CHAPTER 5
VULNERABLE AGENCY –
HUMAN DIGNITY AND GENDERED VIOLENCE

Introduction

I remember well what happened that day, almost 35 years ago. It was a rather trivial experience, and yet, I will never forget it. I was a student in my first year at the university and had sustained a sports injury to my knee. Knee surgery was still considered risky, and so the doctors elected to wait for the swelling to go down before making a decision about the next steps. Eventually they said that I needed a cast, from my thigh to ankle. I was sent to Dr. B. who was to administer the procedure. I was more annoyed than anxious, upset only about the inconvenience it would be for me to even get from my dorm to the study halls over the next weeks.

I was a patient, and certainly vulnerable. I was in pain and could not help myself to overcome it. Although, *as* a patient, I did not feel very vulnerable, because, after all, my pain was very identifiable, it was caused by an injury, and it concerned my knee only. I did not, for example, need to undress before multiple people, no boundaries were to be crossed that would increase my dependency, and although I was indeed in terrible pain, I was relieved that the doctors were trying to take care of my body, and to take care of me. The location of my pain eased the anxiety that I had always felt around doctors, an anxiety that one needs to overcome when entering the medical "sphere" as a patient.

The incident only lasted one minute. I had to sit down in front of Dr. B. in my underwear, and he began to measure my leg. When he came to my upper thigh, he paused and asked me to lie down. He silently took out a pen, measured again, and then slowly, very slowly (or, in other words, far too slowly) drew a line on my upper thigh. He knew that I knew what was happening, what he was doing, not merely as a doctor any longer but as a male. By crossing a boundary of professionalism, crossing the boundary of my body, taking it into possession as an object of sexual arousal, he transformed himself and transformed me in a blink of an eye. It was a game with and of power, played on the field of sexuality, and Dr. B., I sensed, enjoyed every second of it. He did not say a word. I froze. And yet, the moment passed – quickly, I should say, in the "objective" time, but dragged on endlessly in my "subjective" experienced time. Transformed back into the doctor, Dr. B. still did not say a word. And I, too, was silent, still frozen, dispossessed but at the same time bound in a spell of violence, as if struck by an external force I could not escape.

After the incident, he left the room, and, slowly, the spell vanished. For the next couple of minutes, I tried to comprehend what had happened, asking myself whether what I had just experienced had been "real" and what to do next. I felt

sick; my body's pain was transformed into another pain, the pain of shame. My body was tense. It remembered another, so much more serious assault, remembered so well. It connected the current incident with the past incident, adding yet another element to the history, my history, of moral injury through sexual violence. It did not matter how trivial it might look for the world around me – I had been broken, again, and I understood, then, that it would never end.

Because his assistants dealt with the next steps of preparing the cast, I never saw the doctor again. I wanted to file a complaint, but in the end I did not because I was too ashamed. Furthermore, I slowly internalized the view from the outside, and I had to admit if only the act itself was considered, no striking, physical violence could have been seen. Or rather no violence that I could have explained or proven. The doctor could always claim that marking the line for the cast was part of the medical procedure and that I had just reacted to his attention in a hyper-sensitive fashion. He would claim that I had misinterpreted the situation. I knew that I had no words to defend my version of the story, no proof except for both of our knowledge, which he would deny. Hence, there seemed to be no public language, no public category that sufficiently described my experience, and so I fell silent, just telling as many friends as possible never ever to go to this doctor – a minor act of resistance.

My body can actualize this experience of moral transgression at any moment. It is stored in my conscious memory. It belongs to a family of experiences of the same kind, all of which my body remembers, which is to say: I EMBODY THESE MEMORIES.

> The dignity of Man is untouchable. To respect and protect it is the duty of all state authority.[1]

Article 1 of the German constitution, the *Grundgesetz*, starts with this sentence, establishing "human dignity" as the cornerstone of the rule of law; it is immediately followed by the commitment to inviolable and inalienable human rights. Though rarely addressed, it seems to me that all three words matter here: dignity is not to be "touched"; human rights, insofar as they are inviolable and inalienable ("not for sale" is the German literal meaning of the term) are the basis of any human community, peace, and justice in the world. They are binding for the nation's legislative, executive, and judicial branches. The dignity clause in this constitution, which is also expressed in international law and has been adapted, for example,

1 Art. 1: (1) "Die Würde des Menschen ist unantastbar. Sie zu schützen, ist Verpflichtung aller staatlichen Gewalt (2). Das Deutsche Volk bekennt sich darum zu unverletzlichen und unveräußerlichen Menschenrechten als Grundlage jeder menschlichen Gemeinschaft, des Friedens und der Gerechtigkeit in der Welt (3). Die nachfolgenden Grundrechte binden Gesetzgebung, vollziehende Gewalt und Rechtsprechung als unmittelbar geltendes Recht."

also in the South African post-apartheid constitution, has often been critiqued – if not ridiculed – for its vagueness and/or Western bias. Over the last decade, the critique has become louder particularly in the field of bioethics. Ruth Macklin, one of the most prominent US bioethicists, has called the concept of dignity "useless" because it does not add anything to the concept of autonomy;[2] Steven Pinker, self-announced leader of the ethics of biomedical progress, calls it "a squishy, subjective notion, hardly up to the heavyweight moral demands assigned to it", though even he concedes that it might play a relative role when it is "precisely specified" and not a "contentious moral conundrum" or religious, Judeo-Christian bulwark against biomedical inventions.[3]

In this chapter, I will spell out the concept of human dignity through an analysis of what I call vulnerable agency. Dignity is a paradoxical concept: on the one hand, it rests upon the human condition of agency, on the other, however, this capacity not only comes in degrees, it can also only be *actualized* in interactions with others. In addition, it requires legal provisions to secure (or establish) people's political standing regarding their participation in political affairs, such as active and passive voting rights and/or access to offices. Regarding the Catholic Church, priesthood – which is the most important entry point to political decisions and political governance decisions – is withheld to half of its membership because of their gender. Yet, the Church is tone-deaf to the irony of its position: emphasizing human dignity as the central ethical principle while denying equal ecclesial-political status to all women is such a stark contradiction that it cannot come as a surprise that many women have become more than skeptical about the Church's sincerity regarding ethical questions. The sexual abuse scandal that revealed the silencing of victims of sexual abuse and assaults has certainly not helped the reputation; instead, the Catholic Church is regarded not only like any other (secular) institution but indeed worse, because it still claims to speak with an exceptional moral authority. Feminist ethics critiques any authoritarian ethics, especially one that dismisses women's agency. It does so in part by exposing the experiences of indignation, stigmatization, and discrimination, in part by revisiting the foundational concepts of Catholic (and Christian) ethics, including human dignity. This chapter aims at revisiting the principle of dignity with regard to its underlying experiential and normative dimension, centered on the concept of agency and vulnerability.

---

2 R. Macklin, *Dignity is a Useless Concept,* in: British Medical Journal 327 (2003), 1419.

3 Reviewing the President's Commission's Report on Dignity, Pinker polemically asks how the United States reached "a point at which it grapples with the ethical challenges of twenty-first-century biomedicine using Bible stories, Catholic doctrine, and woolly rabbinical allegory?" St. Pinker, *The Stupidity of Dignity,* in: New Republic, May 27, 2008, https://newrepublic.com/article/64674/the-stupidity-dignity.

The concept of vulnerable agency allows us to understand (moral) identity in its active and passive clause: not only are we, as agents, at the same time patients who are acted upon by other agents. Our agency is, moreover, actualized in the response to others – self-reflective agency *is* response-ability. Dignity, understood this way, is paradoxical because what functions normatively as unconditional status, is still conditional, dependent on the actualization in interaction. *First*, I will analyze three elements of vulnerability. They show what is concealed in the agency-as-autonomy concept, namely the complexity of intersubjective agency that is entangled with vulnerability. *Second*, I will turn to two contexts that concern women's agency in order to explore how the dialectic of vulnerability and agency plays out in concrete practices. Although my *conceptual* argument will apply to both "man's" and "woman's" dignity, my *contextual* focus in this paper will be on the vulnerable agency of women. As we will see, my experience of many years ago is part of the overall social reality that renders women in all cultures especially vulnerable to moral harms.

1. *The Concept of Vulnerability*

When Alasdair MacIntyre published his book, *Dependent Rational Animals*, he had clearly sensed a shift in ethics, mainly due to the frustration about liberal ethics approaches that said much about autonomy and little about dependence and relationality.[4] MacIntyre argued not only for the integration of an anthropological concept of interdependency; he also fully embraced the feminist "care ethics," which had become prominent during the 1980s and 1990s.[5] While the ethics of care and interdependency are not identical with the ethics of vulnerability, both approaches share a critique of the sovereign, atomistic agent, and both embrace "relational" agency as the basis of any ethical theory. Vulnerability differs from dependency, however, because it considers relations exactly as one site in which vulnerability is played out: relations are not necessarily the 'solution' to human vulnerability; they are also, as I will argue below, the site where vulnerability is negotiated or played out. Vulnerability encompasses the radical ambiguity of human relations. We do not "naturally" develop into agents; rather, we are addressed and shaped by others *as* (potential, actual, or former) *agents*, in order to *see ourselves*

---

4 A. MacIntyre, *Dependent Rational Animals. Why Human Beings Need the Virtues*, Chicago 1999.

5 Cf., among others, V. Held, *Liberalism and the Ethics of Care*, Toronto 1997; V. Held, *The Ethics of Care: Personal, Political, and Global*, Oxford/New York 2006; E. Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, New York 1999; F. Robinson, *Globalizing Care: Ethics, Feminist Theory, and International Relations*, Boulder, Colo. 1999; J. C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, New York a. o. 2009. For a discussion in view of an ethics of vulnerability, cf. E. C. Gilson, *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, New York 2014.

as agents, beings who are able to act on one's own account. Vulnerability refers as much to the social constitution of the self as to the general affectability of human beings. For my purpose in this chapter, it suffices to outline a conceptual framework of vulnerability and hence distinguish between its three dimensions: ontological, moral, and structural vulnerability. This framework will help to gain a deeper understanding of what is at stake in the concept of human dignity.

