For another effort to theorize this kind of ethics, see *Rethinking Ethics in the Midst of Violence: A Feminist Approach to Freedom* by Linda Bell. Bell uses a Sartrean existentialist framework to develop a feminist ethics attentive to the fact that "violence pervades our society" (Bell 1993, 21).

sometimes violently constrain our subjectivity. This is what Mills terms "the paradoxical ambiguities of normativity" (Ibid.). Attention to the "ambiguities of normativity" as both enabling and violent calls into doubt an easy articulation of non-violent ethics.

If we are already somehow in the midst of violence, if becoming intelligible as an ethical subject often requires a certain kind of violence from the start, then to speak of non-violent ethics undercuts the critical importance of Butler's account of normative violence in the first place. Mills explains,

> That the social makes possible the ethical encounter means that ethical relationality between singular beings will also be founded in normative violence. Thus, in insisting upon the regulation of the ethical encounter it would appear that Butler is also committed to a foundational violence in ethics, whereby the face of the other does not simply break through normative violence but *relies upon that violence in order to enter into ethical relationality at all* (Mills 2007, 149, italics added).

Butler's account of normative violence prohibits any easy distinction between violence and non-violence. Therefore, Butler's call for a non-violent ethics is called into question by her own account of normative violence as somehow an intrinsic possibility within the formation of subjectivity.

The Butlerian concept of normative violence can work to deepen Beauvoir's idea of ethical ambiguity by extending the struggle of our ethical freedom into the discursive realm of subjectivation (see Butler 1990, especially the preface to the 1999 edition in which Butler first develops the concise notion of normative violence, and Butler 1993b; See also Chambers 2007). Even the processes by which we are formed as subjects can

work to enable or constrain what Beauvoir calls our ethical freedom. This is because these processes of subjectivation are intrinsic to our experience and understanding of our lived situations. Ethical freedom, then, is not simply a kind of rational agentive freedom of choice, but a deeper sense of freedom in which our very possibility to create, sustain, and enact ethical values is at issue. Despite the tensions arising between Butler's earlier account of normative violence and her later call for an ethics of non-violence, a return to Butler's account of normative violence *can* be used to productively extend Beauvoir's account of ethical ambiguity by illustrating how deeply our ethical freedom is conditioned.

In her theorization of the ethical conundrums produced by oppression, Beauvoir insists on accounting for the violence within which subjects are already situated as embodied and social existents. She implies, as it were, that there is always the possibility for some violence that is intrinsic to our conditions of existence as socially interdependent and tied to one another. Butler's idea of normative violence extends this idea by paying particular attention to forms of violence that occur at the level of subjectivization. However, Beauvoir's ethics is not one that seeks to do away with this possible violence, but instead to recognize it as a condition of (im)possibility and to struggle with it as the ambiguous condition out of which we act as ethical agents.

Mills rightly notes that the tension between enabling and constraint of conditioned ethical freedom "recalls the tension between committing and undergoing violence identified by Levinas" that "is…the productive ambiguity of ethical responsibility." This means that "Butler's formulation of ethics cannot be 'nonviolent' in an obvious

sense; it would mean that ethics is in fact violent, even if that violence is necessary as a delimiting response to another, perhaps more severe violence" (Mills 2007, 150). This is the ethical notion of ambiguity found in Beauvoir's ethics, for she is unwilling to argue for the expurgation of violence from ethics, instead situating violence as inherent in our own ethical struggle. To this end, Beauvoir allows that there are some forms of violence that are ethically preferable as "a delimiting response" to other kinds of violence. In fact, at times, she seems to be reminding us that our "choice," often a difficult and tragic one, of such delimiting violence is at the very core of ethical action. This means that ethical action is inherently ambiguous in ways we would do well to affirm, instead of calling for non-violence as an overarching ethical norm.[68]

Conclusions

In her response to Catherine Mills essay printed at the end of *Frames of War* (2009), Butler specifies that her notion of non-violence as one having to do with an ambiguous ethical struggle. She writes, "non-violence as an ethical 'call' could not be understood if it were not for the violence involved in making and sustaining of the subject. There would be no struggle, no obligation, no difficulty" (Butler 2009, 170). She continues a bit further on discussing the "struggle" of non-violence: "It has, I would

[68] See especially Beauvoir's discussion of violence in *The Ethics of Ambiguity* (1948) in the sections "The Antinomies of Action" (96-114) and "Ambiguity" (129-155). On page 148, she writes, "Thus, we challenge every condemnation as well as every *a priori* justification of the violence practi[c]ed with a view to a valid end… A calm, mathematical calculation is here impossible." She continues down the page, "that is why political choice is an ethical choice: it is a wager as well as a decision."

submit, nothing to do with cleansing or expiating violence from the domain of normativity…It is precisely because one is mired in violence that the struggle exists and that the possibility of non-violence emerges" (Ibid. 171). To Butler's credit, then, her most recent theorizations of non-violence have carefully worked out an idea of non-violent ethics (via Levinas) that attempts to acknowledge a certain struggle with violence at the ontological level.

