

## Vulnerability in Times of War: The Necessity of the Moral Third

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*Vulnerability as a critique of the one-sidedness of the principle of autonomy is at risk of overemphasizing the positive dimension of vulnerability. Moreover, in the discourse on vulnerability, the threat of dehumanization (or moral vulnerability) has not been scrutinized enough ethically. Therefore, the ethics of vulnerability is insufficient when faced with the force of war that requires the conceptualization of vulnerability for political-ethics. The Russian war in Ukraine demonstrates this weakness in a striking way: the called-for openness to the other as well as an active form of nonviolence, as promoted by Judith Butler, may not be an option in times of war. Continuing Jessica Benjamin's psychoanalytic approach to mutual recognition, the essay shows that the task of morality does not rest upon broadening one's vulnerability, but rather in understanding vulnerable agency as the dialectic of vulnerability and agency. For the further development of this dialectic, the triadic figuration is emphasized, complementing the dyadic relation of self and other. While the Third can take multiple figurations in the psychoanalytical setting, I understand the Third within the political-ethical context as the possibility of a "moral world" of nonviolence and respect. During war, the role of the bystander is to become a witness who, through the process of witnessing, advocacy, diplomacy, and justice, allows for the moral Third to reemerge. Among others, the ethics of vulnerability must spell out the price for the failure of taking on this responsibility, namely the eclipse of morality.*

## We Lived Happily during the War

And when they bombed other people's houses, we  
protested  
but not enough, we opposed them but not  
enough. I was  
in my bed, around my bed America  
was falling: invisible house by invisible house by invisible house –  
I took a chair outside and watched the sun.  
In the sixth month  
of a disastrous reign in the house of money  
in the street of money in the city of money in the country of money,  
our great country of money, we (forgive us)  
lived happily during the war.<sup>1</sup>

### 1. Introduction<sup>2</sup>

The metaphor of war is often used for political programs, such as the war on drugs, the war on cancer, the war against terror, etc.. But for some time, a war of aggression has returned to Europe for the first time since World War II, begun and continued in its second year now by a Russian dictator who has retrieved the 19<sup>th</sup> and 20<sup>th</sup> century fantasies of empire for his own benefit and power. Russia's war in Ukraine is an attack on democracy, human rights, and the "bare lives" of millions of people in Ukraine, but also for the European security order writ large. This war did not begin in 2022, but rather in 2014, although it took a disastrous turn on February 24, 2022 when the Russian army started its full-blown invasion and shelling of Ukrainian cities from East to West, and North to South. The war that is already genocidal in several ways, may easily escalate into a global life or death issue because Russia is an atomic power and continues to threaten the use of its nuclear arsenal.

As a German-American who lives in the United States, I may have the luxury of a bystander who, for the time being, observes the atrocities from a safe distance or may well look the other way, living "happily during the war," as Ilya Kaminsky puts it. But indifference to the harm inflicted upon the citizens of Ukraine is morally wrong, and this fact challenges me as a person and as a scholar. Resisting the temptation to inattention may be the first step into one's own vulnerability: opening up to empathy and compassion with the suffering of the victims of war, listening to the testimonies of victims and survivors of brutal assaults, moving towards support, as little or as large as possible. My question in this essay is how violence affects the way vulnerability is discussed and conceptualized – or how it ought to affect the discourse on vulnerability: How does it change the discourse that has been heavily influenced over the past few decades by both American and feminist

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<sup>1</sup> Kaminsky, Ilya, *Kaminsky, Ilya. Deaf Republic* (London: Faber and Faber, 2019), p. 4.

<sup>2</sup> I want to thank the Board of *Societas Ethica* for the invitation to give a keynote lecture at the 2022 conference on Vulnerability and Integrity in Zurich, the anonymous reviewers for their helpful comments, and Carmen Gonzales for her help in birthing my thoughts and her editing support.

debates, most importantly in Judith Butler's writings on the topic? As is well known, Butler mostly responded to the US-initiated wars in Afghanistan and Iraq, and in her most recent book, she focuses on internal conflicts and the psychological roots of human destructiveness, turning to Freud's writings and ultimately making the case for the "force of non-violence."<sup>3</sup> Butler's approach has been scrutinized many times;<sup>4</sup> here, it may suffice to say that she developed her understanding in the context of subject/self-formation, the theories of interpellation, and the desire to be recognized. Similar to Butler's approach – but from the European perspective and in view of the war in Ukraine – I will explore the ethics of vulnerability and scrutinize some of the underlying assumptions. Unlike Butler, I am not interested in the psychological roots of violence but instead will turn to the application of vulnerability within the political-ethical realm. I will proceed in four steps: first, I will focus on vulnerability as critique of autonomy as a principle of ethics; second, I will explain the importance to pay attention to moral vulnerability; third, I will examine the inner dynamics of violence in war, helped by Simone Weil's commentary on the *Iliad* during World War II. Finally, I will turn to the role of the Third, following the interpretation by feminist psychoanalyst Jessica Benjamin, which I will utilize for a political ethics of vulnerability. My underlying concern is that the ethical discourse of vulnerability is as one-sided as the autonomy discourse, resulting in a normative shift that replaces rather than complements autonomy, to the effect of an unintended quietism, an idealization of the "wound" as an opening, and the undermining of the Third in favor of a focus on the dyadic relation, the encounter of self and other, sometimes even ignoring that the "encounter" entails the possibility of moral injuries.

Whereas Butler in her latest work links vulnerability to interdependency and proposes to foster the habit of nonviolence (which she depicts as an active and aggressive force of resistance), I will argue that under conditions of war, this particular concept of nonviolence becomes hollow if dissociated from other means, including military self-defense. Nonviolence in war would mean to succumb to the attacks, rapes, tortures, deportations, and/or killing of an aggressor who inflicts excessive violence and force upon soldiers and civilians alike, and who complements force with the propaganda of genocide.<sup>5</sup> To be sure, in an interview in March 2023, Butler commented on the ramifications of her approach for the war in Ukraine. She explained that while self-defense is necessary at times, her concern is that we ought to still aim towards a world of nonviolence. Furthermore, she states that the challenge is how to prevent that the attacked commits the same atrocities as the aggressor.<sup>6</sup> I share both concerns and want to take them as my point

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<sup>3</sup> Butler's texts appear in almost all works on vulnerability, especially Butler, Judith, *Giving an Account of Oneself* (New York: Fordham University Press, 2005); Butler, Judith, *Frames of War. When Is Life Grievable* (London: Verso, 2010); Butler, Judith, *Precarious Life: The Power of Mourning and Violence* (2004); Butler, Judith, *The Force of Nonviolence: An Ethico-Political Bind* (London: Verso, 2020).

<sup>4</sup> Cf. for a thorough analysis Thiem, Annika, *Unbecoming Subjects. Judith Butler, Moral Philosophy, and Critical Responsibility* (New York: Fordham, 2008). More recently, on Butler's ethics: Lloyd, Moya, *Butler and Ethics* (Edinburgh: Edinburgh University Press, 2015). A comprehensive understanding of vulnerability is offered in a chapter by Sverker, Joseph, *Human Being and Vulnerability: Beyond Constructivism and Essentialism in Judith Butler, Steven Pinker, and Colin Gunton* (Berlin, Germany: Ibidem Verlag, 2020).

<sup>5</sup> For the discussion of excessive violence, cf. Liebsch, Burkhard. 'Feindschaft Aus Verfeindung. Politische Koexistenz Zwischen Gastlichkeit Und Vernichtung', in *Gewalt Verstehen*, edited by Burkhard Liebsch, Mensink, Dagmar (Berlin: de Gruyter, 2014), pp. 225-64. Staudigl, Michael, *Phänomenologie Der Gewalt* (Berlin: Springer, 2014b).

<sup>6</sup> Cf. <https://www.youtube.com/watch?v=yHaO7XoPJdY&t=610s> (comment on Ukraine begins at hour 1:10).

of departure. I will, however, shift the focus from the war parties to the bystanders and third parties. If nonviolence is a goal that most of us share, I want to explore how the discourse on vulnerability may be helpful for the bystanders and witnesses of war.<sup>7</sup> What is their responsibility in response to atrocities that they come to know about?

