Border Dependency:
An Evaluation of Liberal Individualism and the Future of our Political and Ethical Boundaries

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The U.S.-Mexican border es una herida abierta where the Third World grates against the first and bleeds. And before a scab forms it hemorrhages again, the lifeblood of two worlds merging to form a third country—a border culture. Borders are set up to define the places that are safe and unsafe, to distinguish us from them. A border is a dividing line, a narrow strip along a steep edge. A borderland is a vague and undetermined place created by the emotional residue of an unnatural boundary. It is in a constant state of transition. The prohibited and forbidden are its inhabitants.

--Gloria Anzaldúa

I. Welcome to the Border

There is a border between El Paso, Texas United States and Juárez, Chihuahuah Mexico. The literal border fence between the two cities demarcates nation-state boundaries. It is the constructed border between a first and, arguably, third world state. On one side of the border, prosperity is presumed and employers can and must afford to provide healthy working conditions. The other side of the border tells a different story. Poor working conditions are almost expected. Juarez, Chihuahua Mexico is the home of over 340 maquiladora factories and employs over 200,000 workers\(^1\). Workers earn approximately $55 for a 45 hour workweek.\(^2\) Unsurprisingly, women constitute a large portion of this workforce. Amnesty International reports that the preference to hire women is based in “traditional patriarchal socialization [which] makes women workers more exploitable than men.”\(^3\) This socialization includes submissiveness of the female workers, the near absence of female labor organizations, and the assumption that women’s male counterparts at home are the main breadwinners. It is assumed that women are dependent upon a man for economic stability, and in return women care for other dependents (children, elderly, etc) of the family. Eva Feder Kittay offers a brilliant analysis of how the role of the caretaker is a gendered role. The burden and responsibility of caretaking, be it for children,

\(^3\)Ibid.
the disabled, or even the elderly, disproportionately affects women. The gendered role of caretaker applies cross-culturally. I would also argue that this woman-as-caretaker is what also makes women more subservient to corporations. People are less likely to go on strike when even the smallest pay-check is needed to feed others who are dependent. A daughter, whose family depends on her work for basic necessities, has little choice but to go to work. A mother will not risk the lack of financial income for even a week if it means her children go hungry. No matter the marital status, “maquiladora women often lack a strong support network, as many are migrants from Mexico’s interior who have left everything behind in order to earn a meager wage.”

The internal migration within Mexico is largely due to the increase of jobs on the border as a result of the 1994 National American Free Trade Agreement (NAFTA).

In addition to the increased internal migration, whereby rural communities move to the border in search of factory work, the Inter-American Commission on Human Rights notes that violence against women has also increased after the implementation of NAFTA. Over 268 women have been killed and 250 missing people’s reports remain unsolved since 1993, though some estimate the number to be higher. The response of the Mexican government has been deficient, perhaps largely due to the absolute economic necessity. Like the families of the factory workers, it seems like the entirety of Mexico is financially dependent on the transnational corporations. Mexico is a state falling into increasing economic despair. The lax nature of workers’ rights, protections, and wages are well advertised by various websites promoting the maquiladora factories, and serves as indirect proof of Mexico’s economic dependency on the factories. Further, while the international community has recognized the violence against the women of Juárez as an issue, it has taken little action in addressing

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5 I would guess that this claim is only made stronger by the recent swine flu epidemic.
the crimes. That the issue is even acknowledged is largely a result of the efforts made by women’s groups in the region. These women are not passive victims, however, but also occupy positions of power within resistance movements which protests and urges action be taken to address the increasing violence against women. These movements locate both patriarchy and global capitalism as structural causes of the crimes. I would like to go one step deeper. Both have a common core in sharing similar, if not the same, political philosophy.

The U.S.-Mexican border is thus not only a literal border between a developed and developing country, but also a conceptual one. The political philosophy of liberal individualism is the foundation of American values. American economic and political structures rely on the assumption that the world is composed of free and equal individuals. These characteristics have been put in such a blinding spotlight that inevitable dependencies of the human condition have been left in the shadows, behind the conceptual border fence. The invisibility of dependency is necessary for the political philosophy of liberal individualism. In order to function, it must construct borders. Borders are constructed between the public and private spheres, as well as between the developed and developing worlds. I seek to explore these borders and render visible dependency by considering the position of the maquiladora worker in Juárez, Mexico. The methodology of this paper is highly influenced by Chandra Talpade Mohanty, who writes:

Women have been in leadership roles in some of the cross-border alliances against corporate injustice. Thus, making gender, and women’s bodies and labor visible, and theorizing this visibility as a process of articulating a more inclusive politics are crucial aspects of feminist anticapitalist critique. Beginning from the social location of poor women of color of the Two-Thirds Worlds is an important, even crucial, place for feminist analysis; it is precisely the

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potential epistemic privilege of these communities of women that opens up the space for
demystifying capitalism and for envisioning transborder social and economic justice.\(^7\)

What is intriguing about Mohanty’s suggested method is that the very political and economic
disadvantage faced by the women of Juárez confers an epistemological advantage. Their standpoint in
society offers a lens for viewing intersections of both oppression as well as opportunities for leadership.
Out of their position as transborder victim via racial, gender, and class oppression, these women not
only establish agency for themselves by becoming leaders in various anti-globalization movements but
also offer insight for philosophical reflection. I hope that making their position visible will only aid in my
analysis of liberal individualism. This is particularly relevant in discussing how those in the First World
are economically, and therefore politically and ethically, connected to these women.

The paper shall proceed first with an analysis of classic liberal individualism as offered by John
Stuart Mill. Finding his philosophy well equipped to deal with the physical violence experienced by the
maquiladora woman worker, but incapable of dealing with her economic situation, it will then proceed
to the more socially minded liberal individualist, John Rawls. Eva Feder Kittay’s criticism of Rawls based
on inevitable dependency will then follow, suggesting that his philosophy, while perhaps capable of
dealing with the maquiladora’s economic situation as the ‘least well off,’ is incapable of providing for her
as a caretaker. There will then be an evaluation of Martha C. Nussbaum’s claim that Kittay’s work may
be incorporated by Rawlsian liberal individualism. Then, I will suggest that our political philosophy take a
cue from aesthetics in what Bonnie Mann terms the feminist sublime. Here, her discussion of the
similarities and ultimate importance of Kittay’s ethical philosophy and Judith Butler’s political philosophy
will be examined. Finally, the paper will address concerns of those partial to liberalism and suggest a
future starting point and framework for politics.