Yet, it remains unclear why it is that Butler continues to try to theorize a specifically *non-violent* ethics despite her deep insights about the constraints of normative violence as an explicitly political working out of ontological conditions of inter-relational vulnerability. There is a certain indistinguishability between violence and non-violence that arises from conditions in which "one is mired in violence." The recognition that we are mired in violence is what makes ethics an ambiguous struggle not simply at the ontological level, but extending into our concretely lived existence. This attention to socio-politically lived existence is what Beauvoir will not let us forget in our ethical discussions.

To acknowledge the ambiguity of ethics at the historico-political level of everyday existence allows feminist ethicists to truly take up Beauvoir's insight that we exist in the midst of violence and this conditions our ethical freedom in ways we cannot deny. Prior to any normative aspiration to non-violence, we must address the conditions by which people's ethical freedom is enabled or curtailed if we do not wish our ethics to become oppressive. This is the ambiguous struggle Beauvoir locates as central to ethics, as we respond to vulnerability, with violence or not, as we exist in relation to, and with, others

in the world.

Conclusion: Affirming Feminist Ethical Freedom

Our condition of existence as socially interdependent and tied to one another—as existing, in bodies, in shared space and time with other people—means that there is always the possibility for violence. We cannot wish away this condition of potential violence, but we can think about what this condition means for our ethical and political life, as humans have been doing for thousands of years. In its broadest sense, this dissertation points out both how feminist thinking is a useful tool for this task, and some ways this tool has become blunted by failures of our creative and critical imaginations.

One way feminism's critical analysis has become blunted, as Linda Zerilli astutely argues in *Feminism and the Abyss of Freedom*, is that much of our feminist theoretical thinking has turned towards issues of "identity and subjectivity" (Zerilli 2005, ix)—what Zerilli calls "the subject question" (Ibid., 9-25). She writes, "However important these questions seemed—and still seem—to me, I worried about the framework in which they were posed. I could not find in this framework the feminist demand for political freedom that so inspired me" (Ibid., ix). This dissertation was built out of a similar suspicion that feminism has become distracted from one of its most important animating questions: how does oppression limit human freedom? Like Zerilli, a commitment to, and even a yearning for, something elusively called "freedom" initially drew me to feminism. It is also what drew me to the philosophy associated with the existentialist tradition, and, in particular, the thinking of Simone de Beauvoir.

Although Beauvoir is concerned with subjects and subjectivities, through her development of the concept of "ambiguity" she is clear that the subject is also always

concurrently object, self always also an other, and that philosophy has mostly failed to consider this fact. In this idiosyncratic way, Beauvoir considers human plurality as an essential factor in thinking both existentialist philosophy and its ethical ramifications. In so doing, she turns existentialist thought into a fertile ground for feminist theorizing, as well as anticipates some of the deconstructive impulses of feminism in the late 20th century.

Zerilli astutely observes in her introduction to *Feminism and the Abyss of Freedom* that Beauvoir's *The Second Sex* has been understood and inherited by feminist theorists primarily through the subject question—"in terms of the inner and outer constraints on the subject as they have been described in the Western philosophical tradition and, more specifically… existentialist ethics" (ibid, 10-11). And, indeed, *The Second Sex* addresses this topic on many of its pages. Yet, to say that this is what the book is about, in my view, seriously underestimates the critical import of that book, as well as the critical thrust of Beauvoir's larger *oeuvre*.

Zerilli insists that Beauvoir argues in *The Second Sex* "that freedom can never be strictly a subject question" (Ibid., 11). She continues, "Contra Sartre, for whom freedom is a subjective inner state that persists even under the most oppressive social conditions…Beauvoir holds that to be free is to be able to do" (Ibid.). She continues, "The problem of freedom that inspired Beauvoir's account of femininity was both reiterated and occluded in later interpretations of her work, which mostly focused on the identity thematic (that is, gender is made, not given) and tended to lose sight of freedom as a political problem of the I-can" (Ibid.). Zerilli barely mentions Beauvoir again in

Feminism and the Abyss of Freedom, turning her attention instead to developing an account of political freedom through the work of one of Beauvoir's contemporaries—Hannah Arendt. This dissertation attempts to stay with Beauvoir a little longer on the question of freedom, and with her insistence that freedom, often understood as a political question, is also an ethical one.

Beauvoir's concern with freedom, as I have come to understand it, treats the question of existentialist freedom[69] as an ethical one.[70] Beauvoir insists that existentialist ethics are not merely a question of the "good" or "bad" faith of subjects. Instead, she argues that existents are radically conditioned by concrete situations, of which our bodies, histories, and identities are part. Our varied lived situations constrain, but do not determine, our ethical possibilities as we act in a world full of others who are also acting. If there is a divide between an "I –will" and an "I-can" within democratic political life, as Arendt famously argued (Ibid.), Beauvoir shows us that this division is also present when we are thinking from the viewpoint of ethics, shifting our focus to how the "I-can" works in concert with our conceptions of the "I-will."

