

### Panel 1: The Concept of Vulnerability

#### 9:30-10:00h:

Fina Birulés (Universitat de Barcelona): "Resonancias Arendtianas en el Debate sobre la Vulnerabilidad. Azoulay, Butler y Cavarero" 10:00-10:30h: Leticia Sabsay (London School of Economics): "Vulnerable Bodies, Cruel Times." 10:30-11:30h: Debate

11:30-11:45h: Coffee break

Panel 2: Sexual Violence

11:45-12:15h: Catriona Mackenzie
(Macquarie University):
"Vulnerability, Trust, and Sexual Consent."
12:15-12:45h: Erinn Gilson (Merrimack College):
"Sexual Violence and Gendered Vulnerability: from a
Reductive to a Complex Account."
12:45-13:45h: Debate

13:45-15:00h: Lunch

Panel 3: Commercial Sex

15:00-15:30h: Ana Lúcia Costa (Universidad Pompeu Fabra): "The Narrative and Emotional Structures of Vulnerability: The Case of Commercial Sex." 15:30-16:00h: Debate 16:00-16:30h: Elisabeth Bernstein (Columbia University): "The Sexual Politics of Carceral Feminism" 16:30-17:00h: Debate



# Venue: Polivalent Room

(Mercè Rodoreda building) Campus Ciutadella Barcelona



**Law** Academic Coordination Unit



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# Gender, Vulnerability & Sexual Freedom



**Fina Birulés** Universitat de Barcelona Resonancias arendtianas en el debate sobre la vulnerabilidad. Azoulay, Butler y Cavarero

Con el propósito de señalar algunas de las perplejidades que genera el actual giro hacia la vulnerabilidad, la intervención girará en torno a diversos hilos de pensamiento arendtianos que encuentran cierta continuidad en las reflexiones críticas de Ariella Azoulay, Judith Butler y Adriana Cavarero.

In order to point out some of the perplexities generated by the current turn towards vulnerability, the intervention will revolve around various Arendtian threads of thought that find a certain continuity in the critical reflections of Ariella Azoulay, Judith Butler and Adriana Cavarero.

## Leticia Sabsay

London School of Economics

### Vulnerable Bodies, Cruel Times

In a historical present marked by the Covid pandemic and the ascendance of neo-authoritarianism, we bear witness to a renewed politics of hatred and violence and the heightening of the vulnerability of life. Vulnerability, in this context, has either been weaponised to justify the furthering of violent forms of government, or critically mobilised by feminists to stake a demand for justice, thus becoming the object of political dispute. In this paper, Leticia Sabsay proposes to examine myriad claims to vulnerability, focusing on the diverse political aesthetics they evoke. On the one hand, she argues that when vulnerability is mobilised as a governmental tool or even used to justify attacks to some



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feminist, queer and trans organising, it is put to serve what she calls a political aesthetics of cruelty. This is a political aesthetics that points to the activation of a death drive that not only gets attached to otherwise bodily life affirming ideals such as self-determination, freedom or integrity, but also propels the questioning of basic democratic principles. On the other hand, she asks whether and in which terms might a feminist politics of bodily vulnerability be able to contest this cruelty, and which kinds of political aesthetics and hope might this feminist politics open up.

#### Vulnerability, Trust, and Sexual Consent

In the wake of the #Me Too movement, many jurisdictions have revised laws relating to sexual consent. The aim of these revisions is to demarcate the boundaries between sexual consent and assault, by specifying the conditions under which valid consent to sexual activity can be given, as well as the conditions under which there is no consent. Such legal definitions attempt to navigate a path between protection of sexual freedom and protection of potentially vulnerable persons. In this presentation I will not attempt to interrogate the adequacy or otherwise of such definitions. Rather, I want explore a set of background philosophical issues to concerning the complex interrelations between vulnerability and trust in the sexual encounter that highlight some of the difficulties involved in navigating this path. Consensual sexual encounters inescapably involve both vulnerability and trust. It is therefore a mistake to think that vulnerability per se compromises consent. If the concept of vulnerability is to be useful in relation to questions concerning sexual consent it is important to distinguish among different kinds of vulnerability. It is also important to explain how certain kinds of vulnerability can interact with social dynamics of power, inequality, trust and distrust in ways that complicate the path between protection of sexual freedom and protection of potentially vulnerable persons.



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#### Catriona Mackenzie Macquarie University

#### **Erinn Gilson**

Merrimack College

#### Ana Lúcia Costa

Universitat Pompeu Fabra

# Sexual Violence and Gendered Vulnerability: from a Reductive to a Complex Account

This paper raises questions about using the lens of "vulnerability" to understand and respond to sexual injustices. The first section highlights some difficulties with a conventional reductive concept of vulnerability as susceptibility to harm. It focuses on how such a reductive concept of vulnerability is gendered in a dualist way, tying vulnerability to femininity and invulnerability to masculinity, and how this concept of gendered vulnerability is a sexist idea. The second section considers how a complex rather than reductive understanding of vulnerability can provide insight into, and resources for resisting, sexual injustice. It focuses on the relevance of the concept of vulnerability in 1) understanding the experience of sexual victimization, 2) understanding the wrong of sexual victimization, and 3) preventing and resisting sexual injustice.

#### The Narrative and Emotional Structures of Vulnerability: The Case of Commercial Sex

In my intervention, I will attempt to demonstrate that the social imaginary mobilized by the idea of vulnerability in the context of commercial sex is not restricted to a particular female stereotype of fragility and passivity. It equally involves a narrative structure that portrays a rather simplistic account of commercial sex's causes as well as of the actors involved in different roles. Such a structure sparks a particular economy of emotions, which, in turn, favors punitive public policy responses, such as the ones currently under consideration by the Spanish National Congress. The contradiction of this type of policies with the alleged aim of protecting women who sell sex transforms a purported story of feminist empathy into one of indifference, exclusion, and objectification. At the core of this displacement lies both a common and dangerous understanding of empathy and a logic of rescue rather than citizenship that underly the narrative and emotional structure of vulnerability as deployed by neo-abolitionists in the context of commercial sex. A paradigmatic case of pathogenic vulnerability,



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commercial sex is also an exemplary testimony that vulnerability and resistance cannot be conceived in dichotomous terms.

#### The Sexual Politics of Carceral Feminism

This talk assesses the ways in which feminism, and sex and gender more generally, have become intricately interwoven with punitive agendas in contemporary global politics. I discuss this through the rubric of "carceral feminism," a term I first coined in 2007 and which has since been picked up, both laudably and critically, by a variety of activists, academics, and media commentators. It has been deployed to describe feminist responses to a growing range of contemporary issues--from domestic violence and rape to catcalling and sexual harassment- in which feminists and their formerly left-leaning allies have steadily moved rightward on questions of punitiveness and criminal justice, particularly around issues of sex. Melding existing discussions of global trends with insights drawn from my own ethnographic research on contemporary anti-trafficking politics in the United States, in this talk I elaborate upon the ways that neoliberalism, sex, and gender have intertwined to produce a carceral turn in advocacy movements that were previously organized around struggles for economic justice and sexual liberation. Finally, this talk will consider how international human rights discourse has become a key vehicle both for the transnationalization of carceral politics and for folding back these policies into the domestic terrain in a benevolent, feminist guise





## Elizabeth Bernstein

Columbia University