II. ‘Us’: Defining the Liberal Individual

Chandra Talpade Mohanty’s suggested methodology is to begin from the epistemological standpoint of women who stand at the intersection of racial, gender, and class oppression so as to expose the injustice wrought by the current economic, political, and philosophical systems of thought. However, I think it is important to acknowledge that I do not occupy such a ‘privileged’ position. In fact, it is my very privilege within the system that harms the women of Juárez. I am a white, American, liberally educated, feminist college student. I have lived at the border of Fargo, ND and Moorhead, MN my entire life. The nearest transnational border is that between the United States and Canada. I was raised in a frugal, but upper-middle class family who could afford to take trips to the Southern border. I had my first brush with poverty fashioned by global capitalism at the age of five when my family visited my uncle who works on the border between San Diego, CA and Tijuana, Mexico. We ventured to explore the other side of the border. I recall a merchant who was fascinated by my then blonde hair, and asked to stroke it before we left her store. My mother obliged, but was sure to protect me both in the store and on the street by a literal tie leashing her to me, her child.

The border between my privilege and those who suffered for it was maintained, despite my family’s excursion across the border, by our ties to an ideology. Liberal individualism is the foundation of American political philosophy. As Americans, my parents were committed to the ideology which my five year old self was tied to both literally and figuratively. This political philosophy has brought Americans wealth and comfort that many, which I encountered at the age of five, can and will only dream of. They dream of it, however, because the political philosophy of liberal individualism has been exported both in the forms of foreign governments modeling the Western liberal system and through global capitalism. The market of capitalism assumes that participants in the market are autonomous. Further, businesses cater to the idea that people are independent and liberal individuals. This system of capitalism, however, is also largely responsible for the maquiladora conditions. As was made clear in the
introduction, the position of the women factory workers on the border of Juarez and El Paso only became worse after NAFTA was implemented. America composed of autonomous citizens like my past five year old, current twenty-one year old and future self, benefits from these free trade agreements. These agreements supposedly allow individuals to freely compete. 

John Stuart Mill’s *On Liberty* is an appropriate text to begin discussion of liberal individualism for multiple reasons. I could have chosen to focus on works by Adam Smith, however, despite his classification as a moral philosopher, his warrants for liberal individualism seem based more on economic than moral or ethical grounds. In fact, it seems against the philosophy of utilitarianism that Mill is writing, though this paper will not claim to sift through the nuances. I could have also chosen to discuss the philosophy of John Locke, as he heavily influenced the Founding Fathers in the creation of America. However, Locke ties his liberalism to a range of disputable metaphysical claims about persons and rights whereas Mill appeals to an empirically based linkage of autonomy and flourishing. Given the concern of this paper is primarily ethical and political in character, Mill’s ethics is more appropriate than the metaphysics of Locke.

Also, what interests me about John Stuart Mill is that he was a liberal individualist who was clearly aware and sensitive to feminist issues. He offers a beautiful acknowledgement of the influence and philosophical aid given him by his wife in the preface to *On Liberty*, and even wrote an early feminist text, *On the Subjugation of Women*. It is thus interesting to study his justifications for minimal governmental intervention given his attention to the plight of those confined to the ‘private’ sphere. Mill lucidly offers the thesis of his political philosophy, stressing the cultivation of the individual, in the first chapter of *On Liberty*:

That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community,
against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant [...] Over himself, over his own body and mind, the individual is sovereign.\textsuperscript{8}

More to the point, society has the right to interfere with the will of one individual so as to protect another individual from interference. More locally, an individual may protect themselves from the harmful will of another individual. Society, or the collection of individuals, does not have a right to interfere with an individual beyond the right of protection. Thus, Mill’s theory would be adequate in justifying government intervention on the behalf of protecting women from street violence and rape, however he would fail to see the connection between the economic situation and the level of violence.

In Mill’s philosophy, the women would be divorced from their roles as factory workers when being protected. No connection between their economic situation, NAFTA, and the level of increased violence would be observed or deemed relevant. Their status as women would not even be taken into account. They would be autonomous individuals in need of protection from interference by another individual. It may be this very failure to make connections among economic and gender status that dooms the most basic aspect of Mill’s theory, the protection from physical harm.

Interestingly, Mill is quick to make a list of exclusions from his succinct rule of intervention in the paragraph following his thesis statement:

Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage.\textsuperscript{9}

Included in those unable to take care of themselves are children and barbarian savages. Race is equated to a childish state, in need of proper teaching. I would like to set aside the clearly racist assumptions in


\textsuperscript{9} Ibid., 12.
Mill’s exception for the moment, and focus on the excluding principle: that those who are in a state of care are exempted. Mill clearly admits that his political theory does not apply to dependents or, by extension, to their caretakers. The closest Mill comes to accommodating the needs of dependents is his claim that a man may be punished or forced to fulfill their familial obligation and support their child. This, however, puts the burden of care purely within the private sphere. Only when there is failure of the head of the household to care for the family is there any public involvement. Arguments of this inadequacy will become clear in later discussion on John Rawls.

John Rawls, with his thought experiment of the ‘original position’ and the ‘veil of ignorance,’ is the most egalitarian, socially minded of the contractarian liberal individualists. He proposes a group organize society while under a veil of ignorance of where they might be born into various potential original positions. The society is to be so organized that the society would be just no matter their original position; that is, no matter the conditions of their birth they would be justly treated by the society as structured. In responding to issues of inequality, Rawls writes “All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.” This, however, is also inadequate. Rawls’s theory of justice only emphasizes the least well off. While Rawls would be capable of responding to protecting the maquiladora worker from physical violence, as well as perhaps remedy her situation as economically ‘least well off,’ and even call attention to the discrepancies of public services such as proper sewage and water facilities, it would fail to support her in her role as a caretaker. As will become clear, even the most egalitarian of liberal individualism is inadequate for organizing a political philosophy which adequately takes care of the proposed maquiladora factory worker and simultaneous caretaker and our ethical relationship to her.