1.1 Ontological Vulnerability as Affectability

The Latin verb *vulnerare* means "to wound", its passive form is "to be wounded". Vulnerability is therefore often identified with the negative meaning, i. e. the susceptibility to suffering. Ontological vulnerability refers to humans' affectability as the 'openness to the world' as part of the human condition. Vulnerability stresses the risk that affectability and openness entails. Human beings are in need of some basic provisions; when they lack these, they cannot survive. Furthermore, humans are susceptible to wounding themselves and/or being wounded, with or without any interference by others. We may be, at a certain moment, at the wrong place and hit by a tree; or we may be born on an island that is going to be flooded because of some natural disaster.[6] Or we may, as I did in my personal narrative above, step on the foot of our co-player during a volleyball match and tear the ligaments of our knee – all of this without having to blame oneself or others for the pain. Our vulnerability is an element or dimension of living life as an organism: just as rodents will flee from the sources of danger, we too are reacting to the contingencies of our lives. For those beings who are dependent on others to survive, cultures and communities may reduce the risks of the environment (spatial vulnerability), and the threats of particular times, as for example, the different seasons of the year or different life stages (temporal vulnerability).[7] I call this vulnerability ontological, because it does not matter whether we feel vulnerable or invulnerable: human beings *are*, by their nature, vulnerable, i. e. susceptible to be affected by incidents and/or conditions beyond their control. Vulnerability in this

---

6 If the flood is caused by human action, it becomes a different question, because our suffering is then caused, or at least partly caused, by the act (or omission) of others that make us not only *ontologically* vulnerable to injuries but *morally* vulnerable to harm. The latter is the subject of the next section.

7 Not everyone goes as far as Frans de Waal in correlating human and non-human behavior, including their morality, but current research shows the ongoing interest in comparing modern concepts of morality with non-human behavior, with ramification for the concept of dignity that go beyond my current inquiry. See F. De Waal, *The Bonobo and the Atheist: In Search of Humanism among the Primates*, 2014; F. De Waal/P. F. Ferrari, *The Primate Mind: Built to Connect with Other Minds*, Cambridge, Mass. 2012; Ch. Korsgaard, *Self-Constitution. Agency, Identity, and Integrity*, Oxford 2009.

sense renders us weak, powerless, incapable, and passive, unable to entirely control the "external" (environmental) or "internal" (body-related) forces with any of our masteries.

Ontological vulnerability, however, is also the condition for a most basic openness to the world, and this makes the concept of vulnerability more ambivalent than the negative connotation may suggest. In her book, *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice,* Erinn Gilson critiques the one-sidedness of recent conceptualizations of vulnerability, which often stress only the weakness and lack (or loss) of control linked to harm while not attending to the positive side of vulnerability that is better articulated as "openness" to the world. In her reading, ontological vulnerability in its most general form is "an unavoidable receptivity, openness, and the ability to affect and be affected", and it therefore *also* entails the susceptibility to be affected positively: "[u]nderstanding oneself as vulnerable therefore involves an understanding of the self as being shaped through its relationships to others, its world, and environs.[8]

In order to be affected by others in this positive sense, one must actively open up to others, taking the risk to embrace one's lack of control, which in turn holds the promise to be transformed by new experiences.[9] As I will show in the second part, in a culture that emphasizes autonomy as control over one's body, it is difficult to acknowledge this sense of vulnerability. It is therefore not trivial to point out that the concept of vulnerable agency that I am interested in responds to the ontological vulnerability in both its negative and positive implications.

1.2 Moral vulnerability as susceptibility to harm

1.2.1 Self-constitution and the development of moral identity

In contrast to ontological vulnerability, moral vulnerability highlights the potential harm inflicted upon someone by another person or other persons. While ontological vulnerability is an anthropological concept that links humans to other organisms, moral vulnerability refers to the complexity of human subjectivity and self-constitution via intersubjective encounters. To become a subject (or self), one needs to be addressed by others who acknowledge one's particular sta-

---

8 E. C. Gilson, *The Ethics of Vulnerability,* 86.

9 Ibid. 37. Gilson distinguishes between ontological and situational vulnerability, the latter referring to the particular forms of experiences and states of vulnerability. While I follow her in the description of ontological vulnerability, I will describe the "situational" vulnerability more precisely as moral vulnerability in the next section. Cf. also H. Haker. *Verletzlichkeit als Kategorie der Ethik,* in: M. Bobbert (ed.), *Zwischen Parteilichkeit und Ethik. Schnittstellen von Klinikseelsorge und Medizinethik,* Berlin/Münster 2015, 195–225.In that work, I have called the "ontological" vulnerability "anthropological" to stress its connection to the *conditio humana;* in order to create a more common language, I now take up Gilson's term.

tus as same in certain respects, yet unique and different in others. For my purpose here it suffices to summarize the elements of self-constitution that are central for the understanding of moral vulnerability.[10] *First*, we are affected by the *touch*, the *voice*, and the *gaze* of someone else, usually the primary caretakers, before we touch others, speak, and return the gaze – in other words: senses are prior to any reflective self-consciousness, and they shape our *sense* of self. *Second*, in order to become a self/subject, it is necessary to internalize the frames and norms of intelligibility that precede the self, rendering others the "first authorities" and the self necessarily not the "inventor" or "creator" of values but first the *recipient* and then the *respondent* to the judgments and addresses of others. *Third*, individuals are dependent on being recognized as *this* unique, yet identifiable person who belongs to the community of agents who interact with each other.

Bernhard Waldenfels correctly calls human beings the "responsoric beings", rendering this response-ability the centerpiece for any theory of philosophical anthropology.[11] Hence, the experience of unity and conformity with others (the "sameness" or identifiability, which Ricœur calls the "idem-identity"), as well as one's uniqueness experienced as difference and dissonance with others (the selfness or individual uniqueness, which Ricœur calls the ipse-identity) is necessary for the constitution of an identity over time.[12] The dialectic between the sameness and otherness may, however, also become a source of breaks and ruptures, and potentially a source of personal, social, and moral insecurity. The vulnerable agent, in a nutshell, is the agent who belongs to a community of others while being other to all others, and *other* to oneself.[13] Self-constitution, this means, is not only a process of learning to take the perspective of others as G. H. Mead famously held, it is in part also a process of internalizing the evaluative recognition by others; 'to belong' means to be recognized as being of the 'same kind' as the others, yet still a 'unique' individual.[14] As a result of this process of (moral) individua-

10 For a thorough analysis cf. H. Haker, *Moralische Identität. Literarische Lebensgeschichten als Medium ethischer Reflexion. Mit einer Interpretation der "Jahrestage" von Uwe Johnson,* Tübingen 1999.

11 Cf. B. Waldenfels, *Antwortregister,* Frankfurt a. M. 2016; B. Waldenfels, *The Question of the Other,* Albany, NY/Hong Kong 2007. For a thorough analysis of the moral self-constitution and the development of self-worth from an ethical rather than psychological perspective, without, however, explicitly developing a concept of responsibility, cf. J. M. Bernstein, *Torture and Dignity: An Essay on Moral Injury,* Chicago/London 2015.

12 Cf. P. Ricœur, *Oneself as Another,* Chicago 1992.

13 Different terms are used by different authors for this otherness: Ricœur calls it being "oneself as another", Butler calls it "opacity", Waldenfels "alienness", and Adorno calls it "non-identity".

14 It is important to interpret the psychic self-constitution as simultaneously moral self-constitution. It is thanks to the work of Axel Honneth that we are in a much better place to develop the moral language for this process, even though his initial attempts needed to be revised consider-

tion, a person will learn to trust others and see himself/herself as someone with a particular moral status. If we were to attend further to the concreteness of the self-other relations in self-constitution, the abstractness of the concept of 'personhood' or 'personal identity' would disappear. To the contrary, we would discover the semantic field of relations that characterizes – and identify – an individual, for example, as a child of particular parents, living at a particular place and time, belonging to a particular ethnicity or group, with a particular history, and as a member of a particular polity. Kinship relations, social, cultural, political, and economic contexts define the boundaries of one's identity long before one may affirm – or dismiss – their evaluative relevance for one's identity.[15]

Judith Butler, who over the last years has developed one of the most important concepts of vulnerability, mostly focuses on the "affectability".[16] She has modified her position over time, but she is still ambivalent regarding the distinction between vulnerability and violence. When self-constitution is reduced to being 'subjected' to the norms that one does not control at all, yet which the individual self must internalize in order to become a subject in the first place, this not only overemphasizes the passivity and affectability in the individuation process, it renders any individuation a violent process.[17] Most importantly, however, Butler's concept of precariousness lacks a criterion that allows to distinguish between the ontological and the moral dimension of vulnerability.[18] Furthermore, in Butler's

---

ably. Cf. A. HONNETH, *The Struggle for Recognition: The Moral Grammar of Social Conflicts,* Cambridge, UK/Cambridge, MA 1995. For a revised examination cf. A. HONNETH, *Reification: a New Look at an Old Idea,* Oxford/New York 2007, with comments by: J. Butler, R. Geuss, J. Lear, M. Jay; A. HONNETH, *Freedom's Right. The Social Foundations of Democratic Life,* New York 2014.

15 This is the meaning of becoming the 'author' of one's life that among others, Jürgen Habermas or Seyla Benhabib hold against Butler who emphasizes the opacity and un-accountability of one's life. Cf. J. HABERMAS, *Moral Consciousness and Communicative Action,* Cambridge, MA 1990; J. HABERMAS, *The Future of Human Nature,* Cambridge, UK 2003; S. BENHABIB, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics,* New York 1992.

16 Cf. especially J. BUTLER, *Senses of the Subject,* New York 2015. For further works concerning vulnerability cf. especially J. BUTLER, *Giving an Account of Oneself,* Oxford 2005; J. BUTLER, *Precarious Life: The Powers of Mourning and Violence,* London/New York 2004; J. BUTLER, *Frames of War. When is Life Grievable?,* London 2010.

17 An alternative concept of self-development has been proposed by psychoanalyst Jessica Benjamin who also emphasizes mutual recognition as motor of positive interactions, beginning with the mother-child encounter and reiterated in the multiple ways interaction plays out. Cf. J. BENJAMIN, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination,* New York 1988; J. BENJAMIN, *Shadow of the Other: Intersubjectivity and Gender in Psychoanalysis,* New York 1998; J. BENJAMIN, *Beyond Doer and Done to: Recognition Theory, Intersubjectivity and the Third,* New York 2017.

