

WHO SPEAKS? RENEGOTIATING SOVEREIGN AND METAPHYSICAL DISCOURSES IN POLITICS AND LAW

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Introduction

The article deals with the theme of the subject in politics and law, which is essentially also the theme of who speaks. A focus on the voice is regarded here as paramount. It is assumed that the current subject of politics and law is a cut subject, divested of the body and oneself, construed as a vertical, autonomous, independent and self-coherent individual who has no body but only righteous relations to the others and the community around. It is a subject that has been split and essentialised into sovereign and metaphysical ideas.

As a result, the current ideological, normative, and symbolic frame produces and reproduces a way of speaking and doing politics that is voiceless and devocalized. While by democracy people are asked to speak their voices, in reality they are just caught in the situation of the already given and sovereign linguistic frame. The point of the paper consists of imagining ourselves and the world of relations around us from who speaks and one's voice, that is by beginning from oneself rather than from the general voice of politics and law, and thus in a sort of renegotiation of the terms of the political subject and its community. To do this, the paper employs the radical perspectives of Adriana

Cavarero, comparing it with the subversive approach proposed by Judith Butler and the reformist viewpoints of John Rawls and Martha Nussbaum.

Both Rawls and Nussbaum attempt to renegotiate the liberal subject and to give more voice to people, to achieve justice. Yet, they seem to maintain the same ontological thinking of a split and cut subject divested from the body and life, where one can only speak with the voice already thought by standard political and legal discourses. On the contrary, Butler and Cavarero go further by showing a concern for materiality, singularity and a justice outside the liberal grid. Yet, it is only with Cavarero that a disengagement from the sovereign symbolic order appears possible.

Cavarero's approach draws on the work of the Italian feminists in the 1980s, who created women's centres, bookshops, libraries as places of detachment from existing dominating institutions, where women could separate themselves from masculine systems of thought¹. Those Italian women's centres were spaces where singular voices could experience independence and freedom from the sovereign subjectivity and symbolic order. What is important is that those centres emphasized a politics of differences among selves rather than an emancipatory politics of equality between women and men. Drawing on such initial legacy, Cavarero offers, via the voice, political forms of renegotiation that suspends the normative institutional framework while engaging with it².

Rawls and Nussbaum's engagement with the liberal politics

Today, Rawls' theory of distribution of the goods and his principle of difference, finds application in the welfare state of most of the Western liberal democracies. The approach constructed by Rawls is interesting, because while it remains within the constraints of legal liberalism and individual rights, it attempts to renegotiate the political inequality and injustice within Liberalism.

A society is just for Rawls, if it promotes a common held good in legal institutions. The basic structure consists of the way institutions distribute fundamental rights and duties and thus resolve conflicts fairly³. Individuals can choose a basic structure from an "original position". The original position implies that people are "individuals" who do

1. See P. Bono, S. Kemp, *Italian Feminist Thought: A Reader*, Basil Blackwell, Oxford, 1991.

2. See A. Cavarero, *For More than One Voice. Towards a Philosophy of Vocal Expression*, University of Stanford Press, Stanford, 2005.

3. See J. Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971, p. 12.

not know things about themselves; they are *blindfolded with a veil of ignorance*, so that they are prevented from knowing about time, history or class⁴.

The conception of an original position appears necessary for individuals to accept justice and ignore themselves, their different welfare and their divergent life projects. The veil of ignorance forces people to think about the problem of social justice from an impartial point of view and implements a moral attitude and justice as fairness in people⁵.

Through the veil of ignorance people are supposed to always act rationally, that is, people will choose primary goods as the most important ones. However, we think that while the veil of ignorance places each individual on equal footing with one another, at the same time the individual appears to be completely disconnected and cut from the materiality and circumstances in which is situated.