10 Ibid., 101.
III. Tending Wounds

Eva Feder Kittay elucidates her political philosophy of dependency theory by rigorously criticizing the political philosophy of John Rawls, as previously stated, the most egalitarian of liberal individualists. Her fundamental criticism is that his political philosophy fails precisely because it treats issues of inevitable dependency as a secondary, something only to be considered later in Rawls’s ‘legislative’ stage of political structuring. While “whether [Kittay’s] suggestions put forward suffice to make the theory amenable to dependency concerns without introducing new incoherencies for the theory is a question I leave for Rawlsians.”12 She does not take a stance of whether Rawls can be amended or is in need of rejection; Kittay does provide an adequate account of why Rawlsian theory currently fails to accommodate inevitable dependency. Kittay first provides a concise enumeration of Rawls’ philosophy:

(i) The circumstances of justice that determine a well-ordered society’s conceptual perimeters.
(ii) The norm appealed to and projected into the idealization that ‘all citizens are fully cooperating members of society over the course of a complete life.’
(iii) The conception of free persons as those who think of themselves as ‘self-originating sources of valid claims.’
(iv) The moral powers of a person relevant to justice as (1) a sense of justice and (2) a conception of one’s own good; and list of primary goods based on these moral powers that serves as index for interpersonal comparisons of well-being.
(v) The conception of social cooperation that supposes equality between those in cooperative arrangements.13

From these five presuppositions of Rawls, Kittay moves to offer lucid criticism of each principle. While a summary of each of her arguments are as follows, the thrust of her arguments are simply that Rawls

13 Ibid., 81.
fails to place inevitable human dependency at the center of his philosophy and that this failure has
detrimental consequences.

Against the first presupposition regarding the circumstance of justice, Kittay, unsurprisingly,
argues that Rawls neglects dependency. First, she says that dependency is both objective and subjective.
It is objective because it is inevitable; everyone has and will experience times of dependency through
childhood, disability, and (potentially) old age. It is also subjective, “as it affects our needs and desires.
We have the need and desire both to be cared for and to care (or have someone care) for those who are
important to us [but] not everyone’s conception of the good will include doing what is necessary to take
care of these needs and desires.”

Second, Kittay remarks that we are not equally vulnerable. She writes “Rawls speaks of an equal vulnerability—e.g., the equal vulnerability to attack. Vulnerability
originating in dependency is not a condition in which all are equally vulnerable, but one in which some
are especially vulnerable. The unequal vulnerability of the dependent and, secondarily, of the
dependent’s caregiver is an inequality in starting positions, which, if left unaddressed, is injected into
the political situation.” The only vulnerability accounted for by Rawls is equal vulnerability: equal
vulnerability in the maturation process and the potential to be harmed by others. I stated before that
Rawls’ theory may remedy the economic situation, the availability of public goods, and the physical
violence, however, this claim is in truth questionable given he would not recognize the increased
vulnerability faced by women in terms of street violence. He recognizes equal vulnerability, and as
statistics show the violence in Juárez is significantly gendered. Furthermore, Rawls would not be capable
of recognizing the unequal vulnerability faced by the maquiladora woman and her role as caretaker.
Even if his philosophy were capable of protecting her both physically and economically, he would not be
able to account for the increased vulnerability of her charge nor her obligation to take care of them. He
does not account for constant vulnerability faced by those, who if left unattended, may die. Kittay

\[14\] Ibid., 83.
\[15\] Ibid., 84.
remarks that if this is not addressed, this inequality of starting positions will only persist and worsen if left unaddressed. The final criticism of the first presupposition is an extension of this idea. There is no guarantee that those in the original position would consider the dependency of the disabled and their subsequent caretakers.

The second presupposition of Rawls is that the ideal of ‘fully cooperating members of society,’ which Kittay claims assumes a ‘fully functioning person.’ This, she claims, first excludes people with special health needs as ‘morally irrelevant’ and can ‘distract our moral perception by leading us to think of people distant from us whose fate arouses pity and anxiety’ which risks ‘put[ting] too much distance between the ‘normal functioning individual’ and the person with special needs and disabilities.’ Secondly, even if a weaker interpretation of ‘fully functioning person’ is taken, where the dependent is also considered fully functioning given that we all have periods of dependency, there is no guarantee that those behind the veil of ignorance will then consider the position of the dependency worker. This is particularly problematic, given the dependency worker possesses both their own rights but is also responsible for seeing to the protection of the rights of their charge. “Looking at the economy of social cooperation in terms of burdens and responsibilities, we see that the independent fully functioning citizen assumes the burdens and responsibilities of one, while the dependency worker assumes those of more than one, and the dependent those of less than one.” She concludes her argument saying “To model the representative party on a norm of a fully functioning person is to skew the choice of principles in favor of those who can function independently and who are not responsible

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16 It is important to note that by ‘morally irrelevant’ Rawls does not mean abandonment of those with special needs. He simply finds that tabling the issue of such people and their needs is most beneficial when initially constructing a political system.
17 Ibid., 88.
18 Ibid., 88.
19 Ibid., 91.
for assuming the care of those who cannot.” Thus, Rawls’s philosophy, in assuming a fully functioning person, does not even apply to the maquiladora woman’s charge or even to herself.

Next, Kittay argues against the third presupposition that free persons are ‘self-originating sources of valid claims.’ First, this clearly does not account for the dependency worker, whose claim originates from the charge. Logically, then, the dependency worker is not ‘free.’ However, dependency work is necessary and thus cannot be eliminated because of diminution of the caretaker’s freedom. Kittay writes that there has only been one way for liberal individualism to cope with this issue: “only by naturalizing dependency work (e.g., women are naturally better with children, the sick, the elderly) have ideologues made their constraints on freedom palatable to a modern sensibility.” The entire problem, however, is manufactured by the liberal individualist philosophy which shapes the norm of freedom “without attention to the role of dependency in our lives. If it is oppressive, it is so because it exists within a social setting that fails to foster the well-being of dependency workers and their charges.”

Kittay notes that many dependents require extensive care which is not easily divided among multiple caregivers, placing the burden of care primarily on one individual. The work required of this caretaker could potentially, and often is within our current system, considered to be ‘oppressive.’ However, caring for dependency would not be thought to be ‘oppressive’ if society were structured so as to take care of dependents. Further, some caretakers, ideally all, would want to choose to heed the call of the other’s need for care. Unfortunately, the system currently hinders the ability to freely make the choice to enter into dependency relationships difficult. Take the maquiladora worker for example. Her economic situation makes the decision to stay home and take care of her dependents impossible.