18 Cf., for example, J. BUTLER, *The Psychic Life of Power: Theories in Subjection,* Stanford, CA 1997;

work, the relation between self-constitution and the constitution of the moral self is ambiguous. Butler, as so many others, overlooks the fact that 'morality' does not only concern the internalization of norms but the conscious attention to and return of the "gaze of the other"; as Jessica Benjamin has shown, from very early on, interactions between the self and the other are enacted as mutual recognition that entails concordance as much as difference, verbal and nonverbal 'negotiation', or even speaking for the other when they have no voice. While Butler emphasizes the subjection in the process of individuation, she may well misread as "norm" imposed by the "other" what in fact is the love and acknowledgment of the other. Clarifying the relation between ontological and moral vulnerability as suspectibility and openness is crucial for the concept of vulnerability, but it is also crucial for the understanding of moral identity. We are so used to associating vulnerability with the susceptibility to suffering that it is easy to overlook that moral vulnerability has a positive side, too. In any action, we take the risk to affect the other and be affected by them, and morally speaking, we aim to affect others (and be affected) in a positive way. Opening up to the other is a condition for the mutual recognition that differs from the somewhat static interpretation that is associated with Honneth's language of affirmation. Focusing on the co-construction of self and other in their encounter, creating something new that can only emerge in the reciprocal responses to one another, is a more helpful way to understand how mutual of recognition is possible even in asymmetric relationships such as between mother and child.[19]

It is through recognition – or, more precisely, through the experience of being recognized by others – that the self is enabled to keep the *tension* between sameness and uniqueness or one's own otherness in balance. However, why does recognition matter so much? In his last major book on recognition, Ricœur explains, through the concept of recognition, what I see as the interrelation of vulnerability and agency: the cognitive dimension of recognition as identification over time, Ricœur holds, is important for the idem-dimension of identity, while recognition as acknowledgment is central to the ipse-dimension of identity. The

---

A. THIEM, *Unbecoming Subjects. Judith Butler, Moral Philosophy, and Critical Responsibility,* New York 2008. Thiem provides a good analysis of Butler's work up to the point at which she becomes more explicitly ethical. In *Precarious Life and Frames of War,* Butler focuses on practices of mourning and grief as sites of misrecognition, but apart from the historical context of the post-9/11 politics and the second Iraq war, it is not clear why grievability of a person is so central for her concept of precariousness and precarity. Cf. J. BUTLER, *Precarious Life*; J. BUTLER, *Frames of War.* For a discussion of Butler's concept of the self cf. H. HAKER, *The Fragility of the Moral Self,* in: Harvard Theological Review 97/4 (2005), 359–382.

19 Jessica Benjamin has shown that this understanding of recognition radically departs from more traditional understandings of recognition. J. BENJAMIN, *Beyond Doer and Done to.*

ambiguity in the term recognition is not a linguistic slip; rather, it points to the close relationship between identity and ethics. Both, identity and morality, are actualized in acts of mutual recognition – or prevented in acts of domination and subjection, which are forms of failed or refused recognition.[20] Because not only the *failure* of recognition but, actually, the intentional *refusal* of recognition is possible at any point, individuals who interact with others are always and necessarily exposed to the risk of being mistreated by others. Individuals are not only dependent on being identified as the same over time; they are also dependent on being recognized as equal to others in relevant aspects. The evaluations and self-evaluations constitute one's "standing" in the eyes of others and oneself, and it is through acts of misrecognition as well as through systemic forms of misrecognition that foster denigrative gestures and/or acts that persons are morally harmed.

1.2.2 Morally harming another person – Destroying dignity

To be susceptible to *moral* harm differs from the susceptibility to pain and injury inherent to ontological vulnerability, though of course moral vulnerability arises out of one's ontological state of vulnerability. As ontological vulnerability is first and foremost the susceptibility to *any* pain and suffering, moral vulnerability is first and foremost the susceptibility to be harmed by someone else. Thus, moral vulnerability not only entails the experience that something happens to oneself that is beyond one's own or the other's control. Instead, moral harm entails the *interpretation* of moral wrongdoing: the sense that another person deliberately harmed or continues to harm oneself. With the term *moral* vulnerability, I not only refer to the harm done but also to the injured person's *moral sense* to be (morally) humiliated and not just – coincidently – injured. Without sensing and interpreting the other's intention, we cannot distinguish a non-intentional injury from wrongdoing. This means, too, that we cannot just take an act itself (or the result of an act) as the criterion for our moral judgment.[21] Moral theory, especially virtue ethics, guided an agent to examine their *own* motives, addressing the problem of conscious or unconscious self-deception, *akrasia* or the weakness of will, or the confusion of motivational with justifying reasons. Analytical philosophy examined more closely the criteria for holding others accountable for actions, and included, for example, how blame is rooted in the resentment of the other's or others' actions.[22] This discussion shows, however, how difficult it can be to distin-

---

20 Cf. P. Ricœur, *The Course of Recognition*, Cambridge, MA 2006.

21 In his moral philosophy, Kant therefore turned away from any consequentialist notion of moral "goodness" or "rightness" and instead turned to the will. Cf. I. Kant, *Groundwork of the Metaphysics of Morals*, Cambridge, UK/New York 1998.

22 Cf. the influential essay by Peter Strawson on Freedom and Resentment, in: P. F. Strawson, *Freedom and Resentment and Other Essays*, New York 2008.

guish between a contingent injury and a morally inflicted harm.[23] Regarding my above-mentioned sport injury, it is very unlikely that my co-player *intentionally* got in my way so that I would step on her foot; if I had interpreted it in this way, however, I would have been correct to blame her for not merely having been injured but having been *harmed* by her action. In the other example, I did indeed sense that the doctor approached me in a sexual way, and I had every reason to believe that he transformed me into an object that evoked sexual pleasure for him. If this was indeed the case (as I have no reason to doubt), I was correct in interpreting *this* act as humiliating, even though I had no way to prove it in a social environment that I assumed would not believe me.

Moral injuries, inflicted by others as withholding or withdrawing one's equal moral standing, are so damaging because they threaten the fragile balance between one's belonging to a community as equal member, and being a unique individual who is neither transparent to others nor to oneself. The ethical concept of human dignity is meant to reassure the individuals in their moral status and moral standing, independent of the harm they may experience. Normatively speaking, dignity therefore points not only to the status of the human subject as free and/or autonomous agent but also acknowledges the fragility of this status in the real world of human interactions, social structures, and institutions who often cement privileges rather than securing equal rights. As moral agents, individuals are response-able and therefore accountable for actions that they pursue purposely and which affect themselves and/or others.[24] However, agents are not only capable to act but also vulnerable to the actions and judgments of others. Now, if one's moral status (or 'moral standing') must be actualized in *every* interaction with another person, being harmed by others *threatens* the very foundation of the socially mediated self, *to be acknowledged as one agent among other agents in one's unique identity*.

Dignity, one's moral standing in the world, neither rests entirely upon one's social identity, nor does it entirely rest upon one's individual identity; it rests upon the *dialectic of the idem and the ipse*.[25] In any given culture, multiple practices of mis-

---

23 This is the point of Judith Shklar's book on injustice, opposed to "luck". J. N. SHKLAR, *The Faces of Injustice*, New Haven 1990.

24 How far accountability goes is, of course, the topic of ethical and legal reasoning. Cf. for example J. RAZ, *From Normativity to Responsibility*, Oxford/New York 2011.

25 In his anthropological study, Hans Blumenberg refers to the human capacity to be comforted by others. Survivors of moral harm need the compassion and comfort of others in order to relearn the trust in others – Blumenberg calls it the (partial) delegation of suffering to others, even though this will not entirely take away the moral isolation associated with suffering. Cf. H. BLUMENBERG, *Beschreibung des Menschen*, Frankfurt a. M. 2006; H. HAKER, *Verletzlichkeit als Kategorie der Ethik*.

recognition and moral harms go unnoticed by the general public or by particular social groups; like sexual harassment, for example, these are often not *perceived*, not *interpreted*, and therefore not *acknowledged* as moral harms. The gap between one's own (moral) self and the other, and between oneself and society, matters in these "negotiations" or interpretations exactly *because* social and moral norms are never completely unrelated to each other – moral norms, one may say, are infiltrated by social norms that are, at least in part, reflective of social power. If one's self-identity consists of the dialectic of sameness and selfhood, the experience of humiliation may not conform with the social norms or interpretations of shame and blame – the dimension of one's identity that is conforming with others. In other words, if there is no public or social *perception* of wrongdoing (and, hence, no language and no frame for the intelligibility of an evaluation), the harm that a person may well sense goes unacknowledged.[26] As long as there are no provisions, for example sanctions or laws that are enforced, a (potential) perpetrator has more power over the process of truth-finding than the victim. In many cases this means that the experience of the individual is socially rendered unspeakable, inaudible, and invisible.[27]

Does this mean that we do not *know* that our dignity is violated when there is no linguistic, social, or legal framework that allows the experience to be interpreted as such? Then, still more troubling: if there is no language that blames certain acts or practices, how do we even know that we are *morally* harmed? For decades, I could not identify, for example, what had happened to me as a young woman, and I put it into a vague category of 'attempted rape', which I thought did not meet the criteria of a criminal offense. Only with professional help, decades later, did I learn to interpret and narrate this experience as a serious sexual assault, the memory of which made my body freeze when the doctor in the above-mentioned experience reiterated a particular gaze at my body. Like pain,

---

26 Below, I will call this the honor code that functions, at the same time, as a code of silence – or, rather, a code of silencing. I borrow the term "honor code" from Kwame Appiah: K. A. Appiah, *The Honor Code. How Moral Revolutions Happen*, New York/London 2010. Moral philosophy has been suspicious of the moral senses, because they are indeed prone to error; nothing, however, shows that the mere reliance on "rational" judgments is even possible or a better method of moral judgment – both depend on interpretation. Cf. M. C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions*, Cambridge/New York 2001.