Rawls later modified the concept of the original position and the veil of ignorance. He refined his perspective arguing that citizens, who hold opposing conceptions of equality in society, can find a shared basis of 'reasonable' agreement through an *overlapping consensus*⁶. Interestingly, 'reasonable' for Rawls has to do with choosing the good for society that is choosing the already established egalitarian distribution and the principle of difference. The individual is asked to act and speak in a reasonable way.

Let us think more closely about the implications of such a perspective in relation to one's voice and political renegotiation. Despite the terms of co-operation and the intent to ensure justice, Rawls' theory of the political reflects a monovalent perspective of community and sharing. The idea of the veil of ignorance is emblematic of the artificiality of the context necessary for his intent to distribute equally to everyone. For Costas Douzinas and Adam Gearey, Rawls' theory fails in fact to account for the pain and vulnerability of the people before law and justice, since law and justice appear to be concerned only with distributions, investments and returns⁷.

However according to Rawls, a person is only an individual with no unique face or body and no relationality, except the relation to the just principle of distribution. The other is not even another but the same, to whom it is necessary to distribute goods, according to the established and normative difference principle.

4. See *ibid.*, p. 17.

5. See F. Lovett, *Rawls's A Theory of Justice. A Reader's Guide*, Continuum, London, 2011, p. 20.

6. See J. Rawls, *Political Liberalism*, Columbia University Press, New York, 1996.

7. See C. Douzinas, A. Gearey, *Critical Jurisprudence. The Political Philosophy of Justice*, Hart Publishing, Oxford, p. 130.

Consequently, his theory can be claimed to be structured on a *false choice*⁸. Žižek explains how Rawls' freedom and liberty of choice are possible only if one makes *the right choice*, which is the predicted choice of sameness and distribution. The 'reasonable' choice is to accept the sacrifice of what is superfluous⁹. People who fall short of the subjectivity of the same are left unheard since the only possible choice is *the right choice*¹⁰, the only voice is the abstract and the semantic voice of the liberal frame.

A more recent liberal approach to resistance has been offered by the capability theory of Martha Nussbaum. Her approach has been used by the United Nations during the 1980s to adjust development concerns in so-called developing countries. Her approach counters in some ways the Rawlsian theory of justice focused on goods with an approach grounded on capabilities¹¹. Importance is given to capabilities rather than the mere acquisition and distribution of goods. The capability theory attempts to adapt liberalism to difference, by organising a set of good capabilities to human functioning.

Unlike Rawls, Nussbaum's theory presupposes that human beings differ from one another and people are contextualised in their reality¹². For Nussbaum, people live in different natural and social contexts and have specific personal characteristics, such as age, sex, physical and mental abilities¹³.

Her approach, therefore, does not focus only on the distribution of resources, but rather resources acquire value in promoting human functioning. She points out that human functioning is paramount in converting resources and giving them value. If a human being is unable to convert a resource into a valuable functioning because of a disability, such a human being is put into a position of inequality.

For Rawls, justice and equality among subjects are achieved through the distribution of goods and this is what is supposed to materialise his life projects. Whereas, for Nussbaum, justice and equality are achieved when human beings reach a level of capability to function. This implies distribution but also the elimination of obstacles that impede the good functioning. The aim is therefore, to ensure that resources promote capacities and good human functioning. In a way, this allows the abstraction of liberalism to be accommodated to more practical human needs. We can say that by paying attention to the individual's access to human functioning, Nussbaum's theory raises more awareness

8. See S. Žižek, *Enjoy your Symptom: Jacques Lacan in Hollywood and Out*, Routledge, New York, 1992, pp. 69-110.

9. See *ibid.*

10. See S. Žižek, *Plague of Fantasies*, Verso, London, 1997.

11. See M. Nussbaum, *Sex and Social Justice*, Oxford University Press, Oxford, 1999.

12. See *ibid.*

13. See *ibid.*

of the economic injustices inflicted upon women and other groups that are more vulnerable and excluded.