20 Ibid., 93.
21 Ibid., 95.
22 Ibid., 96.
23 I whole heartedly agree with Kittay when she notes that dependency work is inherently difficult, however there are other rewards to be reaped from it. She cites the loving tie she and her hired caretaker have to her disabled daughter, Sesha. This loving relationship, however, is difficult if the caretaker is under un-do economic stress as they cannot focus on the work of care but instead focus on how to make economic ends meet.
Rawls amends ‘self-originating claims’ to ‘self-authenticating claims’ upon criticism that one can desire something that originated from someone else.\textsuperscript{24} For example, the caretaker may actually want what their charge wants because making the charge happy makes the caretaker happy. Thus, this relationship would not be ‘self-originating’ but rather ‘self-authenticating.’ This is continues to be problematic, as “it returns us to the vagaries of the relatively arbitrary choices individuals make about their work and their conception of the good, and to the uncertainty of whether or not their representatives in the [original position] will choose principles that will take care of dependency needs in a just and equitable fashion […] Without the assurance that dependency concerns will be handled equitably, we still have to question the self-authenticating nature of the choice to be a dependency worker” (Kittay, 98). Furthermore, the emphasis of whether or not dependency work is freely chosen and self-authenticating leaves dependency work in the realm of the private sphere, the private decision to participate in dependency work. Dependency work, as such, lies outside of “the purview of the public demands of justice” and “The consequence is that many claims are presumed to be self-authenticated when they are really heteronomous.”\textsuperscript{25}

The fourth presupposition involves moral powers and primary goods. There are five primary goods, summarized as 1. Basic liberties 2. Freedom of movement and choice 3. Powers and positions of responsibility 4. Income and wealth 5. Social bases of self-respect. Clearly missing from this list is the issue of dependency, the participants of whom are also citizens to which the aforementioned list ought to apply. Kittay thus offers an alternative list, “An ethic reflecting concern for dependents and those who care for them demands, first, a sense of attachment to others; second, an empathetic attention to their needs; and third, a responsiveness to the needs of another.”\textsuperscript{26} Kittay then turns her attention to the two moral powers, which include (1) a sense of justice and (2) a conception of one’s own good. She

\textsuperscript{24} This shift is noted by Kittay (p 96) as taking place in Rawls’ \textit{Dewey Lectures}.

\textsuperscript{25} Kittay, 99.

\textsuperscript{26} Ibid., 101.
finds that the sense of justice is “necessarily an other-directed moral power,” an inherently public matter which runs counter the realm of “a conception of one’s own good” which is clearly made to be a private matter.\(^\text{27}\) Further on this last point, she remarks that relegating the notion of the good to the private realm carries the same flaw as the previously discussed issue of rendering dependency private. Rather, Kittay would argue that there must be societal support to allow one to have “a capacity to respond to vulnerability with care” as well.\(^\text{28}\) Thus, at the very least, Rawls’ five presuppositions need an amendment to ensure social support for relations of dependency.

Kittay finally discusses the fifth presupposition about social cooperation and equality. Following again from her thesis, Kittay notes that dependency relations are not currently included in the conception of social cooperation.\(^\text{29}\) She argues that both the inevitability of dependency as well as the social economic ability ought to suffice to include dependency concerns into social cooperation. Because dependents, however, cannot reciprocate social cooperation, according to Rawls, they would “fall outside the bounds of social cooperation, and, in Political Liberalism, Rawls seems willing to deny these persons citizenship […] So unless the needs of their caregivers are to be met in some other form of reciprocity, the only available moral characterizations of the caregiver’s function are either exploitation or supererogation.”\(^\text{30}\) This means that reciprocity must be expanded. Here, Kittay introduces and discusses her concept of doulia which is based on the Greek word doula denoting the slave who cared for the mother after her giving birth. While not endorsing the idea of slavery, Kittay picks up on the concept of caring for the caretaker. She claims that the concept mandates “first, a social responsibility (derived from political justices realized in social cooperation) for enabling dependency relations satisfactory to dependency worker and dependent alike; and second, social institutions that foster an attitude of caring and a respect for care by enabling caregivers to do the job of caretaking without

\(^\text{27}\) Ibid., 101.
\(^\text{28}\) Ibid., 102.
\(^\text{29}\) Ibid., 104.
\(^\text{30}\) Ibid., 105.
becoming disadvantaged in the competition for the benefits of social cooperation.” Rawls would be incapable of providing such a system because the charges receiving the care from the *maquiladora* worker may not be able to reciprocate care. The total dependency of some charges makes it impossible for them to participate in the system of giving and receiving as Rawls would envision it. Thus, the caretaker, in Rawls’ system, would by moral obligation be required to give without receiving. The concept of *douliα*, however, would have those outside of the charge-caretaker relationship enter into the care relationship so as to take care of the caretaker.

Instead of helping the caretaker, society exploits them. Not only are caretakers poorly paid, if at all, the gendered nature of caretaking is also exploited. *Maquiladora* factories often employ more women because of both the socialized docility in submitting in the private sphere, but also the likelihood that should they have a dependent they would be less likely to demand higher wages or strike because they could not risk losing any income. As stated previously in regards to method, attention must be paid to these women. Kittay, however, only locates her discussion in the context of a developed country. While she recognizes and accounts for equal vulnerability to attack, economic vulnerability of the worker, and the unequal vulnerability faced by both the charge and the caretaker, she neglects to locate the implication of her theory in a transnational context. The concept of *douliα* cannot be limited by borders and walls, but must be extended. If a developed country cannot take care of the caretaker, what is to be expected of the Third World caretaker? Some may claim that this is only a reason to limit political philosophical discussion to the First World, take care of ourselves first. However, if a political philosophy can be elucidated which extends *douliα* to the Third World, it only makes sense that caretakers in the First World would also benefit. Further, it seems possible that with careful attention to both conceptual and literal borders in this analysis, the distinct bounds of acceptability in living conditions between Third and First world might finally be erased. Finally, there rests an obligation of

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31 Ibid., 109.
those in the First World who benefit from the subjugation of these women’s work to figure out a way to ethically relate to the women.