27 In *Frames of War*, Butler underscores the connection between the public perception, public recognition, and moral practices such as the mourning over the loss of lives. J. Butler, *Frames of War*. Cf. among many others the seminal article by Patricia Williams's work regarding racism: P. Williams, *On Being the Object of Property*, in: P. Williams (ed.) *The Alchemy of Race and Rights*, Cambridge 1991, 216–238. Cf. also G. Chakravorty Spivak, *Can the Subaltern Speak?*, in: L. Grossberg/C. Nelson (ed.), *Marxism and the Interpretation of Culture*, Urbana, Il 1988, 271–313.

moral harm isolates the one who experiences it. Although, while we do have a public language of pain and suffering that takes the effort to render it communicable (as in the scale system often used in medical diagnoses), the same does not hold true for the suffering associated with moral harm. One reason is the connection to shame, exactly because moral harm concerns our moral integrity and moral standing. We therefore fight for our status; we may repress the sense of humiliation; we may think we are wrong, that our *feeling* is wrong. Yet, it would be a big mistake to assume that because there may not be a public language or a public acknowledgment of particular moral harms that we do not sense that we are being harmed. Instead, I would rather assume that expression of moral harm always exists, even though it may not be as visible or determinant in the majority culture.[28] Words may be vague and the sensations blurry – in most cases, however, the question is not *whether* there are words for shame or pain – the question is whether we attend to our sometimes diffuse senses, whether our interpretations are heard, and *how* they are responded to. I therefore believe that ethics must closely attend to the *interpretations* and the social narratives of those whose stories are often overheard. Ultimately, ethics must be able to decide which actions are blameworthy, which are tolerable, and which are permissible from an ethical perspective. The ultimate horizon for moral judgments is indeed human dignity, which in my understanding is the condition for the possibility of vulnerable agency, to be granted to every human being.

1.2.3 Harm as Price of (Social) Recognition: The Case of Female Genital Cutting

One 'case' that shows the difficulty of moral judgments has become famous in (feminist) ethical debates, and although I am aware of the fact that it requires a thorough contextual analysis to do justice to the very context I am speaking about, I will take it up to demonstrate the possible conflicts that arise even within the horizon of the framework of human dignity and human rights, in this case women's dignity and women's rights. Western ethicists often argue for the universal (normative) concept of human dignity and human rights, presupposing that the application of these concepts is straightforward and non-conflictual. One of the hardest cases these ethicists have been confronted with over the last decades is the case of female genital cutting.[29] In several traditions, this practice is

28 Miranda Fricker's work on epistemic injustice is revealing in this respect, because she demonstrates how the framing of harms and injustices may well be a part of the overall injustice. Cf. M. Fricker, *Epistemic Injustice: Power and the Ethics of Knowing,* Oxford/New York 2007.

29 I use this term but will show below how the language we use conceals evaluations that must be made explicit.

considered an initiation rite that introduces girls to the social world of adulthood and female identity, and it is not only practiced in several African and Asian countries but also by immigrants in Western societies. In the 1990s, human rights scholars who were horrified by this practice called it female genital mutilation to call out the girls' rights violation, and they began to fight for its abolition. Often, however, they found themselves confronted with criticism by (Western) cultural theorists who defended the practice in the name of an 'ethics of difference' or cultural diversity. These scholars claimed that what Western liberals *interpreted* as a human rights violation was not *perceived* in the same way in the cultures that practice it. The condemnation was regarded as one more example of Western insensitivity and intolerance of cultural pluralism. Up to today, the ethical conflict divides the "universalists" and the "particularists", especially in feminist ethics, and the case is a test for the stance feminist ethical theory takes regarding cultural difference, sensitivity to moral pluralism, or vice versa, regarding the equal right to a person's inviolable dignity.

Does the ethics of vulnerable agency offer anything new? Or is it merely one other theory of ethics that imposes the normative concept of dignity upon those who may not even *feel*, nor *agree*, that their dignity is violated and who live in contexts in which the cutting is a part of the transition to adulthood? Does one have to *sense* moral harm to be violated in one's dignity? What if the moral blame for the practices is coming from other contexts (and, not to forget, from former colonial powers who historically were dismissive of many indigenous practices)? Whose story is heard? And whose story is unspoken?

The almost exclusive focus on the act of 'cutting' abstracts it from its context, the complex semantic web of relationships in which girls, women, as well as boys and men have a particular position that is interwoven with their social identity and social power. If one considers the practice as intertwined with the interpretation and negotiation of social and individual identities, female genital cutting can be discerned as a practice that endows women with a moral status – honor or recognition – in their given culture. Social recognition is never entirely controlled, as we have seen, by the agents; it is granted to them in the introduction and inclusion into a given community. One's social identity, we have seen, always entails this 'pathos', even if it is not merely a "subjection" to social norms, as Butler argued, but the one side of vulnerable agency that is entailed in self-constitution. Many women pay – or must pay – the price of genital cutting, because the alternative in their given societal context is social exclusion; in extreme cases this might lead to their social death, i. e. the loss of social standing and sense of belonging. Would women who undergo the practice of genital cutting say that they are morally harmed by it? Maybe they would acknowledge the *pain* associated with it, but

the suffering seems to be justified as a means to a greater end, namely to be recognized in one's social identity and in one's moral standing. If we try to *understand* this judgment, genital cutting suddenly becomes not *categorically* different from other bodily interventions (though still different in degree and in the suffering caused by it), including "Western" practices that are, too, justified as means to greater ends – we only need to think of the trend towards vaginal cosmetic surgery in the USA.[30] It all depends whom and what we see, or whom and what we want to see.

For the ethical assessment, attention to plural ways of understandings and the necessity of interpretation are therefore crucial. Ethical judgments of female genital mutilation, however, strangely enough, often put the blame on the *cutters*, i. e. the women who subject the girls to a seemingly painful practice, rendering the girls as the passive *victims* of a human rights violation. This focus on the individual actions *shames* the practice of mutilation and *blames* those who practice it, concealing the fact that both the women and the girls respond to the challenges of securing their social identity. Without the contextual analysis, ethical judgments may easily overlook the fact that social recognition is an important element, if not the central motive of the practice, in the first place; instead of evaluating the criteria for social belonging or exclusion, both proponents and opponents reduce the ethical question to the act alone.

Since the 1990s, the Western popular media, amplifying the abolition campaign, created the "victimized female" in African countries and cultures, with decontextualized images of sexualized violence. In constructing the conflict as a violation of dignity and rights, the *individual* act of harming was highlighted, while the social normative order that motivates and legitimizes the practice was faded out. While media campaigns gave women a face, human rights campaigns took an effort to give women a voice – a move that the ethics of vulnerable agency considers, too, as constitutive. Thus, human rights activists and ethnographers offered women a public platform for experiential narratives; and indeed, women spoke up, expressed their experiences – often reflecting incredible pain and suffering – and interpreted the practice in their own cultural contexts.[31] However critical we must be of just using narratives to make an argument, women *did*

30 The American Association of Plastic Surgeons calls it "vaginal rejuvenation". I do not mean surgeries related to sexual identities such as transgender or intersex surgeries, which have a different purpose.

31 Cf. for example, L. Mwanri/G. J. Gatwiri, *Injured Bodies, Damaged Lives: Experiences and Narratives of Kenyan Women with Obstetric Fistula and Female Genital Mutilation/Cutting*, in: Reproductive Health 14/38 (2017), 1–11; M.-Th. Khady Cuny, *Blood Stains: A Child of Africa Reclaims her Human Rights*, Frankfurt a. M. 2010.

speak up, and their voices have indeed changed the perception of female genital cutting considerably. Depending on the narratives, they supported or corrected the readers' own perceptions. In their accounts, many women have addressed the physical harm of the procedure as well as the social risks for women who opt out. Some no longer see the practice as cutting-as-circumcision but indeed as cutting-as-mutilation, thereby rendering it an unjustified means to the end of social inclusion. The different words that are used therefore carry the weight of a massive cultural and social value transformation.

Analyzing the experiential narratives of vulnerability to harm, ethicists must attend to the conflict of priorities the women are facing. They must, first, take a position as *listeners*, addressed by the interpreted experiences; only then are they, second, able to *respond* to the women and their narratives. They must point to the moral dilemma the women face: blameworthy is the fact that women are socially recognized only on the condition of a particular bodily form – a condition they cannot set for themselves. They are subjected to a painful, often irreversible surgery that has no physical benefit for themselves, and they are therefore caught in a violent circle of "voluntary coercion". Hence, the ethical judgment must indeed emphasize the equal right of bodily integrity. Furthermore, however, it must stress the right to social belonging and recognition: the social standing includes the moral standing of having rights at all, and these must not be granted on the condition of sacrificing one's bodily integrity. In solidarity with those groups of women who struggle for recognition in their traditions, ethics may then strive to imagine other ways of women's social identity, or support new ways of reinterpreting the terms of women's social identity and social agency in societies that are constructed around patriarchal power. Finally, however, the ethical judgment must entail the acknowledgment of the fact that anybody's social identity requires negotiations for social inclusion, even though the sites of negotiation may differ. As we will see below, there is rarely a clear cultural division between the "we" and "them": if we looked, only for one moment, at the sexualized violence against women in *all* societies, we would see the commonality of being silenced about the moral harm that is the price of social recognition in Western countries, too. There are, after all, multiple ways to create conditional social identities, and to point to the harm in foreign cultures may well prevent one from regarding the everyday harms in one's own cultural and social contexts. Hence, to conclude my question of how we know that we are harmed when there is no social language or public and legal recognition of it: the problem of interpretation is, at the same time, also the solution to how we may sense an experience as moral harm. As the stories of women who speak out about their experiences of sexualized and sexual violence demonstrate, we can assume to find interpretations that differ from the

dominant normative narratives in any culture. What we perceive as moral harm is, in part, a question of attending to the stories of those affected by its pain. My example above has alluded already to the method ethical judgment requires: attentiveness as the active listening to the other and the *hermeneutic* endeavor to understand the other in their given contexts. Furthermore, it requires a *normative* ethics that renders agents accountable for their actions and allows for the moral blaming of harms and mistreatment. Therefore, because our relationships are necessarily mediated by social practices and structures that entail social norms and values, the ethics of vulnerable agency is incomplete unless it attends explicitly to structural vulnerability. Ultimately, the ethics of vulnerable agency – and any ethics of dignity – is a normative ethics that is to be correlated with a contextual, yet critical hermeneutics of social practices, social structures, and institutions.

1.3 Structural Vulnerability

Structural vulnerability refers to particular *states* of vulnerability. Age, illness, disability, or similar factors that increase the risk of suffering may elevate what I have called the ontological dimension of vulnerability. If one happens to be born in a region of environmental risks, such as earthquakes or flooding, one may easily live in a constant state of insecurity. However, states of vulnerability also entail the more specific socially inflicted risks, due to one's socio-economic status, one's ethnicity, sex, or religion. States of moral vulnerabilities are often described in terms of structural injustice affecting particular groups by way of discrimination or marginalization. Such states of vulnerability, which Butler calls "precarity" (in contrast to precariousness), reduce the social agency of persons and deprive them of the same security, safety, and opportunities to social freedom in the public space that other groups possess.[32] Many studies demonstrate that in each of the above-mentioned "states of vulnerability" women are affected more than men, rendering them at greater risk to structural vulnerabilities, concerning both ontological and moral suffering.