Yet, at the core of Nussbaum's theory of Justice or capability to function lies the Universalism of equal worth of the individual¹⁴. The idea of dignity and equal worth means that all people equally deserve respect and this links to their liberty and to a liberal conception of life. *Each human being should be regarded as an end rather than as a means to an end*¹⁵. The goal of the idea of the capability to function is to treat people in a dignified and equal way. For Nussbaum, the Universalism of liberal justice needs to be guided towards what is good for people, that is, towards basic human functions and capacities.

Although Nussbaum appears to adjust some aspects of the Rawlsian theory, some critical legal theorists have underlined the problems in her approach. For instance, Karin Van Marle has argued that Nussbaum's approach contains a paternalistic viewpoint¹⁶. Despite Nussbaum's assertion of Universalism not being incompatible with people's choice, the use of a standard shows no respect for the voice of people as agents. Whereas, for Loizidou, Nussbaum's theory of resistance presumes to know the needs and desires of others, but in reality Nussbaum's theory affirms law's sovereignty over the voice of people¹⁷.

The theory has attracted criticism by other scholars as well. For instance, Thomas Pogge argues that in Nussbaum's approach human diversity is conceived as vertical and this is incompatible with the ethos of human democracy, based on horizontal equality¹⁸. The specific political focus is thus always on a human being, who needs to be confronted with a set of better standards of functioning and capabilities.

Furthermore, Persio Tincani has noted the deep similarity and interconnections between the two theories of Rawls and Nussbaum¹⁹. For Tincani, basic goods and capabilities are not alternative political concepts, but diverse gradation of the same liberal argument²⁰. Basic goods contribute, in fact, to the realization of capabilities. A theory of justice based on the distribution makes sure that institutions provide individuals with a minimum content of goods; whereas, theories based on capability require instead that institutions guarantee people a minimum level of functioning²¹. The politics of

14. See M. Nussbaum, *Women and Human Development. The Capability Approach*, Cambridge University Press, 2000, p. 32.

15. See *ibid.*

16. See K. Van Marle, "The Capabilities Approach, the Imaginary Domain and the Asymmetrical Reciprocity: Feminist Perspectives on Equality and Justice", in *Feminist Legal Studies*, 11, 2003, pp. 255-278.

17. See E. Loizidou, *Judith Butler: Ethics, Law, Politics*, Cavendish Publishing, Oxon, 2007, p. 165.

18. See T.W. Pogge, "Can the Capability approach Be Justified?", in *Philosophical Topics*, 30.2, 2002, pp. 167-228.

19. See P. Tincani, "I beni principali come capacitazioni", in *Politeia*, 83, 2006, pp. 21-44.

20. See *ibid.*

21. See *ibid.*

distribution, of standardization and regulation of voices remains fundamental in both theories. The subject remains general and no account of one's singularity is available²².

It follows that the effect in both Rawls and Nussbaum's political renegotiation may be a theorising of an *unvoiced* subject in an abstract and *unvoiced* community: a subject whose voice has been taken away, buried, concealed and hidden behind sovereign politics, law and rights. The speaking subject Rawls and Nussbaum talks about is constructed through the logic of Oneness: one as a general and as a socio-linguistic subject. Heteronomy and needs are equated to one good standard and people are deprived of their unique corporeal specific voices.

Radical Political renegotiation through critical ruptures and one's voice

In this section we are going to focus on more radical forms of political renegotiation, beyond the reformist liberal perspective, in particular on the work of Judith Butler and Adriana Cavarero. Butler is well known for having theorised a form of resistance and political re-negotiation as subversion of the subject against the normative system of forced choice, in which, the subject itself is defined. It is important to acknowledge the Hegelian root of her subject and political theory in order to understand Butler's thought. Such Hegelian root is especially evident in her first work, *Subjects of Desire*²³. She also refers to Hegel in the book *Contingency, Hegemony, Universality*²⁴.