## 2. Vulnerability as Critique of Autonomy

### *Autonomy as an Achievement of Modern Ethics*

Modern ethics is based on the subject as an agent and their freedom (or, under conditions of oppression, their liberation). The empowerment to live one's own life that is tightly connected with the summons to know oneself and to think for oneself renders moral agency more insecure, norms more volatile, and individual existence more self-conscious of its own contingency (Sartre captured this in the phrase that one is condemned to freedom). But freedom also empowers the self who is seen as an autonomous moral subject, a capable human, or *homme capable*.<sup>8</sup> As Paul Ricœur explains, humans have multiple capabilities that are morally relevant: they can speak, narrate, act, and remember. As moral agents, humans are responsible for their deeds. Emphasizing these capabilities, however, comes with the risk of concealing the underlying vulnerabilities of human life. Accountability, in particular, entails the judgment of one's actions by others, perhaps internalized as social norms. Turning to the unconscious and subconscious dimension of selfhood, Freud coined this the super-ego, the internalized social and/or moral norms in a person's psyche. For poststructuralist philosophers like Butler, more radically, the affectability and receptivity create heteronomy rather than autonomy as the normalizing, disciplining force of social norms to which the self must succumb in order to become a (recognized) subject.<sup>9</sup> The coherence of one's desired self-determination and one's morally required autonomy is an ideal of moral identity that conceals this underlying vulnerability, the susceptibility to heteronomy.<sup>10</sup>

In contemporary ethical theory, vulnerability is a counter-term to enlightenment's rationality concept and liberalism's individualistic understanding of autonomy as self-determination. In the continental tradition, it is closely connected to intersubjectivity, interdependence, and recognition. Rousseau emphasized that the *amour propre* – the craving for approval, affirmation, and praise by others – is a flaw of the self who in reality is not autonomous, but needs society because individuals need to be recognized in order

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<sup>7</sup> Most literature on the "bystander" is rooted in Holocaust studies where it was discussed extensively, in medical research ethics, or in theology in connection with guilt. Cf. Barnett, Victoria J. "The Changing View of the "Bystander" in Holocaust Scholarship: Historical, Ethical, and Political Implications", *Utah law review* 2017:4 (2017), pp. 633-47; Hilberg, Raul, *Perpetrators Victims Bystanders: The Jewish Catastrophe 1933-1945* (1992); Vasko, Elisabeth T., *Beyond Apathy: A Theology for Bystanders* (Minneapolis: Augsburg Fortress Publishers, 2015).

<sup>8</sup> Ricœur, Paul, *The Course of Recognition* (Cambridge, MA: Harvard University Press, 2006).

<sup>9</sup> Cf. Butler's recent collection of essays on this topic: Butler, Judith, *Senses of the Subject* (New York: Fordham, 2015).

<sup>10</sup> Heteronomy is not only the premise of Kant's concept of autonomy (although in his case it is the submission to one's desires) but also several theories of moral development that have dominated the discourse on autonomy and moral identity. I only mention Habermas' works whose theory of moral consciousness builds upon Lawrence Kohlberg's stages of moral development. Habermas, Jürgen, *Moralbewusstsein Und Kommunikatives Handeln* (Frankfurt: Suhrkamp, 1983). Habermas, Jürgen, *Moral Consciousness and Communicative Action* (Cambridge, MA: MIT Press, 1990).

to belong.<sup>11</sup> This need often results in false conformism. Kant therefore stressed that autonomy, self-judgment or self-legislation in moral issues means the liberation from the heteronomy of one's will, including independence from the judgment of others. Autonomy in this sense is not a given, but a hard-to-achieve stance of moral reasoning. In contrast, Hegel, who was influenced by Rousseau as well as by Kant, introduced a new moral understanding of recognition that allows for personal relations of freedom and love, but also social freedom in cooperative practices, and political-legal rights. Hegel therefore elevates the fact of interdependency to a moral concept, as the experience of personal and social freedom, secured and enabled by legal rights that guarantee freedom and equality.<sup>12</sup> Yet, over the last 150 years, Western ethics did not follow this combination of autonomy and sociality but developed in line of liberalism. Only socialist and/or critical theory ethics approaches explored the merits of Marx' transformation of the 'idealistic' approach into a 'materialist' approach. This begins with an analysis of societal (and economic) conditions of ethical life and aims at the critique of exploitation, reification, and alienation that accompanies the modern socio-economic paradigm of capitalism.<sup>13</sup> Ethicists who rather embraced the Anglo-American liberalism and utilitarianism, understood autonomy as self-determination that then served as the dominant lens through which moral agency was seen. The more recent discourse on vulnerability is a reaction to this emphasis on autonomy.<sup>14</sup> In contrast to the American bioethics, the bioethics discourse on vulnerability in Europe begun in the late 1990s, with Peter Kemp and Jakob Rendtorff proposing it as an alternative to the principle of autonomy.<sup>15</sup> In philosophical circles, vulnerability became a central concept for feminist authors. Butler's critique of the liberal understanding of sovereignty and authorship resonated with many feminist thinkers, even though an alternative, existential vision of freedom had already been defended, among others, by Simone de Beauvoir and second wave feminists.<sup>16</sup> While I mostly agree with Butler's phenomenological reading of self-constitution, I depart from her understanding of moral identity, which has important ramifications for the ethics of vulnerability. To this I will now turn.

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<sup>11</sup> See for the different approaches to recognition in European philosophy Honneth, Axel, *Anerkennung. Eine Europäische Ideengeschichte* (Berlin: suhrkamp, 2018); Honneth, Axel, *Recognition. A Chapter in the History of European Ideas* (Cambridge MA: Cambridge University Press, 2020).

<sup>12</sup> Hegel, Georg Wilhelm Friedrich, *Phänomenologie Des Geistes* (Frankfurt (am Main): Suhrkamp, 1973 (orig. 1806)). Hegel, Georg Wilhelm Friedrich, *Georg Wilhelm Friedrich Hegel: The Phenomenology of Spirit* (Translated by Terry Pinkard) (Cambridge, MA: Cambridge University Press, 2018 (orig. 1806/07)).

<sup>13</sup> Following Hegel and Marx, the scholars of the Frankfurt School, from Horkheimer and Adorno to Fromm, Marcuse, Habermas, or Axel Honneth have provided multiple works that reconstruct and critique the effects of political liberalism and capitalism. They receive far too little attention in ethics, and they deserve to be included in the broader discussion of vulnerability that I cannot pursue further here. I have begun this work in Haker, Hille, *Towards a Critical Political Ethics. Catholic Ethics and Social Challenges* (Basel: Schwabe Verlag, 2020a).

<sup>14</sup> For the history of the concept cf. Schneewind, J. B., *The Invention of Autonomy: A History of Modern Moral Philosophy* (Cambridge; New York, NY, USA: Cambridge University Press, 1998).

<sup>15</sup> Rendtorff, Jakob Dahl, Kemp, Peter, *Basic Ethical Principles in European Bioethics and Biolaw* (Copenhagen: Center for Ethics and Law, 2000).

<sup>16</sup> Cf. de Beauvoir, Simone, *The Ethics of Ambiguity* (New York: Citadel Press, 1962). I have compared different concepts in Haker, Hille. 'Selbstkonzepte Aus Feministisch-Ethischer Sicht', *Freiburger Zeitschrift für Philosophie und Theologie* 49:2 (2004), pp. 126-43.