Over the last decades, feminist scholars especially reacted to both the denial of women's autonomy and social agency, predominantly in the field of reproduction and socio-political participation, and also to the language of victimization in political discourses. Although, when we look at structural vulnerability from the perspective of vulnerable agency, it becomes clearer that much more than autonomy and empowerment is at stake. Structural vulnerability is a big obstacle to developing a positive *sense of* one's moral agency, or that dimension of vulnerable

---

32 Cf. J. BUTLER, *Precarious Life*. For the elaboration of the concept of social freedom cf. A. HONNETH, *Freedom's Right*.

agency that entails openness to the world or to the other.[33] Structural vulnerability diminishes the excluded or marginalized groups' *trust* that their increased risks will be acknowledged and the burden be shared, but also, that others will not constantly harm and/or shame them, especially in the public sphere. What is needed in all areas of vulnerability, we have seen, is the acknowledgment that vulnerable agency is still moral agency, understood as moral response-ability. Regarding structural vulnerability, however, moral agency must be spelled out in agents' different scopes and degrees of response-ability: in light of unequally distributed (ontological and moral) vulnerabilities, all parties must be enabled and willing to take responsibility for their actions; but all agents must acknowledge that the scope of possible action may differ according to their different social power. Excluded or marginalized groups are not only passive victims of injustice; that their voices are not heard does not mean that they do not *have* voices or agency but, rather, that they are *silenced* by a code of honor that is embedded in social norms. Individuals or groups may be socially speechless and socially invisible, but every struggle for recognition rests upon the experience of being *rendered* inaudible and invisible. Again, developing a public language of respect and recognition is crucial: it must rest upon the understanding of ontological and moral vulnerability, and, furthermore, of the structural vulnerability as different states of increased risk to misrecognition and injustice. The shared experiences, narratives, and public grievances are necessary steps to a social transformation that embraces exactly all dimensions of vulnerable agency. Structural vulnerability inhibits the positive dimension of vulnerability, i. e. the openness to others. It is therefore a reminder that individuals are dependent on institutional conditions that protect their rights and enable their equal participation in social practices.

In the next part, I will turn to two distinct contexts in which this concept of vulnerable agency serves as a lens of interpretation. The first context, human reproduction, is meant to demonstrate how the concept of agency-as-autonomy pushes the ontological, moral, and social vulnerability to the background. Here, the concept of vulnerability is an alternative to the conflation of dignity with autonomy, as it is seen in bioethics. The second context, sexual violence, is meant to demonstrate how *moral* vulnerability not only silences but profoundly damages a woman's identity. At the same time, it is an example for structural vulnerability as the result of a social "honor code".

33 This does not exclude that one may become far too open and permeable to others. Rather, it demonstrates how the "positive" openness rests entirely on the trust not to be misrecognized, or stronger: to be acknowledged in one's social and individual identity.

2. *Women's agency in 21st Century – Autonomous vs. Vulnerable Agency*

Much of the history of modernity can be regarded as a *particular* reaction to the condition of ontological vulnerability as I have described it above; modernity, one might say, begins with the birth of the idealized sovereignty of the human subject.[34] In their famous work *The Dialectic of Enlightenment*, Max Horkheimer and Theodor W. Adorno reflect upon the repression of nature as that dimension that cannot be entirely controlled by (instrumental) reason. Furthermore, multiple feminist studies have analyzed the nature/culture divide that shapes modern reasoning as a highly gendered dualism. Here, I want to exemplify in one particular area the *effect* of modern reason – understood as the empirical, instrumental reason that is applied in the sciences and new technologies, including medical technologies – and interpret it in light of the above analysis of vulnerability. My purpose is to demonstrate how natural bodily processes are transformed into bodily constraints, rendering them *deficient* modes of human embodiment that must be constrained, controlled, or altogether replaced by technologies. I will show that an underlying theory of sovereignty feeds a myth of invulnerability that promises agency as ever-increasing autonomy. From the perspective of vulnerability as an anthropological given, this is indeed a myth, and it comes with a price, namely losing the openness and receptivity that I have claimed is the positive dimension of vulnerability, as the condition of intersubjective, responsoric agency.

The beginning and end of life are passages "into" and "out of" life associated with an increased level of vulnerability. While the medical sciences of the 19th and most parts of the 20th century aimed mainly at *understanding* nature and *repairing* the human body, today's life sciences are turning into a "constructive" science, concerned with *making* or constructing life. Those elements of human nature that were always considered beyond human control are no longer a normative limit of human intervention; life itself has turned into the mere material that scientists take as the starting point for potentially infinite modifications and interventions.[35] The life sciences necessarily incorporate an instrumental use of the human body,

---

34 Among the many philosophical accounts of the implications of modernity, cf. Th. Adorno/M. Horkheimer, *Dialectic of Enlightenment*, London 2016 (orig. 1944). For the emergence of the modern self, cf. the seminal study by Ch. Taylor, *Sources of the Self: The Making of the Modern Identity*, Cambridge, MA 1989.

35 N. S. Rose, *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century*, Princeton 2007. By now, life sciences, for example, are driven by the technical understanding of life: genetic interventions aim to modify the human germline; lines between an "automaton" that is still a machine, and the "living machine" that transcends exactly this dichotomy of artifacts and biological organisms, are blurred; moreover, synthetic biology has begun to construct organisms that would have never emerged in the natural world. Cf. for a comment on the theological debate H. Haker, *Synthetische Biologie in Deutschland. Theologisch-ethische Perspektiven*, in: Ch. Köchy (ed.), *Synthetische Biologie in Deutschland*, Berlin 2012, 195–214.

creating ever-new ways to gain control over its processes. It is justified as a means to a greater end: autonomy, understood as the control over our own bodily nature. Considered against this broader backdrop, it is no coincidence that the beginning and end of life are at the center of 20th and 21st century life sciences, aimed at reducing the contingency of birth and death or, in other words, aimed at gaining as much control over their associated risks as possible.

In the second half of the 20th century, at the beginning of the era of assisted reproductive medicine, researchers regularly justified their pursuit of developing the technology of in vitro fertilization by claiming they were just 'giving nature a helping hand'.[36] Today, reproductive technologies, in concert with the other sciences, aim at overcoming nature rather than 'helping' it to function 'naturally'. Women have long been particularly targeted as the group who will profit most from the scientific progress in this area. The latest step in the direction of the control over women's bodies that I will take as an example here concerns so-called 'social egg freezing'. The envisioned autonomy concerns not only women but also men, companies, and even states. By freezing women's egg cells at an early age, it is argued, women will profit by being able to plan how to combine work and family; men will profit because they may not be pushed into active family planning because of their female partner's age; companies will profit because some companies will expand their business plans while others gain more security for their investment and personnel planning. Since the balancing of professional life and family life is thereby highly privatized, states will also profit, because they no longer need to engage in the regulation of the labor market to ensure more gender-justice. Some companies, such as the market leader EggBanxx, encourage women to freeze a good number of their egg cells as an "insurance" against the "ticking clock" of their nature, i. e. their aging body and the loss of their reproductive capabilities.[37] *Apple* and *Facebook* announced in 2015 that they would at least *partly* share with their female employees the costs for storing (Apple invests up to 20,000 USD per woman), and companies which market the

---

36 S. Franklin, *Embodied Progress. A Cultural Account of Assisted Conception*, New York 1997.

37 Social egg freezing is to be distinguished from its counterpart, namely egg freezing because of a medical condition, such as cancer. For a critical analysis of the new phenomenon of "social egg freezing" as another step of women's liberation, cf. C. E. Myers, *Colonizing the (Reproductive) Future: The Discursive Construction of arts as Technologies of Self*, in: Frontiers: A Journal of Women Studies 35/1 (2014), 73–103; Ch. Rosen, *The Ethics of Egg Freezing*, in: Wall Street Journal – Eastern Edition 261/104 (2013), C2-C2; D. Stoop a. o., *Does Oocyte Banking for Anticipated Gamete Exhaustion Influence Future Relational and Reproductive Choices? A Follow-Up of Bankers and Non-Bankers*, in: Human reproduction (Oxford, England) 30/2 (2015), 338; H. Haker, *Kryokonservierung von Eizellen – Neue Optionen der Familienplanung? Eine ethische Bewertung*, in: Zeitschrift für medizinische Ethik 62/2 (2016), 121–132.

storage have begun to target young (affluent) women who will invest in this biomedical insurance. At present, the costs are estimated for the USA with 40,000 USD over a period of 20 years.

A certain group of women – namely those who are affluent – may well embrace this offer as an empowerment of their agency, understood as autonomy. After all, it is in line with the promise of modernity, operating with exactly the same model of mastery over nature that underlies the overall (cultural) concept of autonomy, choice, and individualized pursuit of happiness that is depicted as the idealized good life. Although, as seducing as this effort to reduce the susceptibility to (future) suffering may be, the fight against the "natural" processes of the body comes with a price, both socially and individually. On a social level, we are less and less able to uphold any other rationality than the instrumental, utilitarian concept of life, of living together, and of social cooperation. Instead of investing into the question how best to master the *relation* between nature and culture, we almost exclusively invest into the mastering of nature *by* culture. On an individual level, the darker sides of assisted reproductive technologies are rarely told: the costs for the procedure and the storage can only be paid by those who are affluent in the first place; women hand over some power over their body (or body parts) to companies; those who "opt out" may risk being sidelined in the company's career and personnel planning; men may decide even later than today to commit to a family. Even though only a few women may think that they will indeed use these eggs in the future, it is not clear what impact the egg freezing will have on their reproductive choices. If the same women will count on the advances of assisted reproduction, they will then be faced with all the risks of assisted reproductive technologies.