IV. Scabs of Assimilation

As previously stated, Kittay does not determine whether her criticism renders a rejection of Rawlsian liberalism or whether the two may be reconciled. Such is a “question I leave for Rawlsians.”

Martha C. Nussbaum accepts this challenge and seeks to answer the question. In her article, “The Future of Feminist Liberalism,” Nussbaum claims that Kittay’s dependency theory and Rawlsian liberalism may indeed be reconciled, though liberalism would need to be “recast [...] in some major ways” so that it is “based on ideas of human functioning and capability.” Her vision in this essay is that the necessary conditions of care, including societal support, may be added to the primary goods and five principles of Rawls as outlined by Kittay. First, Nussbaum agrees with Kittay that dependency must be a problem at issue in theories of justice from the very beginning. This is necessary so as to design both institutions and primary goods to include inevitable dependency concerns, given that the role of the disabled or the caregiver may not occur to a person occupying the role of the rational maximizer when designing the future political system while behind the ‘veil of ignorance.”

Nussbaum then attends to a suggestion of Kittay’s that care might be added to the list of primary goods. Nussbaum finds that Kittay has not adequately articulated the extent of the implications this addendum would bring. Care and the relationship therein cannot be commodified, and as such cannot be measured in economic terms. Given that this, along with other goods on the list such as

32 Ibid., 79.
34 Ibid., 190.
35 It is interesting that here, Nussbaum does not find Kittay to be adequately radical enough in the analysis that the addendum would bring, and yet later criticizes Kittay for being too radical in supposedly concluding that the Rawlsian system must be trashed in the 2002 essay.
“liberties, opportunities, and powers, and also the social basis of self-respect,” cannot be commodified, the entire list of primary goods must be understood not as things (which may be commodified), “but of basic capabilities.”

Nussbaum, in “The Future of Feminist Liberalism,” finds that a complete break with Rawls’s primary goods is not necessary, but that ‘care’ may simply be articulated as an addendum. She articulates a list of capabilities to which “the well-being of citizens will now be measured” aside from wealth. She claims, however, that this is also not enough. She recognizes that the list only applies to those citizens characterized by the two moral powers, which are taken “from the point of view of our own current independence.” That is, one should only care for another because one wants to be a good moral person, not because we are all vulnerable. This would justify a level of altruism which was simply narcissistic: take care of those who cannot reciprocate because the list must be fulfilled in order for a ‘fully cooperating’ person to be morally upright! Dependents thus simply become means to another’s ends.

This shift brought by the incomplete addendum is an important concern, given that Rawls does not claim that those behind the veil of ignorance are altruists, rather, they are rational maximizers seeking to maximize their capabilities no matter their condition of birth (or future disability).

Nussbaum feels it necessary to account for vulnerability, need, and ‘animality’ rather than simply the rational, moral person. She tables, however, the question of whether or not a contractarian approach might remedy this issue, suggesting an Aristotelian conception of the human being as implied by her capabilities approach and thus within liberalism. In this article, however, Nussbaum finds that Kittay has contradicted herself. Nussbaum fully agrees with Kittay that Rawls’s philosophy is inadequate, but she disagrees with Kittay on how to remedy the inadequacy. Nussbaum understands Kittay to be arguing that the entire liberal tradition must be abandoned, as care-based theory values security and

36 Ibid., 192.
37 Ibid., 192.
38 Ibid., 193.
39 Nussbaum’s criticism of Kant’s dichotomy between humans as rational persons and as animals is relevant here.
40 Ibid., 193.
41 This is originally articulated in Nussbaum’s Women and Human Development, 2000.
well-being over liberty, despite Kittay’s refusal to make a final assessment of whether abandoning Rawls is necessary. It is then found by Nussbaum that Kittay uses “classic liberal arguments, saying that we need to remember that caregivers have their own lives to lead and to support policies that give them more choices.” Nussbaum characterizes her own conception of liberalism and equality against Kittay’s maternal welfare state. This characterization is not only unfair but it is also inaccurate. First, Kittay does not argue for security over liberty, rather she claims that concern over security is what has characterized current political theory. This concern has largely focused on equal and symmetrical vulnerability, as of that to an external actor who may do physical harm to me in the state of nature. Kittay’s reminder of constant, asymmetrical vulnerability of the disabled dependent is radically different from this idea. Further, Kittay’s arguments for the liberty and independence of the caretaker stem from the caretaker’s vulnerability: that they too are some mother’s child. Their place as dependents justifies that they take care of themselves. Nussbaum finds this argument an insufficient “image for the citizen in a just society” and adds that “liberty and opportunity” are necessary as well.

Nussbaum’s capabilities approach, while admirable, misses the point of Kittay’s argument. Nussbaum is committed to enumerating a list of what counts as human. While committed to promoting thriving, her very enumeration of a list assumes and focuses on the autonomy of an individual. Her list seeks to promote flourishing, but it is the flourishing of the individual. The starting point for evaluating human life is the independent individual, rather than the dependence. It is an inherently inward evaluation of life, rather than outward. Even in her discussion of Kittay’s daughter, Sesha, Nussbaum focuses on the autonomy of this radically disabled woman. I think that this emphasis on autonomy detracts from Nussbaum’s Aristotelian political and ethical philosophy. Her definition of

42 Nussbaum, 193.
43 Ibid., 196.
44 It is this very list, however, which will eventually force Nussbaum to come closer to Kittay in evaluating Rawls’s theory.
45 This idea of starting points for how independence is understood will be further developed in the discussion of Kelly Oliver’s application of Hegel’s master/slave dialectic to dependency theory.
the human emphasizes the autonomous individual, rather than the relationality among persons. As such, Nussbaum’s liberalism seems oddly familiar to Millsian liberalism, as she writes “The only thing that stops state intervention is the person and the various liberties and rights of the person, including associative liberties, the right to be free from unwarranted search and seizure, and so forth.”

This move is made out of her discussion of the private and public distinction—yet another border constructed. Nussbaum argues that the family structure must be accounted for by the state, but struggles with articulating both what counts as a family and when it is appropriate for the state to intervene.