### 3. The Concept of Vulnerability

Vulnerability is mostly distinguished in two basic forms, namely as disposition or potentiality on the one hand and actuality or situated vulnerability on the other.<sup>17</sup> But for an ethics of vulnerability, we must be concerned with three, not two basic forms:<sup>18</sup> *ontological vulnerability* is a disposition, as much a part of the human condition as capabilities are, and this basic form of vulnerability entails the susceptibility to illness, suffering and death. One can, of course, then turn to the sites of vulnerability, and I agree with many scholars that situations of vulnerability can become structural. Thus, *structural vulnerability* means that certain dispositions as well as social positions increase a person's or group's vulnerability, either in particular situations, in phases of life that render persons especially dependent on others, or legally (for instance, in the case of being a non-citizen in the country of residence). What I want to add, however, is the category of *moral vulnerability* that is not truly captured within the broad category of ontological vulnerability, but is also not necessarily structural. Moral vulnerability points to the susceptibility of humans to other humans' destructiveness, malevolence, the attack on their integrity or, in short, to the misrecognition in all imaginable forms as well as disrespect of one's dignity.

#### *Why Moral Vulnerability Matters*

Moral vulnerability is the reason why it does not suffice to point to the interdependence and relational freedom. Freedom entails a moral capability, a self-relation that is captured in the term moral identity that renders a person accountable for their actions. Were moral transgressions not so common, agents would not need to be held accountable for their actions. They would be praised, approved, or recognized, and not blamed, shamed, or punished. People would be sad *with* and *for* others when their goals might not come to fruition or some unintended "ontological" events occurred – a disease, a natural catastrophe, or simply age-related crises – but they would not be angry, disappointed, disgusted, or outraged when another person or group harms others (including animals, the environment, or destroys things for the sake of destruction). Were humans not capable of wounding others and themselves, they would not be ashamed and hide their deeds, sometimes even from their own consciousness. Moral vulnerability needs to be spelled out explicitly because of its inherent link to violence and other forms of moral harm.

Faced with the atrocities of World War I, Sigmund Freud introduced the death drive as the human propensity to destruction. In 1915, he called it an illusion that war could be overcome and other ways of conflict resolution might take its place.<sup>19</sup> A few decades later, after World War II and in view of the crimes against humanity committed under the

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<sup>17</sup> Cf. among others the essays in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, edited by Mackenzie, Catriona, Rogers, Wendy, Dodds, Susan. New York: Oxford University Press, 2014. In this volume, Margaret Urban Walker focuses on moral vulnerability.

<sup>18</sup> Haker, Hille. 'Vulnerable Agency. Human Dignity and Gendered Violence', in *Towards a Critical Political Ethics. Catholic Ethics and Social Challenges.*, edited by Hille Haker (Basel/Berlin: Schwabe, 2020b), pp. 135-67. See also Haker, Hille. 'Verletzliche Freiheit. Zu Einem Neuen Prinzip Der Bioethik', in *Theologische Vulnerabilitätsforschung. Gesellschaftsrelevant Und Interdisziplinär*, edited by Hildegund Keul (Stuttgart: Kohlhammer, 2021b), pp. 99-118.

<sup>19</sup> Freud, Sigmund. 'Zeitgemäßes Über Krieg Und Tod', *Imago. Zeitschrift für Anwendung der Psychoanalyse auf die Geisteswissenschaften* IV IV:(1915b), pp. 1-21. Freud, Sigmund. 'On War and Death', in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, edited by (London: Hogarth Press, 1915a), pp. 273-300. For a discussion of this and other texts cf. Butler, Judith, *The Force of Nonviolence: An Ethico-Political Bind*.

leadership of Hitler, but also under the leadership of Stalin, Erich Fromm analyzed human destructiveness again, with the available empirical knowledge since World War II. Human destructiveness, Fromm holds, goes far beyond the aggression that humans share with animals, and he explains (without apologizing it) that sadism is a response to a felt weakness that results in the desire to destroy the other before they can destroy the self. Human destructiveness is not merely a psychological trait or disposition that cannot be controlled or overcome but, according to Fromm, it is an effect of a character trait, social circumstances, and a choice that an individual makes. In short, it is just as much a psychological, social, and a moral issue.<sup>20</sup> Therefore, *moral injuries are human-inflicted wounds*.<sup>21</sup> They differ from injuries due to health-related traumas. Moral injuries mean that someone harms someone else intentionally, whether it is an individual or a group. Moral injuries damage a person or group, sometimes irreversibly, and therefore they cannot be associated with any positive “openness” to the other, either by “dispossession,” or by “relationality,” terms often used by Butler and others to counter the liberal emphasis on autonomy. Instead, the susceptibility to moral transgressions must be distinguished and analyzed separately, and protections, precautions, but also penalties are necessary, either to prevent harm from happening or, post factum, to hold perpetrators accountable. Regarding moral vulnerability, judgments are necessary, and they require reasons and justifications. Postmodern ethics often shies away from moral judgments, but the judgment of actions must not be confused with judging someone for their identity – I agree with Butler that such judgments are often themselves harmful.<sup>22</sup>

#### *Human Rights as Response to Vulnerability*

The concept of moral vulnerability points to the fact that moral harm (defined as humiliation and misrecognition, dehumanization and attack on a person’s moral status) is morally wrong.<sup>23</sup> It cannot be justified lest the understanding of morality itself falters. Ontological, moral, and structural vulnerabilities require legal protections and enforcement mechanisms. The task of ethics, however, is to critically reflect upon the justifications, lest the law is abused for special interests rather than the rights of everyone. Like vulnerabilities of an ontological disposition, moral vulnerabilities may increase when they become structural, at risk of discrimination and stigmatization. Though human rights are meant to protect individuals from being harmed, history shows that states often miss the mark when it comes to human rights violations. Redefined as conditions of human life, freedom and well-being are the implicit entry points for the human rights framework that was established after World War II. Human rights are claim rights to others and to the state, namely as political rights that must be respected by anyone and are protected by laws, as well as the economic, social, and cultural rights that must be protected and/or

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<sup>20</sup> Erich Fromm saw this more clearly than Freud and emphasized that humans may, at any point, make a conscious choice about whether to follow the path of destruction of life. Cf. Fromm, Erich, *The Anatomy of Human Destructiveness* (New York: Holt, 1973).

<sup>21</sup> Moral injuries are mostly discussed in relation to war, but of course, they concern any harm that human inflict upon others. Cf. Brock, Rita Nakashima and Gabriella Lettini, *Soul Repair: Recovering from Moral Injury after War* (Boston: Beacon Press, 2012).

<sup>22</sup> Butler, Judith, *Giving an Account of Oneself*.

<sup>23</sup> Walker, Margaret Urban. ‘Moral Vulnerability and the Task of Reparations’, in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, edited by Catriona Mackenzie, Rogers, Wendy, Dodds, Susan (Oxford: Oxford University Press, 2014), pp. 110-33.

provided so that individuals can live a decent life.<sup>24</sup> The moral ban on war notwithstanding, the question of the legitimacy of violent resistance as well as interventions by force have long been a part of the international political-ethical discourse. The right to security – that had dominated modern political theory together with freedom<sup>25</sup> – explicitly includes the right to national sovereignty, its abuses notwithstanding.<sup>26</sup> After the end of the Cold War, new autocrats emerged, and they were embraced far too long by the European Union, NATO, or the UN Security Council. Autocrats have no interest in democracy because it limits their power over their citizens. They defy the rule of law, human dignity and rights – and they cannot be appeased when they have made a choice to pursue a particular policy, including genocide, war, and both ecological and economic destruction.