More strikingly, however, than these immediate effects is that this exemplary new service contributes to a much broader transformation of the social practice of reproduction and its accompanying values, a transformation that has begun with the introduction of assisted reproductive technologies in the 1980s. The effort to overcome the aging process (of egg cells) and to expand the time span of reproduction by biomedical technologies is one more step to "normalize" assisted reproduction as a means of procreation. Furthermore, the technological "fix" of the female aging body with respect to reproduction (and, one should add, the health of the offspring) is slowly considered as a rational, if not even a *responsible* choice for young women who fear that their body will "fail" them in the future. When women's egg cells can be safely extracted and stored, thawed and used in the future, at the right time and with the right person, the story goes, women's autonomy will indeed be increased. Most importantly, however, social egg freezing is a market service offered only to those who can afford it or who work for a company that has set up its own scheme of cost-sharing. Socially, it means that the

'normal' aging of the female body (or body parts) is transformed into the new 'un-normal'[38]. Ironically, the technological assistance is sold as a necessary element of women's sovereign and autonomous agency. Social egg freezing is promoted and conceived as buying time and furthermore justified as technological empowerment and contribution to women's social equality, without ever naming the underlying causes of their inequality and without attending to the diversity of how women are affected by social injustice, depending on their socioeconomic status, or their ethnicity. The human condition – and not social conditions – this means, is conceived as a biological *obstacle* to women's freedom, equality, and good life.

Even though vulnerability has become a prominent concept in bioethics over the last years, it is rarely reflected in view of the social-ethical implications. The problem with many of the new technologies is not the fact that they expand autonomy and control and that passivity or the acceptance of human contingency and finitude becomes a virtue in itself, as those who criticize the critics seem to think. Rather, it concerns the unquestioned premise that technologically mediated autonomy and control over one's own nature will result in a better life. As Horkheimer and Adorno argued, instrumental, technical rationality will ultimately dominate our *understanding* of what it means to be human – and anything that (or anyone who) disturbs the imagery of self-control must be repressed. However, there is more that the concept of vulnerable agency brings to the forefront: while we may well (potentially) be liberated from the contingencies of nature, we may lose the openness to the other, the alien, to alterity, or our own otherness: to be affected in surprising, unforeseen, and uncontrollable ways requires a receptiveness that transcends the subject-object relation connotated with the sciences. If receptivity or "affectability" by an other, the openness to something unexpected is considered a problem that needs to be contained or controlled, we may gain instrumental agency, but at the price of repressing the very condition of being transformed in encounters, which rests upon vulnerability as openness to the new and, more generally, to otherness.

One may argue, therefore, that we *misunderstand* ourselves in striving towards an ever-greater autonomy. But this is not the point. Rather, the notion of autono-

---

38 Almost all new reproductive technologies have first been introduced as medical applications for exceptional cases, as is also true for egg freezing. The global market value of Assisted Reproduction Technology is estimated with 29 billion USD by the year 2022. Cf. Grand View Research, *Assisted Reproductive Technology (ART) Market Analysis by Procedures (Frozen Non-Donor, Frozen Donor, Fresh Donor, Fresh Non-Donor, Embryo/Egg Banking) And Segment Forecasts To 2022 (Summary),* 2015, http://www.grandviewresearch.com/industry-analysis/assisted-reproductive-technology-market.)

my as sovereignty ignores the interplay or dialectic between one's sameness and uniqueness that I explored in the first part, which is necessarily socially mediated. One's active role of recognizing an other *as other* is as important as the passivity of being recognized. The autonomy model, I would now hold, has a place for the other, but it does not have a place for alterity; it transforms the other into a means for one's own well-being. Morally speaking, one is still limited by the prohibition of harm, but this moral norm is completely contrary or extrinsic to one's own striving for a good life. In contrast, the ethics of vulnerable agency acknowledges that the self is affected by an other who may be an occasion for an *encounter* that has the potential to transform one's own self-understanding. Nobody stressed this insight into the necessity of alterity more than Emmanuel Levinas, but he increased the power of the other so far that the response of the self to the other was completely determined by the other. This, it seems to me, is a stretch. It is one more reason why the ethics of vulnerable agency requires a *hermeneutics* in addition to the normative analysis of rights and obligations: the normative analysis defines, ultimately, which claims the other can make or makes are *justified*; the hermeneutical analysis, however, keeps the question of who the other is, and how the self and other relate to each other, against which backdrop, and how they want to, are able to, and ought to interact, in play. The ethics of vulnerable agency embraces autonomy, but it understands it and reinterprets it, in part, as the capability to open up to the other, in part as the capability to respond to the other, including the right to say no to the other's demands or desires.

Instrumental rationality *displaces* rather than overcomes the contingency of the human condition. In the example of egg freezing, the displacement is striking, because the customers are not as sovereign as it may appear in the advertisements. The woman's body, or more precisely, her embodied life, is more and more controlled by other people than herself – all they need is her consent. Ultimately, the new technologies establish a new *regime* of what Foucault called "biopower", with agents subjecting voluntarily to its inherent rationality, because this is the price they pay for their job, their social recognition (as mothers, for instance), or their social inclusion, which in the USA for most women requires having a paying job. Replacing nature, other *people* define the parameters of one's pursuit of happiness, or one's life: those who have the powers over the costs, the power over the quality control, the power over the modification of those cells which are defined as "not fit enough to be used for fertilization", or the power over the property rights of the woman's body parts. In short, the idealized sovereignty of agency is transformed into an ideology that conceals that it is also an instrument of social control – or vice versa: one's agency is subjected to the social norm of autonomy as control over one's body.

Although human reproduction concerns men and women, reproductive technologies, together with the social discourse and bioethics, construct it as a highly gendered issue. First and foremost, reproduction seems to be much more about *women's* negative freedom (their wish not to reproduce) and *women's* positive freedom (their wish to reproduce with the help of medicine or technologies) than about men's desire to have a child, and about their suffering from childlessness.[39] Feminist ethics, however, should not be blinded by a discourse of women's liberation qua ever-more technical control; it should critique reproductive technologies when they become an ideology of invulnerability, or when they conceal the moral and structural causes of the vulnerability that technologies strive to overcome – would women not be much more empowered if they gained more *social* control, for example, over the conditions of the workplace and reproduction or by having better conditions of maternity pay and protections during pregnancy?

There are certainly multiple reasons for a feminist-ethical approach to human reproduction, one reason concerning the particular lack (and loss) of control over one's life by pregnancy. But what keeps women from claiming, with the same right, that a pregnancy *increases* their agency? After all, pregnancy entails the unique experience of receptivity and openness to transformations by embodying another unique being, an "alien" other who is growing into one's child. Societies should create social practices in such a way that they entail the space for human reproduction as a site of such receptivity and openness to the unexpected, uncontrollable, and new. That such a view is considered romantic and unrealistic says more about the conditions of our societies than about the ethical vision it entails. The concept of vulnerable agency enables us to reinterpret moral agency without either sacrificing autonomy or denying the particular vulnerability of certain life phases. Vulnerable agency means exactly this: to cultivate and create the spaces in one's life for "something new" to transform one's self-understanding. Receptivity is not the opposite of agency – it is an essential dimension of it.

Hence, the alternative narrative to the technological mastery of human reproduction would need to give a voice to the experiences of women who see reproduction not merely as an "obstacle" or "threat" to their autonomy but as one particular site of their vulnerable agency. Nothing is wrong with applying instrumental reason as long as it is embedded in the broader practical rationality of vulnerable agency. Practical rationality, in its necessary link to morality, defines social practices differently, returning the body to where it belongs: to the individuals who are not just living machines but embodied moral agents.

39 Cf. chapter 9 in this volume.

3. *Vulnerable Agency and Sexual Violence against Women*

While reproductive technologies aim at increasing the scope of autonomy and agency, I will now come back to sexual violence: why does sexual violence exploit and violate women's integrity, harming, damaging, and potentially destroying their sense of belonging and moral standing, as Bernstein has called it?[40] As I have claimed above, self-constitution and moral agency rest upon the ability to balance the tension between one's social identity (one's sense of belonging to the shared social world) and one's individual identity (one's sense of oneself as unique) – or, in other words, to uphold the dialectic of the *idem and ipse* dimension of oneself. Because of this dialectic, moral harm not only threatens a person physically or emotionally; it is also an attack on a person's moral integrity, understood exactly as this balance between *idem and ipse*. Sometimes it is difficult to discern – let alone to prove – whether someone has harmed another person deliberately. In other cases, however, there is no such ambiguity. Torture and rape obviously belong into this latter category. It is perhaps for this reason that Jay Bernstein has argued that torture and rape irreversibly harm the victim's sense of belonging. Following Jean Amery, Bernstein points to the possibility that victims of torture and rape lose their sense of moral status and moral standing. Indeed, there can be no doubt that the experience of rape, which is my interest here, not only causes severe physical and emotional wounds or trauma but is, in addition, morally devastating. Furthermore, one also needs to keep in mind that especially those survivors of rape who find a voice to speak out, and speak out publicly, claim that their abusers certainly damaged their identity and destroyed the trust in other persons and/or institutions, but they did not *destroy* their moral integrity. Hence, the distinction between the *purpose* of humiliation, dehumanization, and violation of another's moral status and the *effect* on the victim is crucial, especially in the case of institutionalized rape as a weapon of war, for example, or in the case of a normalized culture, as seems to be the case in college rape cultures. Having *survived* rape – physically, emotionally, and morally – may, over time, become the groundswell of new self-confidence that is based on the fact that the perpetrator's intention and/or acts failed to break a person; survival, this means, may become the resource of resistance if the surviving victim manages to interpret it also as *moral* survival. It is exactly for this reason that many victims of sexual assaults rather call themselves survivors than victims.

Moral vulnerability is tightly linked to the experience of shame. In Greek terminology, ᾳἲδώς, literally "reservation" or a sense of shame, honor, or respect, is etymologically connected to the term for the sexual organs, ᾳἲδόίά. ᾳἲδώς is the precursor of ἀϱέτή or virtue, which becomes the central term of the morally

---

40 Cf. J. M. Bernstein, *Torture and Dignity.*

right disposition to act. Interestingly, δίκη or justice is depicted as a daughter of ᾳἴδώς, which means that the virtue of justice has its origin in the "reservation" and respect for another person and one's honor within the public moral order. In contrast, άίσχύνή refers to the experience of shame as well as to the act of shaming as a moral judgment of an act or person.[41] In modern philosophy, shame and the moral sense of the self (or oneself) are inseparable,[42] but in both traditions, shaming and shame are socially mediated concepts, marking the fine line between 'decent' and 'indecent' behavior. Moreover, since shame, in its etymological association with sexuality, refers back to the vulnerability of the human body, it does not come as a surprise that specific acts of shaming are connected to speech acts concerning sexuality, and moral injuries are most traumatic when they concern the nakedness of our embodied selves.