Interestingly, Nussbaum ultimately concludes that Rawlsian liberalism could never sustain the addition of capabilities. This is a significant shift from her original claims in “The Future of Feminist Liberalism.” In her 2006 work, *The Frontiers of Justice: Disability, Nationality, Species Membership*, Nussbaum writes that the capabilities approach outlined in 2002, as well as elucidated by both Eva Feder Kittay and Amartya Sen, is “no minor modification, but a change that goes to the very heart of the theory, with its commitment to an economic understanding of the benefits of cooperation and its consequent reliance on income and wealth as indicators of relative social position.” In the footnote to her claim, Nussbaum concedes that she “did not understand this” in the 2002 work of “The Future of Feminist Liberalism.” She claims that the commodity relations in Rawlsian liberalism is strained enough by the non-commodifiable basic goods he articulates, such as liberty and self-esteem. He attempts to determine shares of non-commodifiable primary goods in neutral terms, such as income and wealth. His theory, and the neutral measures for determining the good of society, cannot withstand more non-commodifiable goods as demanded by the capabilities approach. Specifically, Rawls’s theory cannot account for the charge-caretaker relationship which both Kittay and Nussbaum agree is non-

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46 Ibid., 200.
47 It may be poignant that this book is dedicated to the memory of John Rawls.
commodifi able. There is no accurate way to confer a monetary compensation for the amount of work needed from the worker. Also, the addition of more capabilities would jeopardize “a desired simplicity.” She notes that even when attempting to concede to the capabilities approach, Rawls only treats “temporary impairments” continuing to leave permanent disability to the side and thus continuing to succumb to Kittay’s original criticism. Thus, even in the reworking of his argument, Rawls cannot attend to the maquiladora worker whose charge may be permanently disabled. Nussbaum seeks to rework her own theory, which will not be adequately treated in this paper as she claims that her “capabilities approach is a political doctrine about basic entitlements, not a comprehensive moral doctrine.” Her abandonment of her 2002 position, however, does indicate a need for revision on the theories at hand. It is my claim that her continued focus on the definition of the human in elucidated, autonomous terms will always be insufficient. Her reworking and abandonment of her previous work does indicate, however, a necessity to move beyond Rawlsian liberalism.

V. Razing Borders

Bonnie Mann’s Women’s Liberation and the Sublime: Feminism, Postmodernism, Environment, unsurprisingly from the title, focuses on the aesthetic implications of liberal individualism. She treats both the Kantian and postmodern sublime, finding both to be inadequate. Citing Barbara Claire Freeman, Mann finds that all sublime experience entails “the dissolution of the fantasy of individual sovereignty and autonomy.” This is a clear break from the liberal individualist tradition of Mill, Rawls, and Nussbaum of both 2002 and 2006. While these theorists nod at vulnerability, their method of

49 Perhaps it is because of the inability to commodify the caregiving relationship that caretakers in our society are either poorly compensated or not at all. We, as Rawls, have philosophically placed this relationship as a secondary issue, not to be visible at the initial theorization level and thus have continued to keep it out of focus.
50 Ibid., 142.
51 Ibid., 155.
dealing with the issue is either to put it outside the realm of visibility to be discussed at some unknown later time or to shore up and assert autonomy in vulnerability’s face.\textsuperscript{53} Mann gives treatment to the Kantian sublime, of which there are two types: the dynamic and the mathematical. Quickly, the dynamic sublime is that which truly horrifies and seems to threaten the observer. One example given by Kant is the aesthetic experience of war. This horror, a horror largely resulting from the action of humans, calls the individual to respond and assert their capability of acting as a moral agent in the face of horror. The mathematical sublime is that which overwhelms us, reaching the limits of our cognitive capabilities. The primordial example is that of the clear night sky and the multitudes of stars beholden by the observer. The sheer number of stars is impossible for the person to count or even grasp, and the observer is thus called to assert their rational capabilities. The concept of infinity is thus asserted, protecting the observer from aesthetic madness and reasserting human domination over nature.

Both forms of the Kantian sublime thus call the observer to assert their humanity over and dominate the aesthetic experience encountered, ultimately leaving the observer in control of the end experience. Autonomy is preserved, as the human is no longer threatened. According to Mann, the Kantian sublime, which I argue may be assimilated with the liberal individual program, would seek to “reassert individual sovereignty, so shore up the boundaries of the subject, to ‘dominate,’ ‘appropriate,’ ‘colonize,’ ‘consume,’ or ‘domesticate.’”\textsuperscript{54} Mann also treats the post-modern sublime, finding it to be inadequate.\textsuperscript{55} The feminist sublime differs from standard post-modernism in that “rather than a dissolution of meaning, we find a superabundance, an excess of meaning. The subject of this sublime experience does not encounter an abyss or a void, but a relation with an alterity that is unrepresentable in the sense that its meaning overflows the boundaries of the conceptualization.”\textsuperscript{56} She argues, the

\textsuperscript{53} Something Nussbaum continues to do even in 2006, as she continuously focuses on the individuality of the charge rather than the charge-caretaker relationship.
\textsuperscript{54} Ibid., 131.
\textsuperscript{55} Humorously, Mann claims that postmodernism is feminism’s “bad boy boyfriend,” which ought to be left behind.
\textsuperscript{56} Ibid., 4 and 131-32.
feminist sublime, may offer a phenomenological experience which renders liberal individualism inapt.

Further, this aesthetics may offer a starting point for a new ethics and political imagination. The feminist sublime is founded upon and embraces vulnerability as central to the human condition, and she conveniently uses the work of Kittay and Butler to discuss the respective ethical and political implications of the aesthetic experience. What I take to be Mann’s thesis is: “the dependence [Butler and Kittay] find at the very heart of our intersubjective relationships is also at the heart of our relationship to the natural world—and that these relations of dependence are the irrevocable aspect of the human condition that both lends itself to and is disclose in sublime experience.”57 Given the ethical dimension of this aesthetic razing of borders between the self and the world has been extensively discussed prior in the section on Kittay, I hope to now concentrate efforts on the political dimension offered by Judith Butler.