Interestingly, even the most heinous criminals and perpetrators of crimes seek to justify their actions as morally right. For instance, in the political realm, violations of rights and dignity are often justified as counter-violence, i.e. as a means to re-establish a moral norm or moral order that has been violated. But the “wrong” – here, the violation of rights in the name of rights – comes in the semblance of “right,” Hegel explains, pointing to the possibility of moral ideology and propaganda.<sup>27</sup> Therefore, it is not trivial to examine the beginnings of an escalating conflict, which in the case of Russia’s invasion was deliberately escalated into a war. Perhaps Putin did not want Ukraine to become democratic and drift further away from Russia’s sphere of influence. Perhaps he never accepted the historical reality of the collapse of the Soviet Union. Perhaps the natural and human resources were too important for Russia’s economy, or the hatred of an independent opposition a threat to the dictator’s weak psychic self. It will be the task of future scholars to examine the causes of the war – but what matters for the question of vulnerability is the semblance of ‘good reasons’ and justifications, as Hegel states, for the harm inflicted upon another country. Putin regularly invoked the internal threat that the (democratically elected) regime is for the citizens of Ukraine (whose independent existence he denies) as well as for the so-called Russian compatriots who live abroad.<sup>28</sup> Over the last decade, Putin tried to delegitimize democratically elected governments (the Zelinsky government in particular), which he denounces to be in the grip of Nazis. Ukraine has been left with the choice of giving in to Russia’s pressure and accept the annexation of parts of the country, or to increase the use of force in self-defense. Since both parties make use of moral arguments, it is crucial to assess who is justified to make their moral claims: who inflicts harm on whom, under what circumstances, and to what end. In other words: when moral harm is

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<sup>24</sup> For a thorough systematic discussion cf. Gewirth, Alan, *Human Rights: Essays on Justification and Applications* (Chicago: University of Chicago Press, 1982). The European Union has ratified the Convention on economic, social, and cultural rights, while the United States has not.

<sup>25</sup> Gearty, Conor, *Liberty and Security* (Cambridge: Polity Press, 2013).

<sup>26</sup> In the current case, Putin has argued that Ukraine belongs to Russia, and he has the “responsibility to protect” the “compatriots” against the “Nazis” who rule Ukraine. Every moral claim can be perverted and abused – another reason why moral judgments are crucial. Reid, John. ‘Putin, Pretext, and the Dark Side of the “Responsibility to Protect”’, *War on the Rocks*: May 27, 2022, online at <https://warontherocks.com/2022/05/putin-pretext-and-the-dark-side-of-the-responsibility-to-protect/> (accessed at June 21, 2023).

<sup>27</sup> Hegel, Georg Friedrich Wilhelm, *Elements of the Philosophy of Right*, Edited by Allen Wood, Translated by H.B. Nisbet Cambridge University Press, 1991 [1820]. §§ 82-103.

<sup>28</sup> Cf. for Russia’s provocations and attempt to stir the conflict among Ukrainians around the time of the Maidan Revolution, and the intermingling of Ukrainian and Russian language and Orthodox religion: Wanner, Catherine. “Fraternal” Nations and Challenges to Sovereignty in Ukraine: The Politics of Linguistic and Religious Ties’, *American ethnologist* 41:3 (2014), pp. 427-39.



involved, the refusal to judge is itself a judgment that exacerbates the moral and structural vulnerability of those who are attacked.

*Vulnerability and Nonviolence*

Is the moral response to vulnerability an ethics and politics of nonviolence? Butler's response to the war in Afghanistan, the "war on terror," and the US war in Iraq was apt and necessary. In her recent deliberation on nonviolence, however, she tries to escape the vicious circle of violence by arguing for an "aggressive nonviolence." She gives multiple examples of structural violence and stresses the interdependence on which human life depends.<sup>29</sup> Yet, contexts of vulnerability matter as much as the concept itself: the war in Ukraine exposes vulnerable individuals or groups to severe, grievous harms, and *their* suffering is left without effective responses if the vulnerability discourse follows Butler also in this constellation, most likely against her intention. Her psychoanalytical inquiry, following Freud's analysis, is but one line of thinking, at risk of overlooking the above-mentioned social, economic, and political reasons of the aggressor to escalate a conflict and to not stop it. The call for nonviolence may not only condemn one party to submit to another who aims exactly at such subjection, if not even the genocidal destruction of a collective identity;<sup>30</sup> it also fails to name the wrong as a wrong and the wrong-doer as subject to punishment and compensation (and then to justify exactly this claim). Thus, for those whose country has been invaded and who watched their loved ones being killed, raped, tortured, or displaced, "aggressive nonviolence" is not an effective, and therefore not a sufficient response. The call for nonviolence may be possible for those who are unaffected by the war, who, in fact, live "happily during the war." But it ignores, I will argue in a moment, the particular role that the moral Third needs to take on in view of the vicious cycle of violence and counter-violence.

As Butler is the first to admit, it matters how we define violence, but against her, I hold the hardest test case for the moral justification for using violence is indeed self-defense. Moreover, in the occasion of war, the efforts of "resistance in vulnerability" or "vulnerable resistance" do not simply lose their merit, but these tactics will need to be embedded in the overall goal of self-defense.<sup>31</sup> Before I can focus on the role of the Third, I need to therefore take a closer look at the violence inflicted under conditions of war. I will show that either party is indeed at risk of committing the same atrocities as the other – yet without rendering both the same.<sup>32</sup> Since Achilles, the Greek warrior, the violent, yet tragic hero of the Trojan War, is often taken as symbol of the impossibility of invulnerability, I will turn to Simone Weil's insightful commentary on the *Iliad*, written in view of World War II. It provides a philosophical reflection that differs from the psychological one. I read

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<sup>29</sup> Butler, Judith, *The Force of Nonviolence: An Ethico-Political Bind*.

<sup>30</sup> Cf. *Gesichter Der Gewalt: Beiträge Aus Phänomenologischer Sicht*, edited by Staudigl, Michael. Paderborn: Wilhelm Fink Verlag, 2014a. Liebsch describes the excess of genocidal violence in Liebsch, Burkhard. 'Feindschaft Aus Verfeindung. Politische Koexistenz Zwischen Gastlichkeit Und Vernichtung'.

<sup>31</sup> Cf. Butler, Judith, *The Force of Nonviolence: An Ethico-Political Bind*. Introduction and Chapter 3; *Vulnerability in Resistance*, edited by Butler, Judith, Gambetti, Zeynep, Sabsay, Leticia. Durham/London: Duke University Press, 2016.

<sup>32</sup> In her book Eryn Gilson counters the negative side of vulnerability with the necessary openness. But this cannot mean that the susceptibility to harm is thereby undermined. Gilson, Erinn C., *The Ethics of Vulnerability. A Feminist Analysis of Social Life and Practice* (New York: Routledge, 2014).

it as a reminder of the origin of the discourse on vulnerability, namely the always-possible infliction of violence, and the excess of collective violence during war.<sup>33</sup>

#### 4. Vulnerability and the Force of War

Nothing makes humans more vulnerable than brute force, and it is this intentionally inflicted brutality that seems to be ineradicable in the human psyche. In war, all forms of vulnerability are exploited, because any demonstration of power and exercise of force increases the chance to weaken the dignity, integrity, and morale of the other party. Vulnerable groups who are already more vulnerable in ordinary times are especially exposed: women, children, prisoners, homeless, foreigners, ethnic and/or religious minorities. Moral vulnerability becomes a particularly heinous threat: coerced displacement and resettlement, incarceration in labor camps (Gulags), rape and disfiguring of the body, for instance, are means to annihilate the social and personal identity of the other, the declared enemy. The threat of these crimes against humanity suffices to make one freeze; their reality is often unbearable. This is the topic of Simone Weil's commentary on the *Iliad*.

##### *"The Iliad, Or The Poem of Force"*

Whereas Sigmund Freud elaborated on the causes of human destructiveness in the middle of World War I, Simone Weil wrote a breathtaking essay on the *Iliad* during World War II, which she called "The Iliad, or, The Poem of Force."<sup>34</sup> First published in 1940, the English translation appeared in 1945. While presented in the form of a commentary, the text can be read as a comment on World War II particularly, as well as on war in general. Homer, Weil shows, depicts the multiple ramifications of force, which go far beyond the ordinary power that anyone may hold over another. Power, so understood, is an intrusion into the space of another person. In everyday life, the mere physical presence of another person changes how we move: making place for the other, attending to another, welcoming them – these are all themes for a phenomenology of "ordinary life":

The human beings around us have by their very presence a power, belonging only to them, to stop, to inhibit, to alter each action our body traces; a passer-by does not deflect us from our path in the same way as a billboard; one does not rise, walk, or sit when alone in one's own room the same as when one has a visitor.<sup>35</sup>

In contrast, force is a particular, excessive and violent form of power. And force in war means stretching violence to its soul-and-life-taking extreme, its realm comparable only to lifeless matter or death:

Force wielded by others dominates the soul like an excessive hunger, since it comprises an unending power of life and death. And it is a realm as cold and harsh as if it were governed by inert matter.<sup>36</sup>

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<sup>33</sup> I don't mean this as a genealogical origin. Rather, violence, more than the ontological disposition to suffering writ large or the "openness" to the world and to others, is the systematic point of departure for the *ethics* of vulnerability.