Desire and recognition are fundamental aspects of Butler's performative politics, centred in the ecstatic self. "Ecstatic" in Greek means standing out and refers to being dependent on something outside of itself. In other words, a subject is standing out or is separated from itself and this appears to be a condition of the subject's existence in Butler. In *Subjects of Desire*, the ecstatic character of the subject means that the subject repeatedly finds itself outside of itself and never returns to itself, to its initial form, but it transforms itself during the ecstatic process.

In her theory, all identities necessarily fail, because all universal truths and normative linguistic structures, like law and justice, end up refuting the other and produce

22. See *ibid.*

23. See J. Butler, *Subjects of Desire. Hegelian Reflections in Twentieth-Century France*, Columbia University Press, New York, 1987.

24. See J. Butler, E. Laclau, S. Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, Verso, London, 2000.

inevitably exclusion and abjection. Consequently, for Butler, all political terms need to be contested, questioned, subverted and renegotiated. It follows that for Butler, the Hegelian recognition becomes an impossibility, a continuous process of struggle, and perhaps, a way of striving for the impossible. Her work can be understood as a form of resistance against the fixation of the ideological frame and the violence of subject formation. According to Butler, the subject appears as necessarily located within the symbolic structures, always wholly connected with the dominating structures of socio-linguistic-cultural and legal norms, as in the case of sex or gender. The latter are seen as normative linguistic constructions of the body.

In *Frames of Wars*, Butler writes five essays in response to war, where the themes of vulnerability and precarity and their denial become central themes²⁵. Butler argues that the linguistic and ideological frame, not only regulates reality, but also participates in producing reality and thus materiality and our bodies²⁶. An important point is that the frame leaves something cut out from it. Not all life is captured and recognised by the normative conditions of the frame. Rather, something exceeds the frame.

There are moments when the frame is broken down and there is a certain release of control²⁷. *Leakages* of the frame might show the excess, namely, what is excluded and abjected by the frame²⁸. By repeating normative structures through bodily and linguistic acts, it is possible to find moments of failure of the system of forced constructions, and therefore, enact change and also make vulnerability equally shared. The problem, for Butler, becomes also an ontological problem. There is a given ontological way of approaching the body that allows, or does not allow, the apprehension of its vulnerability. For Butler, a different ontology that focuses on vulnerability can be used as a way to re-think our responsibility.

However, rethinking responsibility is a process always mediated by the frame, by the subject's ecstatic outside; namely, the socio-linguistic conditions and political institutions. In particular, Butler suggests that to speak against and resist the process of abjection and exclusion by the normative frame, it is necessary that vulnerability and precariousness are apprehended and shared equally among us. It follows that we must deal in any case with those normative institutional frameworks, if we want to rethink their terms in new ways²⁹.

25. See J. Butler, *Frames of War. When Is Life Grievable?*, Verso, London, 2010.

26. See *ibid.*

27. See *ibid.*

28. See *ibid.*

29. See *ibid.*, p. 145.

Differently from Butler, Adriana Cavarero puts at the centre of her theory of resistance the corporeal and singular voice³⁰. It is in such a voice that she sees the possibility to resist the metaphysical sovereign tradition of discourses. For Cavarero, the logocentric and metaphysical tradition insists on the *what is said* and does not attend the *who is saying*. The *who is saying* (a mouth and a voice) is regarded to be inessential and superfluous and is excluded from the process of the communication and signification. In her theory, Cavarero does not wish to avoid language and signification; on the contrary, Cavarero is searching for the very meaning of the already said and signification. For Cavarero, the voice cannot be cut out from what is said. Speaking in one's voice is a moment of radically singular materiality that begins with an awareness of oneself in relation to another. There is a radical proximity between unique beings that simply communicate without necessarily communicating something. Cavarero's way of resistance and political renegotiation emerges, then as a reciprocal communication of unique voices and as something that springs from within us.