In his literary works, the South African author John Coetzee often engages with this embodied vulnerability. In his short story *The Problem of Evil*, for example, the protagonist Elisabeth Costello argues that writers should not depict human vulnerability because it is a source of shame.[43] Especially the expressions of physical vulnerability are shameful and obscene, Elisabeth argues, and they should be left where they belong: out of or *off the scene*. In embedding this argumentation about narrative ethics in a narrative that does exactly the opposite, namely dragging multiple "obscenities" *into* the *scenes* of the story, Coetzee demonstrates his extraordinary skill of dialectic judgment as the core of his poetic ethics. In the story, Elisabeth Costello herself is haunted by memories of a sexual assault, which are so "obscene" that she can only endure them "off-scene", in the restroom of the conference venue where she has made her argument of keeping experiences of shame in the shadows of the public. In the meltdown of the otherwise sovereign writer's agency, namely in the narrated rupture of place, time, and rationality that suddenly is habituated by the "devil" whose existence Elizabeth would have vehemently denied only minutes before, Coetzee demonstrates that vulnerability is inescapable. It is therefore no coincidence that Elisabeth Costello is depicted as an aging woman: off-scene, in the restroom, she is lonely, doubtful, and insecure, while on-scene, she acts as the self-conscious writer who does not

41 B. Williams, *Shame and Necessity*, Berkeley 1993; J. Ruhnau, *Scham*, in: J. Ritter/K. Gründer/G. Gabriel (ed.), *Historisches Wörterbuch der Philosophie*, Darmstadt 2007, 1208–1215.

42 Cf., for example, B. Williams, *Shame and Necessity*; Cf. also Bernstein for an ethical account of sexual assaults, especially rape, along the same lines as I argue here, with a comprehensive analysis of the literature: J. M. Bernstein, *Torture and Dignity*.

43 Cf. J. M. Coetzee, *Elizabeth Costello: Eight Lessons*, New York 2004. For my interpretation of the story cf. H. Haker, *„Ban graven Images". Literatur als Medium ethischer Reflexion*, in: Ch. Mandry (ed.), *Literatur ohne Moral. Literaturwissenschaften und Ethik im Gespräch*, Münster/Berlin 2003, 67–88.

fear any controversy; here, she is a sovereign, self-confident, famous, seemingly undamaged and hence (almost) invulnerable celebrated author.[44]

Medicine provides a good comparative for the ethical analysis of sexual encounters, because both practices are deeply intertwined with bodily transgressions. Yet, ethically speaking, both practices have developed rather different virtues and norms: as a response to the potential harm that accompanies the necessary crossing of bodily boundaries, medical ethics has established specific protocols that must be followed. Most prominently is the patient's explicit consent to any medical intervention – not only a "No" but a "Yes" to medical interventions. Free and informed consent is necessary, it is commonly held, to maintain the patient's autonomy and respect of their dignity and human rights.

Over the last decades, the requirement of consent has become the cornerstone, too, of sexual encounters, yet it is assumed that unless someone explicitly resists sexual advances, consent can be assumed. In contrast to medical treatments, sexual encounters are rendered private affairs. It is true that almost all cases of sexual assault, which are rarely witnessed by third parties, are prone to conflicting interpretation of the two parties involved. In the interpretation, it is not only the perpetrators' denial of crossing any boundaries but also the underlying social values and norms that shape the discourse, including investigations and trials. The social prejudice of implicit consent often prevents the assaulted persons' experiences breaking through a well-functioning code of silence. It is no coincidence that, for example, the World Health Organization has called sexual violence against women a pandemic – with almost no public reaction from the international institutions to respond to this crisis. The social norms, namely those who shame the victims and leave *them* ashamed rather than blaming perpetrators of violence, have indeed a dramatic silencing effect.[45] Sexual assault is radically under-reported although, according to a 2011 FBI report, in the USA, a forced rape occurs every 6.3 minutes.[46] Moreover, correcting the FBI outdated definition and adding the

---

44 For a different story about shame and moral harm and/or vulnerability cf. J. M. COETZEE, *Disgrace*, New York 1999.

45 An already "iconic" example of this culture was demonstrated in the US Congress during the hearing for Brett Kavanaugh, then candidate for the US Supreme Court, who was accused of attempted rape by a woman, psychology professor Dr. Christine Blasey Ford. Millions of women watched how the "honor code" protected the "innocent before proven guilty" accused male while shaming the "disgraceful before proven right" female victim. Since here, as in most cases, only two persons could resolve the conflict, which did not concern a trial but a confirmation to the highest court of the country, Brett Kavanaugh's memory loss and denial were sufficient to shame Dr. Blasey Ford.

46 The following facts are taken from Muhs who collected official criminal record data up to 2011. It also includes expansive literature on underlying prejudicial assumptions in law enforce-

(conservatively) calculated non-reported cases, it is estimated that the number in the USA would rise to *one rape in almost every minute*, reaching the staggering number of almost 470,000 women raped in 2011 alone. Women, studies show, do not report sexual assaults because they do not *trust* that the police or the whole system of law enforcement would help them. They are, in fact, structurally vulnerable.[47] And the statistics demonstrate that their mistrust is not unjustified: the US-based *Rape, Abuse & Incest National Network* reports that 995 of every 1000 rapists walk away without punishment.[48] Victims of rape are frequently confronted with assumptions such as "No does not mean No"; "victims must have sent misleading messages"; or "rapists are strangers". Hence, women (as any victim of sexual violence) are questioned implicitly or explicitly whether they have *provoked* the assault. In rape trials, Diehl observes, victims may be questioned about their behavior preceding and also during the assault – whether they have objected (enough), showed signs of disapproval, or signs of resistance.[49] As Finch and Munro show, the role of alcohol that is associated with many rapes in which both parties know each other, is unjustly used to blame the victims.[50]

To transform the culture of an assumed implicit consent to sexual advances, the reversal of the slogan "No is No" to "only a Yes is a Yes" is a good starting point to better understand the underlying cultural and moral patterns of sexual assaults as structural vulnerability. Diehl states:

> "Yes." It is a simple enough word, but one that is often presumed from silence, drunkenness, or even sleeping. According to a new law in California, "yes" as it applies to consensual sex, is something that is 'affirmative, conscious, and voluntary'. Lack of protest or resistance; does not mean yes. Silence does not mean yes. Intoxication, relationship history, incapacitation, or sleeping cannot be used to assume consent.[51]

---

ment and rape trials: B. A. Muhs, *Fighting the Unfair Fight: Post-Traumatic Stress Disorder and the Need for Neuroimaging Evidence in Rape Trials*, in: Women's Rights Law Reporter 35/2 (2014), 215–242.

47 Cf. World Health Organization, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence*, World Health Organization Geneva 2013, https://www.who.int/reproductivehealth/publications/violence/9789241564625/en/.

48 Rainn (Rape Abuse & Incest National Network). https://www.rainn.org/news/97-every-100-rapists-receive-no-punishment-rainn-analysis-shows. For more on how RAINN determines their statistics, see https://www.rainn.org/about-rainns-statistics.

49 B. Diehl, *Affirmative Consent in Sexual Assault: Prosecutors' Duty. (Current Developments: 2014-2015)*, in: Georgetown Journal of Legal Ethics 28/3 (2015), 503–519.

50 E. Finch/V. Munro, *The Demon Drink And The Demonized Woman: Socio-Sexual Stereotypes And Responsibility Attribution In Rape Trials Involving Intoxicants*, in: Social and Legal Studies 16/4 (2007), 591–614.

51 B. Diehl, *Affirmative Consent in Sexual Assault*.

The California law is from 2014. Diehl argues, correctly in my view, that the focus on consent would shift from "blaming the victim" to the responsibility of the assaulter to procure consent. Yet, it is still mostly interpreted as the explicit consent to be given by *women*. The concept of vulnerable agency, in contrast, requires instead to interpret sexual acts as one site among others of personal, socially mediated, and *morally challenging* interactions between agents, requiring the respect and recognition of each party at any given moment.

Victims of sexual violence are easily trapped in the binary of *either* being regarded as agents (able to consent, for example) *or* purely passive victims. The concept of vulnerable agency transcends this binary. Obviously, reclaiming women's agency in the context of sexual violence does not mean shifting accountability away from the perpetrators. That is the reason why it is so important to understand exactly what is the moral injury and harm that victims suffer. Sexual assaults not only harm a person physically and psychically; they harm *morally*, too. Jay Bernstein rightly emphasizes this in his study: rape betrays the existential and moral trust that another person will not return one's openness (vulnerability) with humiliation.

For a more radical shift of morality concerning sexual violence to happen, it is crucial to understand that sexual assaults happen in the context of and against the backdrop of social norms (or myths, as stated above), which also define what is "decent" and "indecent" behavior. Appiah has shown that social and moral transformations are successful when the "honor code", i. e. the norms of shame and shaming, shift.[52] In the case of sexual assaults, it is the apparent code of silence that renders victims invisible and inaudible and contributes to the fact that the social honor code of sexual assault as a 'normal' pattern of sexual interactions is maintained. After all, *one* condition for change is the moral (and this means: public) recognition of the victims/survivors. The most important moral lesson in this context that we can learn from the concept of vulnerable agency that I have proposed here is this: if a woman's trust in the world is severely damaged by the violation of her dignity, it is important to stress (and retrieve) the memories of the other, the positive side of vulnerability: she will most certainly *also embody* experiences of mutual recognition, love, and recognition of her integrity in the memories of her life story. As long as these include experiences and encounters in which the trust in others was not betrayed but indeed affirmed, these, too, make up her *identity*. Such memories and experiences of recognition may well pave the way to the reconstitution of the moral self and a new balancing of the conformity with others and the uniqueness of oneself. Communities of solidarity among survivors, and relations that foster experiences of mutual recognition are an import-

---

52 K. A. Appiah, *The Honor Code*.

ant factor in both creating a public language *and* a renewed sense of belonging.[53] Both major Western ethics traditions that are predominant in the USA, liberalism and utilitarianism, link freedom to justice. A reinterpretation of the concept of dignity as vulnerable agency is strikingly different to both traditions insofar as it highlights the respect of, the responsibility by, and the responsibility for vulnerable agents to ensure that the susceptibilities to suffering and harms do not destroy their freedom as openness to the world and others in the different contexts and the plural ways of interactions. In a society that does in fact value justice as much as freedom, the principle of autonomy is a necessary but not sufficient condition to ensure that political priorities are set to fight injustices. Yet, in a culture that is so predominantly shaped by an individualistic understanding of autonomy and freedom as the USA, it is very tempting to define freedom as well as justice along the lines of sovereignty, forgetting that moral agency is indeed relational, socially mediated, and entangled in the dialectic of sameness and belonging on the one hand, and selfhood and uniqueness on the other. While the moral theory of dignity sets the standard of respect and recognition on the basis of historical experiences of disrespect and misrecognition, it is the interpretation of moral agency – entailing the three dimensions of ontological, moral, and structural vulnerability – that enables us to spell out the necessary steps towards a social transformation of injustices. The necessary condition for this transformation is the acknowledgment of our shared, yet unique and different vulnerable agency – so that justice will be done to all those whose dignity is, and continues to be, violated.