<sup>34</sup> *Simone Weil's the Iliad, or, the Poem of Force: A Critical Edition*, edited by Holoka, James P. New York: Peter Lang, 2003.

<sup>35</sup> *Ibid.*, pp. 49.

<sup>36</sup> *Ibid.*, p. 50.

Comparing the force of war with the force of nature in which matter reigns, Weil asserts that life turns into social death. Force reifies a human being, transforming them into a thing, emphasized by the text's change of pronouns from 'he' to 'it': "He [sic] is living, he has a soul; he is nonetheless a thing. [...] it [sic] was not created to inhabit a thing; when it compels itself to do so, it endures violence through and through."<sup>37</sup> Under such conditions, morality seems to be utterly absent: there is no room for reflection that would foster the development of moral virtues or resistance to social norms, as the autonomy ethics would demand of "enlightened" agents. Perversely, physical violence is not even necessary after a while, since already the threat of being slain transforms a person into a shadow, or nothingness. Weil anticipates a figuration that Primo Levi would later describe as the fate of the so-called *Muselmänner*, the living dead in the death camps of the Nazis.<sup>38</sup>

Before them, others move about as if they were not there; and they for their part, in danger of being reduced to nothing in an instant, imitate nonentity. Pushed, they fall; fallen, they lie on the ground, so long as chance does not prompt someone to raise them up.<sup>39</sup>

Weil insists that in war, not just victims are harmed. Perpetrators, too, are harmed in the vicious circle of violence: "As pitilessly as force annihilates, equally without pity it intoxicates those who possess or believe they possess it. In reality, no one possesses it."<sup>40</sup> Weil uses the image of the seesaw to describe the transitory nature of force, and Homer, like Sophocles or Aeschylus, demonstrates how easily "fate" may change, turning the perpetrator into the victim, and the victim into hero. Moreover, the soul seeks to escape the reality of war, and there are "days of play, of dream, whimsical and illusory. Danger is an abstraction, and the lives one destroys are like playthings, broken by a child and just as inconsequential."<sup>41</sup> Yet, when war is experienced in its harsh reality, it is "infinitely too harsh to tolerate, for it embraces death." War cannot be rationalized, and when experienced, it is not even a necessary means to a higher end. War seems to attack the very concept of action that depends on setting goals and finding the means to pursue it: "It expunges every concept of a goal, even the goals of war. It expunges the idea of an end of war." Instead, war is inconceivable, irrational, and consumed by the mere reiteration of force: "The possibility of a situation so violent is unthinkable outside that situation; an end of it unthinkable within it." And: "Always among human beings, as regards slavery or warfare, insufferable agonies persist by their own inertia and appear from outside easy to bear; they persist because they sap the resources needed to escape."<sup>42</sup>

If we trust the stories that art and history tell us in order to understand the current war, hubris may be Putin's downfall. What we don't know: whether history follows the stories, or stories are told because we crave not only affirmation but also a happy end. Putin's trolls have long exploited the (legitimate) critique of the US and NATO wars, and used it for an international disinformation campaign. The Russian letter "Z," left on vehicles and buildings, is the acronym for war but also for the seemingly invincible hero, mocking the peace missions of the United Nations. For "death, not freedom," Russian soldiers are sent to "liberate" Ukraine, while for the time being, they shell and destroy

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<sup>37</sup> Ibid., p. 46.

<sup>38</sup> See Levi, Primo, *The Drowned and the Saved* (New York: Simon & Schuster, 2017).

<sup>39</sup> Author. *Simone Weil's the Iliad, or, the Poem of Force: A Critical Edition*, pp., p. 48.

<sup>40</sup> Ibid., p. 51.

<sup>41</sup> Ibid., p. 58.

<sup>42</sup> Ibid., p. 59.

whole towns, bomb the national infrastructure, loot homes, rape women, men, and children, torture and execute prisoners, and kill yet uncounted innocent civilians.<sup>43</sup> If Weil's argument were that war creates equivalences between attacker and attacked, this would be wrong: there is no equivalence between the Russian and the Ukrainian atrocities. But if she meant that the "seesaw" of force can turn at any moment, rendering the attacked the attacker – she certainly captures the inner dynamics of a war. And this, we saw, was exactly what Judith Butler said is her concern.

Butler's politics of nonviolence implies that human rights are mostly addressing the needs of vulnerable individuals or groups (which is not true, because human rights are claim rights for everyone), and she faults laws that have impunity built into their very structure (for instance, impunity of police in particular, for crimes against certain individuals or groups).<sup>44</sup> She insists on the "active" dimension of vulnerability (which, I believe, is better captured in the term vulnerable agency), and she emphasizes that the "dyadic relation tells only part of the story – the part that can be exemplified by the encounter."<sup>45</sup> But she only transcends the dyad of self and other, I and You, by simply referring to a "sustaining world" or "social relations," determining nonviolent collective acts such as civil disobedience, critique, and solidarity.

The discourse on vulnerability, it seems to me, must be shifted again, focusing more on the function and role of the Third, which neither plays a role in Weil's commentary on Homer nor does it receive much attention in Butler's political ethics of nonviolence. However, for the further ethical conceptualization of vulnerability, I will now argue, we must reconsider that in addition to self and other, "attacker" and "attacked," there are also observers, bystanders, witnesses, and allies, and they, too, have a particular role to play – just as the narrator "Homer" is a commentator of the actions he describes, or the Chorus is the witness to the tragedies they observe as interpretative parts of the dramas. The spectator and readers, too, are witnesses of the unfolding of the tragedies, emphasized in the literature of the "ethics of reading."<sup>46</sup> Yet, whereas in aesthetic experiences the spectators may *enjoy* the drama, even when being moved to tears, in real life the spectator is, at the same time, an agent.<sup>47</sup> Agents are never neutral. They must stand by those whose lives may depend on the fact that somebody knows who is, indeed, a perpetrator (so that crimes against humanity are accounted for at some point), and who is, indeed, a victim of violence (including the dead who will otherwise be forgotten). It is therefore essential for

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<sup>43</sup> The UN Report from March 2023 states, among many other war crimes such as attacks on essential infrastructure, hospitals, or schools, attacks on civilians using land mines: "patterns of wilful [sic] killings, unlawful confinement, torture, rape, and unlawful transfers of detainees in the areas that came under the control of Russian authorities in Ukraine. Violations were also committed against persons deported from Ukraine to the Russian Federation. [...] summary executions and torture [...] rapes, and sexual violence were committed in the context of house-to-house searches," etc. United Nations, Human Rights Council. Report of the Independent International Commission of Inquiry on Ukraine, New York: United Nations, 2023, pp. P. 8-13 (Personal Integrity Violations).

<sup>44</sup> Butler, Judith, *The Force of Nonviolence: An Ethico-Political Bind.*, Postscript: Rethinking Vulnerability, Violence, Resistance, pp 185-204.

<sup>45</sup> *Ibid.*, p. 200.

<sup>46</sup> Among others, Newton, Adam Zachary, *Narrative Ethics* (Cambridge, MA: Harvard University Press, 1995). Attridge, Derek, *Reading and Responsibility. Deconstruction's Traces* (Edinburgh: Edinburgh University Press, 2010).

<sup>47</sup> The relationship of aesthetics and ethics is certainly important, especially for the moral formation and development of moral virtues as well as the schooling of moral judgments. It has therefore played a pivotal role in the turn to autonomy, in part spelled out as authenticity, at the turn of the 19<sup>th</sup> century. Cf. Haker, Hille, *Moralische Identität. Literarische Lebensgeschichten Als Medium Ethischer Reflexion. Mit Einer Interpretation Der "Jahrestage" Von Uwe Johnson* (Tübingen: Francke, 1999).

the interruption of the bond of violence that keeps individuals, groups, and, at times, whole populations vulnerable to humiliation, dehumanization, and social as well as physical deaths, to understand the role and function of the Third in a more specific way.