In her book *Relating Narratives*, Cavarero reveals her roots in the work of Hannah Arendt³¹. In *The Human Condition*, Arendt asserts that what counts in politics is not the *what* but rather the *who* of people; while speaking and acting, one reveals one's uniqueness³². Cavarero underlines the materiality and the vulnerability of such singular human uniqueness already commenced by Arendt. The core point of *Relating Narratives* is the ontology behind telling one's life story, a story necessarily exposed to others³³. Life stories are always new and unique. They reveal a unique *who* beyond the *what*. Therefore, the ontology behind such a *who-ness*, is an ontology that is anti-metaphysical and contingent.

The focus on uniqueness and singular corporeality suspends the metaphysical and sovereign talking of fixed identities and opens unexpected spaces of resistance detached from the already narrated language. Cavarero's work is not about identity, or the individual, or the *what*—those are to be considered as only limited and constructed aspects of us that separate and cut out one's uniqueness, singularity, corporeality and relationality. In this respect, we can consider the political and the normative subject as a cut subject, a subject that does not include the traits of *who-ness* and singularity that Cavarero reflects.

30. See A. Cavarero, *For More than One Voice*.

31. See A. Cavarero, *Relating Narrative. Storytelling and Selfhood*, Routledge, London, 2000.

32. See H. Arendt, *The Human Condition*, Chicago University Press, Chicago, 1958.

33. See A. Cavarero, *Relating Narratives*.

In her most recent book, *Inclinazioni*, Cavarero speculates on the Western philosophical subjectivity appropriated by politics, law and rights, where the subject has been thought since the beginning in the terms of ‘homo erectus’, as vertical, right, straight³⁴. The verticality of the Western subjectivity indicates a self-referential and isolated subject that stands up in the arrogant act of his own foundation, speaks with the voice of rectitude, rules and order. To such a vertical ontology, Cavarero counter-opposes an ontology of inclination, where the subject precisely bends towards the other and engages in relations within a community of unique beings. Such an inclined and relational ontology indicates a constitutive inclination of us as unique living beings and our relationality to others. An inclined subject is no longer straight, it bends as respect to the vertical axis. A subject characterised by inclination is also a subject that speaks in her own voice, that lives the material life with her unique body and is aware of her own vulnerability and that of others.

Yet, it is specifically in her work entitled *For More than One Voice* that Cavarero emphasises the primacy of the in-articulated voice, the coming of voice and the breathing from the mouth³⁵. She detects in the voice a space of meaning independent from speech. The voice constitutes the unexpressed side of speech; it *generates and exceeds speech*. The voice, Cavarero says, communicates uniqueness beyond the contents of communication: We become aware of our uniqueness in relationality with others.

Cavarero engaged closely with the theme of vulnerability in her book *Horrorism*³⁶. Here Cavarero talks of vulnerability referring often to the Latin term of *vulnus*. We are inevitably exposed to each other in our vulnerability. For Cavarero, we can choose to act towards the others with care or by inflicting wounds. We can say that if one speaks as a subject constituted by language and norms, one speaks as a cut subject, separated from one’s uniqueness and body and from the others. From such a position, it is easy to react by inflicting wounds, with disregard for vulnerability, because the subject is cut and separated from oneself and others.

Whereas, if one speaks in one’s voice, one is exposed to oneself and others, one is aware of one’s vulnerability and that of others. Such an awareness pushes towards responding to the *vulnus* with care and attending to the other with care. Thus, the voice as awareness of singularity, corporeality and vulnerability, leads to an ethical response to vulnerability and, therefore, to choose care.