53 This includes, explicitly, the work of therapy. Cf. J. Benjamin, *Beyond Doer and Done to*. Though contested, I agree with Benjamin that a person must learn to actively recognize the other, and that therapy is one site where this may be realized. It is for this reason (and her underlying understanding of mutual recognition) that Benjamin insists on the mutuality of recognition.

Bibliography

Adorno, Theodor/Horkheimer, Max, *Dialectic of Enlightenment,* London 2016 (orig. 1944).
Appiah, Kwame Anthony, *The Honor Code. How Moral Revolutions Happen,* New York/London 2010.
Benhabib, Seyla, *Situating the Self: Gender, Community, and Postmodernism in Contemporary Ethics,* New York 1992.
Benjamin, Jessica, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination*, New York 1988.
—, *Shadow of the Other: Intersubjectivity and Gender in Psychoanalysis,* New York 1998.
—, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third,* New York 2017.
Bernstein, Jay M. *Torture and Dignity: An Essay on Moral Injury,* Chicago/London 2015.
Blumenberg, Hans, *Beschreibung des Menschen,* Frankfurt a. M. 2006.
Butler, Judith, *The Psychic Life of Power: Theories in Subjection*, Stanford, CA 1997.
—, *Precarious Life: The Powers of Mourning and Violence,* London/New York 2004.
—, *Giving an Account of Oneself,* Oxford 2005.
—, *Frames of War. When is Life Grievable?*, London 2010.
—, *Senses of the Subject,* New York 2015.
Coetzee, John Maxwell, *Disgrace*, New York 1999.
—, *Elizabeth Costello: Eight Lessons*, New York 2004.
Diehl, Beatrice, *Affirmative Consent in Sexual Assault: Prosecutors' Duty. (Current Developments: 2014-2015),* in: Georgetown Journal of Legal Ethics 28/3 (2015), 503–519.
Finch, Emily/Munro, Vanessa, *The Demon Drink and the Demonized Woman: Socio-Sexual Stereotypes and Responsibility Attribution in Rape Trials Involving Intoxicants,* in: Social and Legal Studies 16/4 (2007), 591–614.
Franklin, Sarah, *Embodied Progress. A Cultural Account of Assisted Conception*, New York 1997.
Fricker, Miranda, *Epistemic Injustice: Power and the Ethics of Knowing*, Oxford/New York 2007.
Gilson, Erinn C., *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice*, New York 2014.
Grand View Research, *Assisted Reproductive Technology (ART) Market Analysis by Procedures (Frozen Non-Donor, Frozen Donor, Fresh Donor, Fresh Non-Donor, Embryo/Egg Banking) and Segment Forecasts to 2022 (Summary)*, 2015. http://www.grandviewresearch.com/industry-analysis/assisted-reproductive-technology-market.
Habermas, Jürgen, *Moral Consciousness and Communicative Action*, Cambridge, MA 1990.
—, *The Future of Human Nature*, Cambridge, UK 2003.
Haker, Hille, *Moralische Identität. Literarische Lebensgeschichten als Medium ethischer Reflexion. Mit einer Interpretation der "Jahrestage" von Uwe Johnson*, Tübingen 1999.
—, *„Ban graven Images". Literatur als Medium ethischer Reflexion,* in: Mandry, Christof *(ed.), Literatur ohne Moral. Literaturwissenschaften und Ethik im Gespräch*, Münster/Berlin 2003, 67–88.
—, *The Fragility of the Moral Self,* in: Harvard Theological Review 97/4 (2005), 359–382.
—, *Synthetische Biologie in Deutschland. Theologisch-ethische Perspektiven,* in: Köchy, Christian (ed.), *Synthetische Biologie in Deutschland,* Berlin 2012, 195–214.
—, *Verletzlichkeit als Kategorie der Ethik*, in: Bobbert, Monika (ed.), *Zwischen Parteilichkeit und Ethik. Schnittstellen von Klinikseelsorge und Medizinethik*, Berlin/Münster 2015, 195–225.
—, *Kryokonservierung von Eizellen – Neue Optionen der Familienplanung? Eine ethische Bewertung,* in: Zeitschrift für medizinische Ethik 62/2 (2016), 121–132.
Held, Virginia, *Liberalism and the Ethics of Care*, Toronto 1997.
—, *The Ethics of Care: Personal, Political, and Global,* Oxford/New York 2006.

Honneth, Axel, *The Struggle for Recognition: The Moral Grammar of Social Conflicts,* Cambridge, UK/Oxford; Cambridge, MA 1995.
—, *Freedom's Right. The Social Foundations of Democratic Life,* New York 2014.
—, *Reification: a New Look at an Old Idea,* with comments by Judith Butler, Raymond Geuss, Jonathan Lear, Martin Jay, Oxford/New York 2007.
Kant, Immanuel, *Groundwork of the Metaphysics of Morals,* Cambridge, U.K./New York 1998.
Khady Cuny, Marie-Thérèse, *Blood Stains: A Child of Africa Reclaims Her Human Rights,* Frankfurt a. M 2010.
Kittay, Eva Feder, *Love's Labor: Essays on Women, Equality, and Dependency,* New York 1999.
Korsgaard, Christine, *Self-Constitution. Agency, Identity, and Integrity,* Oxford 2009.
MacIntyre, Alasdair, *Dependent Rational Animals. Why Human Beings Need the Virtues,* Chicago 1999.
Macklin, Ruth, *Dignity is a Useless Concept,* in: British Medical Journal 327 (2003), 1419.
Muhs, Bradley A., *Fighting the Unfair Fight: Post-Traumatic Stress Disorder and the Need for Neuroimaging Evidence in Rape Trials,* in: Women's Rights Law Reporter 35/2 (2014), 215–242.
Mwanri, Lillian/Gatwiri, Glory Joy, *Injured Bodies, Damaged Lives: Experiences and Narratives of Kenyan Women with Obstetric Fistula and Female Genital Mutilation/Cutting,* in: Reproductive Health 14/38 (2017), 1–11.
Myers, Caitlin E. C., *Colonizing the (Reproductive) Future: The Discursive Construction of Arts as Technologies of Self,* in: Frontiers: A Journal of Women Studies 35/1 (2014), 73–103.
Nussbaum, Martha C., *Upheavals of Thought: The Intelligence of Emotions,* Cambridge/New York 2001.
Pinker, Steven, *The Stupidity of Dignity,* in: New Republic, May 27, 2008. https://newrepublic.com/article/64674/the-stupidity-dignity.
Rainn (Rape Abuse & Incest National Network), Available: https://www.rainn.org/news/97-every-100-rapists-receive-no-punishment-rainn-analysis-shows. [Accessed 5 July 2019].
Raz, Joseph, *From Normativity to Responsibility,* Oxford/New York 2011.
Ricœur, Paul, *Oneself as Another,* Chicago 1992.
—, *The Course of Recognition,* Cambridge, MA 2006.
Robinson, Fiona, *Globalizing Care: Ethics, Feminist Theory, and International Relations,* Boulder, Colo. 1999.
Rose, Nikolas S., *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century,* Princeton 2007.
Rosen, Christine, *The Ethics of Egg Freezing,* in: Wall Street Journal – Eastern Edition 261/104 (2013), C2-C2.
Ruhnau, J., *Scham,* in: Ritter, Joachim/Gründer, Karlfried/Gabriel, Gottfried (ed.), *Historisches Wörterbuch der Philosophie,* Darmstadt 2007, 1208–1215.
Shklar, Judith N., *The Faces of Injustice,* New Haven 1990.
Spivak, Gayatri Chakravorty, *Can the Subaltern Speak?,* in: Nelson, Cary/Grossberg, Lawrence (ed.), *Marxism and the Interpretation of Culture,* Urbana, Il 1988, 271–313.
Stoop, Dominic/Maes, Elise/Polyzos, Nicolaos/Verheyen, Greta/Tournaye, Herman/nekkebroeck, Julie, *Does Oocyte Banking for Anticipated Gamete Exhaustion Influence Future Relational and Reproductive Choices? A Follow-Up of Bankers and Non-Bankers,* in: Human reproduction (Oxford, England) 30/2 (2015), 338.
Strawson, Peter Frederick, *Freedom and Resentment and Other Essays,* New York 2008.
Taylor, Charles, *Sources of the Self: The Making of the Modern Identity,* Cambridge, MA 1989.

Thiem, Annika, *Unbecoming Subjects. Judith Butler, Moral Philosophy, and Critical Responsibility,* New York 2008.

Tronto, Joan C., *Moral Boundaries: A Political Argument for an Ethic of Care,* New York a. o. 2009.

Waal, Frans De, *The Bonobo and the Atheist: In Search of Humanism among the Primates,* New York/London 2014.

— /Ferrari, Pier Francesco, *The Primate Mind: Built to Connect with Other Minds,* Cambridge, Mass. 2012.

Waldenfels, Bernhard, *The Question of the Other,* Albany, NY/Hong Kong 2007.

—, *Antwortregister,* Frankfurt a. M. 2016.

Williams, Bernard, *Shame and Necessity,* Berkeley 1993.

Williams, Patricia, *On Being the Object of Property,* in: Williams, Patricia (ed.), *The Alchemy of Race and Rights,* Cambridge 1991, 216–238.

World Health Organization, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence,* World Health Organization in Geneva 2013. https://www.who.int/reproductivehealth/publications/violence/9789241564625/en/.