## 5. Breaking the Force of Violence – The Moral Third

Jessica Benjamin who will be a guide in the following reflection, has called the dichotomy between the perpetrator and the victim the “Doer and Done-To” constellation of failed recognition.<sup>48</sup> Put differently, misrecognition is the collapse of mutual recognition into domination and submission. Whereas in Hegel’s famous master-slave narrative the plot concerns the process of self-constitution and self-consciousness that begins with a struggle against the other and ends with mutual recognition of self and other (or selfhood and otherness), Benjamin is interested in the mutuality of recognition at all stages of human life. She thereby rescues recognition theory from the social judgments that Rousseau had already emphasized as the craving that renders a person willing to assimilate and succumb to the gaze of others. Furthermore, she also separates her approach from moral development and self-constitution theories that are driven by conflict and struggle, highlighting instead the pre-reflective “attunement” between self and other as the affective beginning of mutual recognition in interactions.

### *Recognition as Task*

In her books on relational psychoanalysis since the late 1980s, Jessica Benjamin followed feminist theory and broadened the understanding of self-constitution to an alternative vision of the resonant *and* conflictual relationships as well as nonviolent interactions.<sup>49</sup> The tensions between the mother-figure and infant, a constellation she thoroughly studied, are a necessary part of intersubjectivity. “Attunement” *between* self and other is therefore not a “stage” but an infinite task that requires receptiveness and action alike. Benjamin speaks of matching the other’s “intentions and rhythms,” as empathizing and understanding, as witnessing and acknowledging one’s own vulnerability as well as the other’s, granting the other’s “dignity and common humanity,” and making space for difference and otherness.<sup>50</sup> Together, these efforts define the task as well as the inner workings of mutual recognition.

### *The Third*

In Benjamin’s reading, the “Third” comes in several different figurations. In the beginning, she separated herself from Lacan who understands the “Third” as the cognitive, linguistic, symbolic intervention into the affective space of the mother and the child. For Benjamin, as I have indicated above, the Third, or Thirdness, as she also calls it, is already part of their interaction: “thirdness is created through primary affectively resonant communication and in some sense precedes the discursive thirdness in which symbolic and universal/moral

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<sup>48</sup> Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third* (New York: Routledge, 2017).

<sup>49</sup> In the following, I refer especially to Benjamin, Jessica, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination* (New York: Pantheon Books, 1988); Benjamin, Jessica, *Shadow of the Other: Intersubjectivity and Gender in Psychoanalysis* (New York: Routledge, 1998); Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third*.

<sup>50</sup> Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third*. P. 10.

thirds predominate.”<sup>51</sup> Thirdness is the bond between self and other, in which empathy, witnessing, understanding, or acknowledging the other occurs. Whereas Butler sees the Third with Freud or Lacan as the intervention or “no” of the norm, for Benjamin it emerges *between* the self and the other, and is a part of the interaction itself. The bond that humans have with each other is, ideally, a “bond of love.” But in reality, the bond between humans can quickly transform from a bond of love to a bond of violence.<sup>52</sup>

In a therapeutic constellation, Benjamin holds, the Third may be the bond between the self and the other, constantly shifting between the rhythmic Third of attunement, differentiation into two separate beings, the moral bond of respect and recognition, and the reflective conversation or discourse in which the one party tries to understand the actions of the other. The acknowledgment that interactions are not always what (and how) they ought to be, renders the moral dimension of the bond necessary, captured in the phrase of the *moral* Third. It creates not only a moral sense between both agents who interact in a shared space in which they act, but it also allows for correcting and restoring the sense of moral integrity in cases of failures or collapses of recognition. Thus, what I have elsewhere called the *dialectic of vulnerability and agency* entails power as much as affectability that is shared by the agents. The seesaw could be a good metaphor for vulnerable agency, too, if only it excluded interactions of domination and submission (even if complementary), as in the struggle to death that Hegel described and Weil reiterated as the contingency of war. Benjamin, too, alludes to the seesaw metaphor and calling it the *negation* of mutuality. Mutually, in contrast, does not require submission of one party but that both parties surrender to the interaction happening *between* them. In place of a destructive and harmful bond of violence, the power that drives mutual recognition as well as mutual responsibility is constructive and aiming at the (nonviolent) sharing of a world.<sup>53</sup> Invoking the moral Third does not mean that the bond of violence can be easily overcome. Rather, the moral Third is a standard that is not merely extrinsic but also intrinsic to human practices and interactions, even if it may only be a transitory experience. It emerges from the differentiation of self and other without breaking the bond, it emerges “between” them.

“This differentiating Third is also the basis of the moral third – the principle whereby we create relationships in accord with ethical values – and the symbolic thirdness which includes narration, self-reflection and observation of self and other.”<sup>54</sup>

The dance metaphor symbolizes mutuality as practice better than the seesaw: dancing is affective and reflective at the same time, requiring attentiveness to the intrusive power (in Weil’s understanding) of bodily presence but also cooperation that is, at least in part, reflective.<sup>55</sup> Moreover, like any therapeutic endeavor, relational psychoanalysis believes in

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<sup>51</sup> Benjamin, Jessica. Intersubjectivity, Thirdness, and Mutual Recognition Jessica Benjamin, Ph.D. A Talk Given at the Institute for Contemporary Psychoanalysis, Los Angeles, CA: 2007, pp. 1-23.23.

<sup>52</sup> Benjamin, Jessica. ‘The Bonds of Love: Looking Backward’, *Studies in Gender and Sexuality* 14:1 (2013), pp. 1-15; Benjamin, Jessica, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination*. Benjamin does not use this term “bond of violence,” but I think it is apt as the counter-term to the “bond of love.”

<sup>53</sup> Ricœur, like Fromm before him, argues that humans are *capable* to choose the moral standard at any point. See the discussion above. Cf. for the relation of recognition and responsibility Haker, Hille. ‘Recognition and Responsibility’, *Religions* 12:7 (2021a), pp. 1-18.

<sup>54</sup> Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third*. PP 27-28.

<sup>55</sup> Heinrich von Kleist, whose drama „Penthesilea“ depicts the battle between Achilles and the Amazonian leader Penthesilea who are caught in a vicious circle of desire and violence that ends with the death of both. This element adds the female gender perspective to the often male-fixated interpretation of war. Kleist often wrote about this intertwining of affect and reason, theoretically

a “second chance” after failures and moral injuries, seeking to recreate respect, if not mutual recognition. Metaphors for such repairing interactions that Benjamin uses are: “bridge-building”, “creating a net,” or “crossing boundaries.”<sup>56</sup>

If humans are vulnerable to being harmed by others, they must not only be attentive to their own exposure but also to the violence they are capable of inflicting upon others. Moreover, Hegel was right to depict the conflict of the self and other, at least in part, as an internal conflict of self-consciousness: psychologically speaking, violence refers to a conflict within the self whose own otherness or alienness seems to be unbearable; in this case, it needs to be ab-jected (literally: thrown away), in Julia Kristeva’s terminology that Benjamin takes up, too. Often, this unbearable “Other, within” must be projected onto another person who is then excluded from one’s own consciousness (or one’s rationality), moral concern, and ultimately, excluded from humanity. In the therapeutic setting, the analyst becomes a witness evoking the moral Third by taking responsibility and seeking repair:

the moral Third – [is] reachable only through this experience of taking responsibility for bearing pain and shame. In taking such responsibility, the analyst is putting an end to the buck passing the patient has always experienced – that is, to the game of ping-pong wherein each member of the dyad tries to put the bad into the other. The analyst says, in effect, “I’ll go first.” In orienting to the moral Third of responsibility, the analyst is also demonstrating the route out of helplessness.<sup>57</sup>

But the question remains whether what may be possible in interpersonal relations is also possible on the political level. Benjamin herself asks this question at the end of her book, turning to her long experience in peacebuilding between Israel and Palestine.