Rather than seeking to define a human being by enumerating a list of capabilities required, Judith Butler instead understands the human phenomenologically. She writes in “Violence, Mourning, Politics” of Precarious Life:

“The question that preoccupies me in the light of recent global violence is, Who counts as human? Whose lives count as lives? And, finally, What makes for a grievable life? Despite our differences in location and history, my guess is that it is possible to appeal to a ‘we,’ for all of us have some notion of what it is to have lost somebody [...] This means that each of us is constituted politically in part by virtue of the social vulnerability of our bodies—as a site of desire and physical vulnerability, as a site of a publicity at once assertive and exposed.”58

Thus, what constitutes us as human is our vulnerability. While some may argue that liberal individualists also start from the assumption of vulnerability, there is a fundamental difference between Butler and Mann and the liberal individualists. First, Butler is treating the vulnerability to the loss of an other

57 Ibid., 132.
person than the self, and the radical change this loss creates in the self’s psyche. She writes “Let’s face it, We’re undone by each other. And if we’re not, we’re missing something.”

By this she means that the individual which is ‘self’ loses part of itself when the loss of another occurs. She particularly treats the loss experienced in the events of 9/11, but this applies to mourning and grief in every case. I was never the same after the death of my grandfather, much the same as Concordia College will never be the same after the loss of our beloved Shakespeare professor, Dr. Gordon Lell. Liberal individualist theory, however, theorizes the loss of the physical self—our own death rather than the loss of the other. In this way, Butler and Mann are already more other-focused than liberal individualists, and thus occupy a potential ethical space more in-line with the ethics of a caretaker. Butler and Mann’s philosophical space is much closer to the epistemic space, so prized by Mohanty, of the maquiladora worker. The issue, however, is that the conceptual border renders invisible these workers, making it impossible to even have an aesthetic experience calling for an ethical response.

In the final chapter of Precarious Life, Butler gives an extended explication of several passages of Levinas. What is significant about her observations are “this conception of what is morally binding is not one that I give myself; it does not proceed from my autonomy or my reflexivity. It comes to me from elsewhere, unbidden, unexpected, and unplanned.” She continues, “If the Other, the Other’s face, which after all carries the meaning of this precariousness, at once tempts me with murder and prohibits me from acting upon it, then the fact operates to produce a struggle for me, and establishes this struggle at the heart of ethics.”

This ethical struggle, the decision of killing the Other or acting with care, is denied if we can never see the face of the Other. I can never make the ethical decision to take care of the maquiladora worker, be it personally or through construction of political philosophy, if I can

59 Ibid., 23.
60 Ibid., 130.
61 Ibid., 135.
never see her. Similarly, I can never mourn her physical death and/or rape if she is never part of my political consciousness.

Mann notes that the current First World consumer culture pervaded by laptops and cell phones, while connecting us to the maquiladora factories through products of consumption, actually “conceal[s] relationships.” What is missing from our relationship to these women, to these factory workers, is the Levinasian face. As such, we are unable to see their humanity. We are thereby unable to mourn them, because our consumerist border divides us. Our consumerism, based in liberal individual autonomy, makes us unable to respond to them. As such, the First World has also created a system which denies these women the response-ability to their own dependents as they are economically coerced into making our laptops.

If and when this experience of loss was to occur, the reaction to it by Butler and Mann would be radically different from the reaction of the liberal individualists. The liberal individualists attempt to hedge against the vulnerability through securitizing themselves, and Butler and Mann fully acknowledge vulnerability and allow it to fully undo the subject. It is the very attempt to securitize ourselves which “serves to repress and postpone the realization that injury might afford.” Thus, vulnerability continues as a focus of Butler’s politics, which is precisely what Kittay would urge. Here it may be argued that Butler similarly discusses equal vulnerability, as Rawls does, however it is the very focus on vulnerability that would allow people to theorize unequal vulnerability as well. It is Butler’s emphasis on mourning, of the realization that our vulnerability to the loss of another, which allows her theory to place dependency at the center of future politics.

VI. Transgressing Philosophical Borders

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62 Mann, 154.
63 Mann, 134.
Those partial to their individuality, however, need not fear a new totalitarianism from this different politics. The individual is not to be lost in a swirl of dependence. Rather, one only realizes their independence after one acknowledges their dependence. This idea is not new to liberals, they have simply failed to work upon the idea. John Stuart Mill readily acknowledged the role of education in cultivating adult individuals but never clearly articulated how this dependence of the child on others to educate them would transition into an adult individual. Children simply seem to cross a line into adulthood whereby they are legally individuals and the state no longer has any justification in interfering in the person’s life.

Kelly Oliver offers a different approach to individuality, one grounded in Hegel’s master/slave dialectic. Oliver summarizes the relevant feature of the master/slave dialectic writing “The bondsman’s consciousness of his dependence upon the lord and upon the earth enables him to see their independence from him. It is through his dependence upon the earth and his work on it that he gains his independence from the lord and wins his freedom. Because the bondsman realizes that the earth upon which he works is independent from him—he does not master it or possess it, but works on it—he also realizes that he, too, is independent: ‘consciousness, qua worker, comes to see in the independent being [of the object] its own independence.” Oliver notes that “True independence comes from recognizing that one is fundamentally dependent on others.” This independence thus confers subjectivity. This subjectivity, as realized from relations of dependence on others, confers a responsibility. Oliver notes that there are two vital aspects of responsibility. There is both the ethical

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64 Mill, 12, 85, and 110 to cite a few.
65 This ought to find a ready home in Butler’s theory given her initial dissertation work was Subjects of Desire: Hegelian Reflections in Twentieth-Century France.
67 Ibid., 324.
responsibility of responding to those in need of care and there is “response-ability.” That is, in order to ethically respond to an other, society must be so constructed to materially allow ethical response. Both Butler and Oliver utilize the theories of Emmanuel Levinas. Oliver writes that if one takes the master/slave understanding of independence superficially, whereby “we see our own independence as the result of the enslavement or dependence of others, we not only deceive ourselves about the nature of independence and subjectivity, but also we destroy the possibility of ethical relationships.” Drawing on Levinas, Oliver suggests that our response in the face of dependence is “not only to respond, but to respond in a way that opens up, rather than closes off, the possibility of response by others.”

This relates to Kittay’s observations that the role of caretaker cannot easily be fulfilled by one person, but also cannot easily be distributed amongst many people. The role of caretaker is incredibly demanding, requiring support by others both financially and also for a few hours of relief, however, in the case of extreme dependency, the effort needed to create the bond between caretaker and charge is incredibly taxing. This is readily observed by Kittay when noting the efforts between her daughter, Sesha, and the hired caretaker, Peggy. A more well-known example is the bond between Helen Keller and Annie Sullivan. However, the implications of Butler and Oliver’s Levinasian claims also require that we not respond to dependents in an ad hoc manner, depending on the charity [or even ‘enslavement’] of ourselves or others to suffice as ethical relationships. Rather, we are required to design a political and social philosophy which enables response-ability so these relations of care may freely be entered into. So that the maquiladora factory woman may not be enslaved both to her work in the commodity market as well as her dependency work. Rather, she may be free to make the ethical decision to take care of her charge.

