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**Vulnerability and Agency:
The Case of Ageing**

I. INTRODUCTION

The idea of vulnerability is usually considered as antithetical to our conceptions of independence and rationality: vulnerability regards the body and our feelings. We are vulnerable qua humans, vulnerability is in itself a question of fact, even though the analysis of what it is to be vulnerable has to be answered in part through evaluative and conceptual enquiry. As a question of fact, it receives answers in a variety of scientific contexts (medical, environmental, digital), where it is possible to distinguish between situations in which some individuals are vulnerable and situations in which they are not.

In general, to be 'vulnerable' is to be susceptible to something, usually bad, such as a disease or infection: premature babies have a high incidence of disease and physiological problems and almost all need intensive medical and nursing care (Brazier, Lobjoit 1991). Or people living in a war-torn country where water and sewer systems have been compromised are vulnerable to epidemics. A second meaning of 'vulnerable' is to be capable of being not only physically and naturally, but also emotionally wounded (Giolo 2018). A third common connotation of 'vulnerable' is to be likely to be persuaded or attracted towards something or someone. The real meaning of vulnerability is, however, richer than these rough definitions. Thus, my attempt in this paper will be first to establish the scope of vulnerability.

In recent years a broad consensus has emerged on the key role played by vulnerability in our social and political life and practices (Goodin 1985; MacIntyre 1999; Macklin 2004; Turner 2006; Fineman 2008; Hurst 2008; Butler

2004; 2008). Still, if one tries to deepen the general definitions mentioned above, both conceptually and in their political and public implications, this agreement falls short: if on the one hand we refer to a notion of human vulnerability that encompasses everyone, on the other hand the vulnerable individual is no longer recognized as autonomous, as having agential capacity, but becomes instead the object of paternalist attention that seemingly runs counter to the idea of individual autonomy. But why do we look for a special vulnerability that applies only to some individuals and can justify protective measures only for them? My second aim is precisely to resolve this ambiguity: contrary to those scholars who conceive vulnerability to be problematic as univocally affecting some specifically vulnerable individuals – such as the disabled and the elderly – with the undesirable effect of viewing these individuals as exclusively subject to paternalistic care, I will try to illustrate vulnerability more analytically, showing that it can be constitutive of every individual's sense of self and identity, without his agency and autonomy being compromised.

2. THE SCOPE OF VULNERABILITY

Despite its frequent use, vulnerability is a highly under-theorized concept. Our everyday language suggests that vulnerability can be ascribed to objects such as ecosystems, computers, economic systems or entire countries: computers are said to be vulnerable to viruses, and countries vulnerable to attack (or vice versa). However, in this article, I restrict the meaning to the vulnerability of living beings. In its descriptive sense, universal vulnerability is simply a fact that characterizes human life. Accordingly, we can focus on three specific elements when ascribing vulnerability: first, the reasons why an individual is vulnerable, i.e., the conditions an individual has to fulfil in order to be described as generally vulnerable; second, the circumstances (or conditions) under which vulnerability may manifest itself; and third, the manifestations of vulnerability (Zullo, Furia 2020). The reasons explain why an object or a subject is vulnerable; the circumstances represent the causes of manifestations of vulnerability; and the manifestations can be regarded as the resulting state¹ of vulnerability.

¹ On this point see also Mackenzie, Rogers, Dodds (eds, 2014), and their taxonomy of the sources of vulnerability: *inherent, situational, pathogenic*. Inherent vulnerability arises

In considering this characterization we can maintain that there are two main interpretations of vulnerability: vulnerability as encompassing everyone by their very nature (Gert 2004), namely as part of the human condition (Callahan 2000; Kottow 2003), or as a specific expression of the finitude of the human condition (Rendtorff, Kemp 2000). Vulnerability in the broad sense is mostly linked to having a body (Hoffmaster 2006), the possibility of encountering harm (Harrosh 2012), or being mortal (Rendtorff, Kemp 2000; Rendtorff 2002).² The reasons why particular individuals are regarded as vulnerable vary widely. To mention just a few: those who are more likely to be exploited (Macklin 2004), are unable to protect or safeguard their own interests (Nickel 2006), lack basic rights (Zion, Gillam, Loff 2000) are susceptible to additional harm (Kottow 2003), or are at risk of unequal opportunities to achieve maximum possible health and quality of life (Danis *et al.* 2002). The two views on the scope of vulnerability seem irreconcilable: the idea that vulnerability encompasses everyone seemingly conflicts with the view that it is a property restricted just to some. This dualism gives rise to some negative consequences: an unwarranted paternalism and undue overprotection of some individuals, on the one hand; a process of stigmatizing attitudes towards the vulnerable, on the other. These two apparently disparate views of vulnerability are, however, neither competitive nor contradictory. Rather, they depend on each other, since they refer to the very same concept with different likelihoods of manifestation: the notion of vulnerability must be considered as a scalar field – as I would argue – thus requiring protection just for some needs (and at particular periods of life) to be embedded into the view that vulnerability encompasses everyone.