#### *The Moral Third in Political Ethics*

The power to act and to act together that Hannah Arendt, using Max Weber’s distinction between *Macht* and *Herrschaft*, already emphasized over against domination, reaffirms the agency of individuals beyond merely choosing the means to ends that are exclusively in their own interest. Interactions bring about the identities of self and other in a shared environment that in part determines the scope of possible actions within the socially accepted norms. On the personal level, individuals will perhaps necessarily experience a mixture of positive and negative bonds and, depending on their experiences, will develop varying degrees of trust and mistrust. On the political level, we are used to thinking of relations as driven merely by self-interest, reined in by laws. This is the Freudian perspective, translating the super-Ego’s function as control over social and political relations. However, the human capabilities to speak and tell one’s story, to remember, and to act together, can perhaps be utilized on the level of social and political actions, too, especially by civil society. Together, the inhabitants of a social space ordinarily build the bridges to mutual understanding and recognition. Regarding experiences of moral injury,

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reflected in his essay on the *Marionettentheater*. von Kleist, Heinrich. ‘Über Das Marionettentheater’, in *Sämtliche Werke*, edited by Helmut Sembdner (München: Hanser, 1965), pp. 338-45. Von Kleist, Heinrich. ‘On the Marionette Theatre’, *The Drama Review* 16:3 (1972), pp. 22-26.

<sup>56</sup> That this is possible is shown in the stories of veterans from World War II, or, for instance, in the famous handshake between Francois Mitterrand and Helmut Kohl at Verdun in 1984, after three wars between France and Germany. <https://rarehistoricalphotos.com/kohl-mitterrand-verdun-1984/> In this gesture of the handshake, thirdness emerges between the two individuals, pointing far beyond the personal as they shake hands as the representatives of their countries.

<sup>57</sup> Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third*. P. 42.

the case is slightly different: the capability of storytelling is crucial lest the victims fall silent or are silenced by those who want to rather repress the memories of their suffering – or their deeds.<sup>58</sup> But testimonies and narratives may be only possible to share to a third party, functioning analogous to the therapist. Memorials keep the memory of the past alive – but they are mostly one-sided.<sup>59</sup> Regarding the war in Ukraine, acts of solidarity are ubiquitous inside and outside of Ukraine, demonstrating the effort – and extraordinary strength – to uphold moral values and norms – yet these acts primarily address Ukrainians or residents of Ukraine. Regarding the capability to hold perpetrators legally accountable, only states or, in cases of war crimes, the International Criminal Court of Justice, have the legal right to pursue justice; for the rule of law, accountability is a necessity because it constitutes the difference between right and wrong actions, while scrutiny will concern both sides of a war. Ricoeur's notion of the *homme capable* could not be more important for political ethics, but we can now see that accountability is often wrested from the silence of shame and suffering, as well as from the repression of guilt. The moral Third, "the principle whereby we create relationships in accord with ethical values," is the stance of justice done to the victims and perpetrators alike, taking into account that a war stretches in time and entails the contingent shifts of the positions. The clearest demonstration of this is that all war parties are bound by the Geneva Convention.

Despite the propaganda of war, perpetrators rarely resemble the heroes of the Greek tragedies or mythologies; rather, they may be drafted soldiers or mercenaries who are pulled into a conflict in which they have no personal stakes. In the current war, Russian soldiers must not disobey orders; resistance to the draft becomes a crime that threatens their life and well-being of anyone affected by it – but this disrespect for conscientious objection to military service seems to be true on both sides.<sup>60</sup> The problem is that in the dynamic of the dyadic constellation that only knows domination and submission, the killing and dying may go on for a very long time, and it is, of course, reproduced conceptually, too, in the language of 'the enemy' that has replaced the language of the fraternal nations. More and more, Ukrainians are merely seen as enemies who must be defeated, whereas Russians are more and more seen as inhuman oppressors. Despite the possibility of a reversal of positions, both parties are locked into the bond of violence from which they cannot escape. Continued over time, the inherent harm of such bond of violence is normalized and then naturalized, as if every Ukrainian were a Nazi, and every Russian an oppressor, looter, or rapist. In the current war, it seems that only the invader can break the spell, giving up on the end goal of occupying Ukraine. And as long as Russia does not move, the killing and destruction continues in a war of attrition. For many, it may seem that only an intervention of a third party may provide a way out – here, the Third is depicted more along the Freudian lines of thought than Benjamin's. Thus, the Third is often

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<sup>58</sup> Cf. Jackson, Michael, *The Politics of Storytelling: Violence, Transgression, and Intersubjectivity* Museum Tusulanum Press, 2002). For the importance to be heard cf. Fricker, Miranda, *Epistemic Injustice: Power and the Ethics of Knowing* (Oxford; New York: Oxford University Press, 2007).

<sup>59</sup> Cf., among others, the "Heavenly Hundred" memorial project that is, at the same time, used as fundraiser: [https://uocofusa.org/news\\_190221\\_1](https://uocofusa.org/news_190221_1).

<sup>60</sup> The UN Report, for instance, reports of repression, punishment, and even torture of Ukrainian soldiers who try to desert from the army. The UN adds, however, that it could not corroborate the truth of these reports. Liebsch speaks of the responsibility for the enemy – the only way not to become like the other side. But apart from the strict obligation to refrain from human rights violations such as torture or maltreatment of soldiers, to put the burden of responsibility for the enemy on the shoulders of those who have lost their livelihood, seems to miss the point, namely that the responsibility lies with the Third.



construed as an ideal type: an impartial, just, heroic rescue figure. In contrast, in Benjamin's understanding, the Third may well reemerge between the "fraternal" states after having been lost. If a third party comes into play, then their role is often that of representing the moral Third.

An important new element of Benjamin's theory for a political ethics therefore concerns the transition of a third party from a passive bystander to an active witness who takes responsibility, allowing for the moral Third to reemerge. The failure to become a witness, Benjamin claims, continues and increases the specific moral vulnerabilities of those who are exposed to harms. Such indifference, too, contributes to the perpetuation of violence, injustice, and war, when the third party does not take on the burden of responsibility, does not opt for the "I'll go first," (which includes the trust in the moral world that a victim may have lost).<sup>61</sup> For witnessing to happen, the bystander must become an *involved* agent, the one who can and therefore must hold up the possibility of a "lawful world," one of justice and mutual recognition. The witness may come in different forms, be it that of individual citizens such as an ally or an advocate; in the more traditional form, it is a judge; but it may also be an institution. Together, these "figures" constitute the witnesses that may allow for the experience of the moral Third to reemerge. The insight that the third party's function, their role or task is to create (or re-create) the space for the possibility of mutual recognition and shared responsibility, may motivate them to become engaged.

The witnesses must not only acknowledge and listen to the damaged self-identity of the morally injured person. They must also acknowledge the abyss that separates the victim from all others and, overall, the world as the place of living together, or "conviviality."<sup>62</sup> Thus, recognizing misrecognition as a moral harm, and speaking truth in view of individual or collective trauma, is an important element of reestablishing trust in the possibility of interactions that are based on vulnerability, agency, and actualizing mutual recognition.<sup>63</sup> Recognition, we remember, is an intersubjective task of vulnerable agents, and it must now be seen as a task that includes the reflection on the "thirdness" of the bond itself. Focusing on the self-other relationship abstracts not only from multiple social relations but also ignores the moral Third that emerges from this bond. This Third or thirdness must not be confused with Freud's category of the super-ego or Lacan's category of the symbolic order. Instead, the Third is a moral category that is at once present as the experienced bond and as norm.