Ethical freedom, a concept I draw out of Beauvoir's work in Chapter Three, focuses on how oppression works to limit the ethical "I-will" of oppressed people by foreclosing their ability to understand themselves, and to be understood by others, as ethical actors. Beauvoir is clear that this is especially true where violence is concerned.

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[69] A very shorthand definition of which is: acting authentically to create in our lives, which have no pre-given meaning, some meaning. Even more roughly: we are what we do because we have no pre-given essence.

[70] Sartre also tried to create an ethics out of his version of existentialism, but failed to complete the task.

This insight strikes me as essential to contemporary feminist theorizing about violence. Using Simone de Beauvoir's ethical *oeuvre* as my guide, I have argued that we should shift feminist discussions of violence towards the concept of ethical freedom and away from the liberal feminist and violence against women paradigm that has dominated much of the discourse concerning violence within feminist theory.

The violence against women discourse is predominantly about violence done *to* women as "victims" of oppression, outlining arguments for why this violence is morally objectionable or politically unjust. As I discussed in Chapter Two, critics have pointed out that this emphasis on violence done to women too often relies on and reiterates the related ideas of women's passivity, powerlessness, and need for protection from powerful others. What is eclipsed in this feminist discussion about violence is a strong sense of women as forceful sociopolitical actors—women's own ethical freedom. Feminist theories of violence widely account for gendered oppression as the cause of violence to women, but they often fail to consider women's as themselves actors within situations of gendered oppression. This, in turn, entrenches the oppressive view that women are ethically passive and irresponsible.

Ethical freedom, as I have outlined the term here, places an emphasis on the capacity of human actors to posit ethical values and make meaning of their actions from within their lived situations. As Beauvoir shows us, however, this ethical freedom is not an unlimited or universally static attribute of existents, but is expanded and constrained by the lived *situations* out of which ethical actors are acting. *Situation* is not only the immediate circumstances out of which people make particular ethical choices, but refers

also to the larger embeddedness of people who are embodied within meaningful socio-political and historical contexts—in undeniable interdependent relation to others existents who are also so embedded.

Beauvoir shows us that oppression creates situations that constrain the oppressed's own sense of their ethical freedom. It is problematic, however, in Beauvoir's view, to situate the oppressed as lacking ethical freedom *in toto*. While it is true that ethical actors may be constrained, even radically constrained, in a variety of ways by the situations in which they exist, these situations of oppression should not be conflated with the oppressed being ethically passive, irresponsible, or in need of paternalistic protection. To treat the oppressed in this way contributes to their oppression and forecloses our ability to recognize the fact of human ambiguity.

The strong sense of ethical freedom and responsibility Beauvoir's ethics evoke is one feminist theorists should adopt in their theoretical considerations of violence so that they can simultaneously recognize the constraints placed on the actions of the oppressed without contributing to their oppression by treating the oppressed as ethically passive, irresponsible, or as lacking in the capacity to do harm to others. As I argued in Chapter Four, while some contemporary feminists are arguing that attention to vulnerability can help us move towards a non-violent ethics, this does not adequately consider oppression as a mitigating factor in ethical decisions about the use of violence. There is always the possibility for violence due to our conditions of existence as socially interdependent and vulnerably tied to one another. We cannot wish away this condition of potential violence, but must, instead take it up as our own ethical challenge. Ethical freedom, as a concept,

acknowledges our responsibility for this potential violence, while also showing that ethical responsibility is not unlimited, but is conditioned by our lived concrete situations. And such concrete situations mean that non-violence may not always be the most ethical action in all cases. This implies that our ethics cannot be non-violent in any easy sense of the term because such an argument for "non-violence" risks ignoring the very real ethical limitations that can arise within oppressive situations.

The recognition that we are often already mired in violence at a variety of levels—bodily, economic, or discursive, for example—is what makes ethics an ambiguous struggle that extends into our lived daily sociopolitical existence. This is the very condition of possibility for our ethical freedom. To acknowledge the ambiguity of ethics, along with Beauvoir, allows feminist ethicists to truly take up her insight that we exist in the midst of violence and this conditions our ethical freedom in ways we cannot deny. Prior to any normative feminist ethical aspiration to non-violence, we must address the conditions by which people's ethical freedom is enabled or oppressively curtailed, emphasizing the importance of ethical freedom for feminist considerations of violence.

This dissertation suggests that we unhinge the concept of patriarchy from its association with oppression as a top-down system of forceful power relations marked by repressive violence. To do so would mean that we could talk about patriarchy as something "real"—something that has recognizable effects on us and in our lives—while also situating women as forceful social actors who also have the capacity for force and violence. This is essential because recognizing women's capacity for force counters the sexist mythology of women as peaceful nurturers and its concomitant association with an

idealistic notion of eternal peace in which difficult ethical questions about violence have been resolved once and for all. Such a politics of peace attempts to evade ethical responsibility for the ever-present possibility of violence that is innate to our human existence *with* others. We are better off instead taking up responsibility for violence as we use our feminist resources to combat oppression in the name of increasing human freedom.

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