from our corporeality, neediness, dependence on others, and affective and social natures. Situational vulnerability describes particular adverse experiences or groups of people who may be in social difficulties. Situational vulnerability draws attention to the possibility for harm as well as occurrences of actual harm having occurred (see also Goodin 1985). Examples of situational vulnerability might include groups such as homeless people, asylum seekers, and refugees. Pathogenic vulnerabilities are, in a first sense, situational vulnerabilities that are caused or exacerbated by dysfunctional social relationships (structural injustices), or, in a second sense, they are related to those individuals that can be harmed by the very policies or practice mechanisms that are supposed to support or to protect them.

² In contemporary bioethics, however, another use of vulnerability is predominant: the vulnerable are those who should be afforded special protection and additional attention in medical research and health care (Haugen 2010; Solbakk 2010).

3. AUTONOMY TOGETHER WITH VULNERABILITY: THE *BARCELONA REPORT* AS A PARADIGM

The problem of the scope of human vulnerability becomes very evident when considering the 1998 *Barcelona Declaration on Policy Proposals to the European Commission on Basic Ethical Principles in Bioethics and Biolaw*. The aim of the *Barcelona Report* was to identify *four* ethical principles promoted in the European framework of guidelines of solidarity and responsibility and with relevance as reflective ideas to concrete decision-making: *autonomy, dignity, integrity, vulnerability*. If we specifically focus on the last, we see that:

Vulnerability expresses two basic ideas. (a) It expresses the finitude and fragility of life which, in those capable of autonomy, grounds the possibility and necessity for all morality. (b) Vulnerability is the object of a moral principle requiring care for the vulnerable. The vulnerable are those whose autonomy or dignity or integrity are capable of being threatened. As such all beings who have dignity are protected by this principle. But the principle also specifically requires not merely non-interference with the autonomy, dignity or integrity of beings, but also that they receive assistance to enable them to realise their potential. From this premise it follows that there are positive rights to integrity and autonomy which grounds the ideas of solidarity, non-discrimination and community.³

In my view this statement of vulnerability as a guiding principle introduces an important innovation not only within bioethical thought, and, to the extent that the report recognizes the universal character of the condition of vulnerability, it also opens up a new focus regarding the production and implementation of welfare policies.

With the *Barcelona Declaration* vulnerability becomes the ground-breaking principle that identifies the human condition. In this sense Barcelona's four principles represent a quite noticeable critique of and alternative to the four classical principles of North American bioethics: autonomy, non-maleficence, benefi-

³ The *Barcelona Declaration* was adopted in November 1998 by 22 Partners (coming from most EU countries) in the Biomed II Project, and is available here: <https://www.istitutobioetica.it/documenti-di-riferimento/documenti-di-riferimento/187-documenti/556-the-barcelona-declaration-on-policy-proposals-to-the-european-commission-on-basic-ethical-principles-in-bioethics-and-biolaw>.

cence and justice (Beauchamp, Childress 2012). The same principle of autonomy, traditionally assumed as the benchmark in American bioethical thinking, is inscribed here in the thus defined vulnerability of human beings, and it will no longer be a question of somehow contrasting vulnerabilities, but of taking it as a policy-oriented principle *together with* the principle of autonomy.

4. VULNERABILITY AND THE AGENCY

The meaning of vulnerability is nonetheless commonly taken for granted and it is assumed that vulnerability is almost exclusively harmful, explicitly equated with weakness, dependency, powerlessness, deficiency, and passivity. As Kate Brown suggests, ‘to be vulnerable within a political system which celebrates independence and active citizenship is layered with contradictory connotations. Vulnerable people are in some respects the antithesis of “proper citizens” (Brown 2017).

Our capacity to exercise sovereign authority over such domains as physical property, privacy, our immediate physical environs, our body, our intellectual context, and so on, is reasonably conceived to be constitutive of a developed sense of self. The liberal political theory – at least from John Locke to nowadays – has rightly placed great concern and emphasis upon the idea of self-sufficiency, individual autonomy, and the capacity for making independent choices. Alasdair MacIntyre casts some doubts on that liberal premise: “I shall argue that the virtues of independent rational agency need for their adequate exercise to be accompanied by what I shall call the virtues of acknowledged dependence and that a failure to understand this is apt to obscure some features of rational agency” (MacIntyre 1999, 9). Moreover, both sets of virtues are needed in order to actualize the distinctive potentialities that are specific to the human rational animal. Identifying how and why they are needed is a prerequisite for understanding their essential place in the kind of human life through which human flourishing can be achieved:

We human beings are vulnerable to many kinds of affliction and most of us are at some time afflicted by serious ills. How we cope is only in small part up to us. It is most often to others that we owe our survival, let alone our flourishing, as we encounter bodily illness and injury, inadequate nutrition, mental defect and disturbance, and human aggression and neglect. These two related sets of facts, those concerning our vulnerabilities and afflictions and those concerning

the extent of our dependence on particular others are so evidently of singular importance that it might seem that no account of the human condition whose authors hoped to achieve credibility could avoid giving them a central place. Yet the history of Western moral philosophy suggests otherwise. From Plato to Moore and since there are usually, with some rare exceptions, only passing references to human vulnerability and affliction and to the connections between them and our dependence on others. Some of the facts of human limitation and of our consequent need of cooperation with others are more generally acknowledged, but for the most part only then to be put on one side. And when the ill, the injured and the otherwise disabled are presented in the pages of moral philosophy books, it is almost always exclusively as possible subjects of benevolence by moral agents who are themselves presented as though they were continuously rational, healthy and untroubled. So we are invited, when we do think of vulnerability, to think of 'the vulnerable' as 'them', as other than 'us', as a separate class, not as ourselves as we have been, sometimes are now and may well be in the future (MacIntyre 1999, 13-14).

The question therefore arises: what difference to moral and political theory would it make, if we were to treat the facts of vulnerability and the related facts of dependence as central to the human condition? The principal thesis of MacIntyre's argument is that the virtues we need to develop from our initial animal condition into that of 'independent rational agents' as well as to confront and respond to vulnerability and disability both in ourselves and in others, belong to one and the same set of virtues, the distinctive virtues of *dependent* rational animals, whose dependence, rationality and animality have to be understood in relationship to each other. We can find a similar argument in Sangiovanni's defence of the idea that moral equality and human rights are not grounded in our equal dignity, but precisely in our vulnerability (Sangiovanni 2017):

We respect another's equal moral status not when we bow before their capacity to choose in accordance with reason, but when we recognize the vulnerability to which they are subject as beings who must, as Rousseau remarks, 'live in the eyes of others' (*ibidem*, 10).

Contrary to these two arguments, and to sustain its normative function, the most common way to conceive of agency in both liberal and democratic theory has been to identify it with intentional choice and control over action, with a kind of personal sovereignty. The point at issue here is that the pull of sovereignty and control draws its force precisely from

the common desire to be free from vulnerability. Yet the sovereigntist view fails – according to MacIntyre and Sangiovanni – to reflect the realities of human action and agency. Because far from being free from vulnerability, agency is in fact *constituted* by its vulnerability – insofar as the intersubjective and inter-corporeal elements that give rise to individual agency also make it dependent on beings and things that exceed the individual (as has Covid-19 demonstrated).

5. AGENCY AS INDIVIDUAL SOVEREIGNTY?

The common identification of agency with individual sovereignty locates agency in the exercise of will and treats it as an inner faculty of the individual. This view associates agency above all with intentional choice and control over action. To be an agent is to be in control of what one does rather than being controlled by others or by circumstance (Krause 2015 and 2016; Bernstein *et al.* 2018). It means acting on one's own intentional choices (meaning, on some views, one's autonomously generated choices) rather than acting from instinct or necessity or deference. The rational will is usually thought to be the source of agency insofar as it gives us the capacity to make choices, to guide ourselves, and thus to control our actions. No one believes that perfect control is ever possible, of course; all sorts of external and internal conditions are acknowledged to constrain agency. Yet we commonly locate the sources of agency in internal faculties of the person, especially those of reason and will. We hold to a sovereigntist view of agency to the extent that we identify agency in the ideal case with being in control of one's action, where the content of one's will defines the meaning of the action, and one's effects manifest one's own reasoned choices rather than the wishes of others or the random effects of chance. This way of thinking about agency permeates a great deal of liberal and democratic theory today.⁴ Agency does require the exercise of

⁴ Agency so conceived is the foundation of the two moral powers in Rawls (see Rawls 1971). Philip Pettit (2001) likewise understands agency as the capacity for control over action (whether rational, volitional, or discursive). Nancy Hirschmann (2003) defines agency in terms of intentional choice, although she emphasizes the importance for freedom of ensuring that informal social conditions protect women's choices against domination.