34. See A. Cavarero, *Inclinazioni. Critica della Rettitudine*, Raffaella Cortina, Milano, 2013.

35. See A. Cavarero, *For More than One Voice*.

36. See A. Cavarero, *Horrorism: Naming Contemporary Violence*, Columbia University Press, New York, 2009.

What is said has implications for a radical political renegotiation and a conception of justice otherwise. Cavarero is not trying to make of the subject a better normative and sovereign subject, but she is only emphasising the non-sovereign and non-normative aspects of being. The focus on *who someone is* in Cavarero, rather than the *what* of identity and subjectivity, indicates that it is possible to make use of a different type of agency, other than that of sovereignty, that does not require to master others, and moreover, can suspend –even if for shortly– the sovereign frame. The *who* –on which both Arendt and Cavarero focus– excludes the sovereign subject because there is no substance, it is impossible to say *who someone is*. The *who-ness* is only manifested or revealed through the voice or action and in a condition of relationality and plurality.

Subsequently, we could argue that there is also a diverse understanding of the ontology at stake in Cavarero. This is not ontology as metaphysics or presence of things, truths or norms. It is rather contingent, changeable and corporeal. Cavarero's voice is never the same –my voice is never your voice. The space for speaking or acting in plurality is contingent, not defined or fixed. It is rather shaped during the journey of experience.

Therefore, for Cavarero, as for Arendt, the community is not originated or guaranteed in politics. For both, the community of unique beings lies in a space that is revealed, or appears, precisely when we focus on the voice or we act unpredictably; that is, when we speak and act from a radical awareness of ourselves and others, in the condition of corporeal vulnerability, in which, we are all inevitably situated.

From this perspective, there is no more appropriation of linguistic structures to be able to speak, but the only exposure of one's voice and *who one is*. One's voice cannot be reduced or metabolised into sovereign discourses. If my voice is just any voice, then my voice is general and can be easily predicted. On the contrary, there are no predictions about my unique voice. Thus, my voice is a rupture with the very logic of signification assigned to the current *unvoiced* political subjectivity and ideologically sovereign framework.

The voicing of uniqueness has also the ethical implications for justice. In the *Human Condition*, Arendt links action to forgiveness³⁷. Forgiveness is a special action, which is boundless and potentially capable of breaking the multiple divisions produced by violence between people.

Forgiveness is an action that surely springs from one's *who-ness* and we can then deduce an awareness of one's vulnerability and thus an account of oneself. It could be

37. See H. Arendt, *The Human Condition*.

argued that Arendt's conceptualisation of action and forgiveness-as-action, as a deep awareness of one's vulnerability and the vulnerability of others, incorporates a materialist perspective. I forgive because I can see the vulnerability of another self behind the wrong action, the doer behind the deed. It is only by being aware of the vulnerability of the other and of one's vulnerability that one can attempt to enact forgiveness.

Forgiveness becomes an example of producing something new through our actions, something unexpected, natality, something that sets us apart from the sovereign frame and from the justice of politics, law, an expression of one's voice as well. Forgiveness is linked to an ability to respond ethically to vulnerability. On the contrary, the justice of Western politics and law is projected towards further divisions between people, and lies on resentment and retribution. Justice appears to be a righteous reaction to an injury.

Ethics requires speaking in one's voice, or acting anew producing a response in terms of an ability to respond with responsibility to the vulnerability of others. The relation to others, as perceived here, goes beyond the linguistic agent-subject relation, because it suspends the said of language and works on one's voice unpredictability of the saying and towards the vulnerability of others.

Butler also attempts to deal with the problem of ethics, but she poses a different ethical question³⁸. Unlike Cavarero's and Arendt's *whoness*, the Butlerian subject is integrally involved in social, cultural and legal norms. Life, for Butler, cannot escape its fundamental linkage to subjectivity and identity. It is in relation to norms and intelligibility that life is taken into account. The agent in Butler is a subject who knows she cannot become fully aware of herself and fully speak for herself. And yet, it is precisely this fallibility and lack of self-coherence that allows an acknowledgment of the limits of self-understanding and provides a sort of ethical critical agency³⁹.