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68 Ibid., 327.
69 Ibid., 331.
70 Ibid., 327.
More conservative concerns might protest the realizability of the political future proposed in this paper. Is this philosophy practical? Such is the concern of Nussbaum within the infamous polemical between her and Butler. A paper treating these two thinkers would not be complete without a discussion of the polemic, and out of the discussion the potential practicality of this philosophy will become evident. In 1999, Nussbaum wrote an article entitled “The Professor of Parody” where she charges Butler and her discursive strategies of subversion with “moral passivity,” “quietism,” and “collaborates with evil.” Much of the criticism is misguided and merely polemic. Further, the heart of Nussbaum’s criticism is two-fold. First, that Butler’s strategies of subversion are merely discursive and not material. Second, that Butler does not promote a particular normative politics in place of the subversion thus allowing her strategies to be co-opted by those who are ‘evil.’

In 2000, Butler made the claim that the method by which Nussbaum attempts to make those at the margins, the disabled and those occupying Third World alike, visible is fraught with issues of universalism. While Nussbaum’s definition of what constitutes a human being is expansive, some would claim that it only serves to build new borders by denying phenomenological understanding amongst cultures. The underside of these attempts at more inclusive definitions is imperialism. This criticism is made against Nussbaum by Judith Butler:

“[they] mak[e] universal claims about the conditions and rights of women (Okin, Nussbaum) without regard to the prevailing norms in local cultures, and without taking up the task of cultural translation” and “work in full complicity with US colonial aims in imposing its norms of civility through an effacement and decimation of local Second and Third World cultures.”

This rebuttal, while not wholly on point to Nussbaum’s criticism, is certainly relevant to the discussion at hand. In addition to criticisms of Nussbaum’s conception of the human provided earlier in the paper, it seems there are issues of post-colonialism which, as Mohanty would argue, may prove detrimental to

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women’s movements that the *maquiladora* worker might participate. Thus, Nussbaum’s philosophy would not only not be adequate for the *maquiladora* worker for reasons previously discussed, but it may in fact hinder the worker’s politics.

The trajectories of these two polemical yet influential thinkers is encouraging when discussing the razing of borders. Nussbaum’s original criticism of Butler was written in 1999, and since then she seems to have acknowledged that liberal individualism does not hold all the answers within political philosophy as is evident in her shift from the 2002 “The Future of Feminist Liberalism” to her 2006 work. Also, Butler’s movement from the near exclusive treatment of the realm of discourse and ideology within her previous work to her more material 2004 work is similarly encouraging. I, along with Bonnie Mann, find that these criticisms as well as the issue of Rawlsian liberalism are largely remedied in Butler’s 2004 work, *Precarious Life*. As previously discussed, Butler founds her analysis in “Violence, Mourning, Politics” in material human vulnerability. It seems that these two movements may converge to form a similar political outcome. Such would ultimately be the hope of Butler and her radical democratic politics.

It is the aspects of materialism in *Precarious Life* which are relevant to discussion of practical politics. I would like to return to the two criticisms Nussbaum raises regarding Butler. That is, Butler’s sacrifice of material politics for her discursive strategies of subversion and the lack of normativity. To the first criticism, Nussbaum and good materialist Marxists alike will find in *Precarious Life* a phenomenological obsession with the material world and our psychological response to such a world fraught with vulnerability, dependence, and terror. To the second criticism regarding normativity, Nussbaum will find the pragmatic dimension of Butler’s radical democracy promoted. Butler writes “We

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72 Interestingly, the father of one of Nussbaum’s examples of dependency (Jamie Berube, a child with Down Syndrome), Michael Berube, also ultimately defends Butler’s position though he writes of her previous work and against Nussbaum’s “The Professor of Parody” in particular.

73 I use the word ‘terror’ purposefully, both as a recognition of the word’s importance in previous theories of the sublime as well as the primary subject discussed in *Precarious Life*: terrorism and the response to the sublime experience of 9/11.
do not need to ground ourselves in a single model of communication, a single model of reason, a single notion of the subject before we are able to act. Indeed, an international coalition of feminist activists and thinkers [...] will have to accept the array of sometimes incommensurable epistemological and political beliefs and modes and means of agency that bring us into activism.”

Butler asks “What allows us to encounter one another?” and finds that it cannot be “the nature of ‘man,’ or the a priori conditions of language, or the timeless conditions of communication” but rather that:

“We have to consider the demands of cultural translation that we assume to be part of ethical responsibility (over and above the explicit prohibitions against thinking the Other under the sign of the ‘human’) as we try to think the global dilemmas that women face. It is not possible to impose a language of politics developed within First World contexts on women who are facing the threat of imperialist economic exploitation and cultural obliteration. On the other hand, we would be wrong to think that the First World is here and the Third World is there, that a second world is somewhere else, that a subaltern subtends these divisions. These topographies have shifted, and what was once thought of as a border, that which delimits and bounds, is a highly populated site, if not the very definition of the nation, confounding identity in what may well become a very auspicious direction.”

This relates to the Levinasian claims that we must reformulate our social and political philosophy. Once we establish an aesthetics which renders visible our fundamental dependency, breaking the barriers

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74 Butler, 2004; 48.
75 Ibid., 49.
constructed by both modern (and post-modern) liberal individualism, only then may we ethically relate to others in the world. Our era of globalization, with post-modern electronics, conceptually builds a wall between those who construct our tools: the *maquiladora* worker.  

Ethics toward her is stagnated, and politics rendered impossible. Only with an understanding of human vulnerability, whereby the old Kantian dichotomy between reason and animality/materiality is rendered irrelevant, can a future politics be possible. We have built a wall. Some think the wall is only at our borders, but the wall is also a barricade constructed to protect suburbia. This wall is in dire need of deconstruction in order to render others visible. To heal the continuously hemorrhaging wound of our conceptual boundary.

\[76\] Ibid., 154.
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