In wars, atrocities are rarely committed by figures resembling the gruesome Achilles. More often, they are committed under pressure of social groups, hierarchical relations, or under other threats associated with a group identity or group dynamic. In all crimes against humanity, there are those who succumb to pressure and commit crimes, even those that are against their moral convictions and will haunt them for the rest of their lives. The goal of the bottom-up responsibility of the witness is not only to end the conflict, or even a war, but to begin the hard work of re-building trust. In order to hold perpetrators accountable, the International Criminal Court of Justice, for instance, depends on records,

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<sup>61</sup> Cf. Bernstein, J. M. 'Trust: On the Real but Almost Always Unnoticed, Ever-Changing Foundation of Ethical Life', *Metaphilosophy* 42:4 (2011), pp. 395-416; Bernstein, J. M., *Torture and Dignity: An Essay on Moral Injury* (Chicago; London: The University of Chicago Press, 2015).

<sup>62</sup> Cf. Stauffer, Jill, *Ethical Loneliness. The Injustice of Not Being Heard* (New York: Columbia University Press, 2015).

<sup>63</sup> Benjamin, Jessica, *Beyond Doer and Done To: Recognition Theory, Intersubjectivity and the Third.*, p. 226.

on witnesses and testimonies. Volunteers and advocates are necessary, doing the work of justice that is essential for the restoring of the moral Third.

The Third is certainly an ambiguous concept, with the overlapping of the existing bond in interactions, the moral norms of mutual recognition and mutual responsibility, and the figure of the witness bearing a heavy moral burden. Yet, mutual recognition that requires the trust to surrender to interaction with the other from a place of fearless vulnerability may seem altogether too abstract and remote when people are facing the collapse of their life, subjected to bombing, force, and fear of social and physical death (or, on the other side, being allowed and/or encouraged to commit crimes and enact multiple acts of violence). To remind victims that they transcend the world of violence already in these bottom-up acts of solidarity, in the testimonies during the war, in mutual aid, as well as in top-down diplomacy work, may be important, even though these may not expand to the “other side,” the “enemy.” In addition to the bottom-up solidarity in an with Ukraine, the top-down political tasks include but are not limited to: the immediate provision of military means for self-defense (together with measures to enforce the sanctions against Russian oligarchs and listed entities more strictly); preparations for the rebuilding of the destroyed infrastructure in Ukraine; continuing the struggle against corruption; accelerating the bureaucratic steps for membership in the European Union; and the provision of the means to secure all human rights of refugees, including their economic, social, and cultural rights. The collection and preservation of testimonies is the condition for legal prosecutions. Beyond these immediate tasks, the structural-political tasks require the efforts of top-down diplomacy, and they ought to aim at the reform of the UN Security Council and new policies of other international bodies, including Ukraine’s membership in NATO and the support of the World Bank for the re-building of the country. The United Nations may even find a way to finally embrace the necessary changes of its bureaucracy. Everyone knows that the failure to uphold even the most basic international standards erodes the human rights framework from within. For the victims, however, such failure deprives them of the conditions to re-create trust, the only way to endure one’s vulnerability in the encounter with others. Together, the interpersonal, the civic, and the political challenges require the tremendous work of those who are only indirectly affected by the war.

What is possible in the aesthetic configuration of an epic or tragedy (namely the dramatization of a conflict between good and evil, choice and fate, etc.), turns out to be impossible in real life, even though poetic stories necessarily affect the way conflicts are narrated. The perpetrator may still rationalize their behavior as a means to a just end, and the victim may be tempted to demonize the other while heroizing one’s own actions. The difficulty for the witnesses, one might say, is therefore to stay as close as possible to those who are vulnerable (ontologically, morally, and structurally), while upholding the moral Third so that recognitive thirdness may be restored. From the position of the morally harmed person or groups, the fact that people are committed to holding the aggressors accountable for their crimes, may be a beginning of a return to a world in which they can be “at home.”<sup>64</sup> Listening to the testimonies of moral injury and creating spaces for the victims to tell their stories are therefore the first and most important, but certainly not the “last” tasks of restoring a person’s agency and capabilities. Over time, however, the bond

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<sup>64</sup> For some, this may never be possible, as Jean Amery held, and they will never again be “at home in the world.” Amery, Jean, *At the Mind’s Limit. Contemplations by a Survivor on Auschwitz and Its Realities* (Indiana: Indiana University Press, 1980).

of solidarity may contribute to the formation of a new social bonds, even in the absence of the perpetrators' remorse and rectification.

## 6. Conclusion

From an ethical point of view, force cannot foster a relation that allows for vulnerability as openness to the other, which is in part captured by the concept of thirdness and the moral Third. In war, the aggressor's epistemic posture is the belief in their invulnerability and invincibility that takes domination and submission as the "adequate" ways of interacting with others. The emphasis on vulnerability is certainly not by coincidence so often evoked by feminist scholars and resonating with all who want to depart from the principle of the "doer and done to." The discourse on vulnerability conveys that the imagery of invulnerability and independence is a mistake and cannot end well. Politically, the assumption of excessive power, as well as the owning of nuclear weapons that may transform a whole region into an unlivable place for centuries, is dangerous and catastrophic in its ramifications for millions of people. Yet, regarding the Russian war, just like Achilles's spot in his body, Putin's vulnerability must be made visible. If he were stripped of his propaganda machine that shows him one symbolic village after the other (a show reminiscent of Potemkin's villages), he would lose his power over others, including the Russian people. Myths demonstrate how this unmasking is done, namely by storytelling, pointing to the fact that there is always a spot of vulnerability in the seemingly invulnerable bodies of the heroes, or revealing that the emperor has no clothes. The insight into the transitory nature of force, together with signs of humanness, may serve as a warning to the "doers" and allow the "done to" to persevere in their resistance. It may allow those who are regarded as "things" to survive, and those soldiers who are caught in the terrible double bind of contracts, coercion, and obedience, to resist the summons to murder, rape, and deport innocent people.

Moral witnesses are the advocates of mutual recognition. They are in the position that Walter Benjamin described as an ethical demand: "We have hope for those who have no hope."<sup>65</sup> Moreover, with Jessica Benjamin, I would hold that we take responsibility for those who cannot take responsibility. Still, victims of war do not lose their agency. They may themselves be witnesses for others, upholding the possibility of the moral order. They are the parents who tell their children a good-night story in the bunker. They are the doctors who help women through labor, not knowing whether their hospital will still stand in the morning and how long the babies will live. They are the soldiers who rescue people and their pets from the roofs of their houses, destroyed by the flooding of the Kakhovka dam. They are the fleeing women who do not stop teaching their children while in exile, maintaining a well-developed digital curriculum in Germany, Poland, Italy, or France. They are the artist who played the cello in the subway of Kharkiv for those who were stuck there. They are the politicians who, unflinchingly standing in solidarity with the attacked, do not call for revenge but for the end of violence. And they are the lonesome, brave

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<sup>65</sup> Benjamin, Walter. 'Goethe's Elective Affinities', in *Walter Benjamin. Selective Writings, Vol. I, 1913-1926*, edited by Marcus Bullock, Jennings, Michael W. (Cambridge MA: Harvard University Press, 1996), pp. 297-360; Benjamin, Walter, *Goethes Wahlverwandtschaften* (Frankfurt am Main: suhrkamp, 1991).

Russian soldier who documented the crimes his own unit had committed, who then deserted, and handed the report over to the press.<sup>66</sup>

It is not autonomy but rather *vulnerability* that renders morality necessary. But it is also vulnerability that shows what the moral order is about, to wit, the creation and recreation of the bond of love and mutual recognition. Moral agents fail unless they hold up a moral world that *all* can inhabit. In war, ethics, which is the reflective and discursive side of morality, cannot be neutral; ethicists are witnesses, too, and they must stand with the vulnerable and the attacked and commit to fighting for the moral Third, the principle of nonviolence. Although it is possible to live happily during the war, morality exists to not let that happen.

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<sup>66</sup> Roth, Andrew, Sauer, Piotr. "I Don't See Justice in This War': Russian Soldier Exposes Rot at Core of Ukraine Invasion", *The Guardian*: August 17, 2022, online at <https://www.theguardian.com/world/2022/aug/17/i-dont-see-justice-in-this-war-russian-soldier-exposes-rot-at-core-of-ukraine-invasion> (accessed at 28.2.2023).

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