For Butler, material life and the potential to speak can only be enacted through the norms and the forms of the linguistic sovereignty. By performing norms, the subject can achieve new ways of expression and liveability in relation to the normative space. In addition, the relation to the other in Butler is ecstatic. This means that the subject finds itself outside itself. Responding ethically then requires the medium of such ecstatic outside, the linguistic and normative frame through which we can perform our subjectivity and be critical of this performance.

38. See J. Butler, *Giving an Account of Oneself*, Fordham University Press, New York, 2005.

39. See *ibid.*

Conclusion

To conclude, Rawls, Nussbaum, Butler and Cavarero are all interested in resisting the current liberal approach and renegotiate its political limits. However, we can identify three opposing attitudes. Rawls and Nussbaum –although not insensitive to difference– continue to maintain the framework of universal subjectivity, choice and voice in their engagement with political and legal liberal institutions. Both Rawls and Nussbaum, accept the notion of political liberalism as a good framework.

Butler and Cavarero, however, are arguably more critical of Universalism and strive to account for what is cut out, made superfluous and exceeds the law. In comparing Butler and Cavarero, we see that both begin from positions of radical materiality and acknowledgment of vulnerability. Butler employs the linguistic and normative framework as integrally connected to materiality, emphasises Hegel's ecstatic outside and shows the necessary struggle of the subject outside itself. For Butler, it is important to be critical of such an outside, while at the same time, one is inescapably immersed in it.

On the contrary, Cavarero joins Butler in her critique of the subject as being forced and separated from singularity, as the result of the identity formation process, but follows the Arendtian root of uniqueness. The subject in Cavarero is rather characterised by inclination, that is, by leaning out, the linguistic subject moves in some ways outside the vertical and linguistic direction in which it has been conceived and relates to others through dependence and inclination. One's voice is the moment, when one escapes the verticality of the subject and becomes aware of inclination. Through one's voice, one's vulnerability is exposed to oneself and others. This opens an ethics of a singularity-in-relatedness that can act in ways totally unpredictable and poses new paths for a political renegotiation and justice

Yet, it seems impossible to permanently suspend politics, law and their institutions, to remain beyond them and take a complete non-political or non-judicial stance, when resisting them. In other words, it may be impossible to resist politics and law through a complete dissociation from any reference to policies, rules, procedures or norms and institutions.

Consequently, it becomes necessary to look into the wider engagement with politics and law. In *Politics, Postmodernity and Critical Legal Studies*, both Peter Goodrich and Costas Douzinas, argue for instance for an ethicality in the critique and resistance of politics and law and the necessity to open a space for a diverse ontology or being

within institutions⁴⁰. Goodrich and Douzinas seem to suggest that the moments of disconnection from politics and law and institutions cannot be permanent and thus, a way of connecting, in terms of ontology and ethics, appears necessary⁴¹. Political renegotiation might reside in the responsibility to respond in ethical ways that are beyond politics and law-making by focusing on what remains unbound by politics and law, on that which is not part of them, but that comes into terms with them. One's voice implies an emphasis on what exceeds politics and law and an ethical responsibility to choose care towards vulnerability. The voice calls for an ontology of a selfhood in flesh and blood, unique and relational with a focus on ethical thinking and acting. For Cavarero, this can lead also to act strategically. As Cavarero makes clear in an interview, resistance cannot be exhausted at the moment of suspension from the pre-established order by the voice⁴². On the contrary, it is necessary also to use strategically institutions or the master's tools, with *cattive intenzioni* (bad intentions) to radically push towards a renegotiating of who speaks in contingency and ethics, within a community of relational and unique selves.

40. See C. Douzinas, P. Goodrich, Y. Hachamovitch, *Politics, Postmodernity and Critical Legal Studies: The Legality and the Contingent*, Routledge, New York, 1994, p. 131.

41. See *ibid.*

42. See A. Cavarero, E. Bertolino, "Beyond Ontology and Sexual Difference: An Interview with the Italian Philosopher Adriana Cavarero", in *differences: A Journal of Feminist Cultural Studies*, 19.1, 2008, p. 137.