will but it does not end there, for agency involves actually doing things, making things happen, with real impact and effect. To be an agent is to be a source of activity, which means that efficacy – or impact on the world – is as much a part of agency as individual initiative is.⁵ But this same dual structure of agency as involving both individual will (initiative) and efficacy (impact) means that agency cannot be contained within the individual. The reason is that our effects depend as much on how the world receives and responds to our initiatives as it does on our intentions. This is not to say that agency exists only in social practices as distinct from the intentions and initiatives of individuals. Agency is not reducible to social systems or structures. The point is that our deeds are a function of how our intentions and initiatives interact with the responses they generate. Agency is a socially and materially distributed phenomenon in this respect; it depends in a constitutive way on the uptake of other people and things that helps shape our actual impact on the world. Individual agency is therefore a dynamic, interactive phenomenon with widely distributed sources that include but are not limited to the individual subject (Westlund 2009). Insofar as individual agency exceeds the control and even the boundaries of the individual self, the personal sovereignty frame is misleading. Human agency is a fundamentally non-sovereign experience, as Hannah Arendt put it.⁶ The non-sovereignty of agency disrupts convictions at the heart of democratic theory, but coming to terms with it is important for democratic politics in at least three ways:

- the misguided identification of agency with sovereignty both conceals and exacerbates the distinctive vulnerabilities of those subject to structural inequality. Social, economic, and political inequalities undercut in systematic ways the social uptake needed to sustain agency on the part of those who are disadvantaged or marginalized. Obscuring these vulnerabilities makes it difficult or impossible for democratic politics to attenuate them effectively

⁵ This is not to say that agency requires successful action or the perfect realization of one's intentions. It is rather to insist on the distinction between the exercise of agency and the exercise of will, where the former but not the latter necessarily entails some kind of impact on the world.

⁶ Arendt 1999, 190-192.

and hence to instantiate the democratic ideals of freedom and equality for all (think of the migrant's case);

- when we equate agency with intentional choice and control over action, we make it difficult to establish accountability for social dynamics to which individuals contribute without intending to do so and without controlling the outcomes (as Nussbaum's argument on our 'openness to fortune' states). This applies to dynamics such as systemic oppression, implicit bias, and the frequently impersonal exploitation involved in globalized labour markets. It also applies to outcomes such as climate change and other forms of environmental degradation. In all these cases, outcomes exceed the control of any particular individual, and they often result from effects that are unintentional and even unconscious at the individual level. If we did not intend to discriminate or exploit or pollute, and if we did not have personal control over these outcomes, we think, then, they could not be a function of our agency, and so they could not be our fault;
- a third consequence of this way of thinking about agency is to undermine our actual ability to make things happen, to affect the conditions of our own coexistence. Because we do not appreciate the socially and relationally distributed character of agency, we do not recognize the importance of nurturing the social and material formations that help constitute it. Even as the forces governing our lives have grown larger, more complex, and more impersonal, we have neglected the infrastructure of associational life and social movements that individual agency needs to flourish (Martin 2014). The result is a widespread sense of vulnerability and disempowerment that extends even beyond those on the lowest rungs of human hierarchies.⁷

Starting from these premises we can state that, on the one hand, vulnerability points out the limits of individualism. Human beings are rational, but human beings also have bodies, and because they have bodies, they are vulnerable. In fact, vulnerability is an even more basic feature of our human constitution than rationality because, while all human beings are vulnerable, not all human

⁷ This point is developed in rich ways by Wendy Brown (2015). See also Bonnie Honig (2017).

beings are rational or even possess the potential to become rational. All human beings are born into vulnerability and remain deeply vulnerable for some time: moreover, it is our very vulnerability that creates the need for morality. We cannot understand the persons we are, and thus how to live well, without recognizing vulnerability as an ineluctable feature of our embodied humanity.

On the other hand, agency as a source of accountable activity is crucial to democratic politics because – *inter alia* – it enables us to bring more emancipatory possibilities into being. Understanding the non-sovereign, vulnerable, but robust character of individual agency is an important part of making progress toward more just and inclusive societies.

6. VULNERABILITY VS AUTONOMY: A FALSE ANTITHESIS

To overcome the difficulties inherent in conventional conceptions of agency as individual sovereignty and to identify the problems they seem to pose for democratic politics, we could consider agency in different and more relational terms: Westlund's notion of *relational* agency (Westlund 2009) derives from relational accounts of autonomy, where interpersonal or social conditions are part of the defining conditions of autonomy: "relational autonomy is an umbrella term, designating a range of related perspectives... premised on a shared conviction that persons are socially embedded, that agents' identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender and ethnicity" (Mackenzie, Stoljar 2000, 4). Following both these arguments, we see that relationships and dependence on others are construed as being causally necessary for the development and sustenance of an individual agent. On Westlund's view, autonomous agency requires an 'irreducibly dialogical form of reflectiveness and responsiveness to others' (Westlund 2009, 28): on his account, autonomy is an irreducibly relational kind of agency.

Yet to be vulnerable is by default considered as diametrically opposed to being able to take autonomous decisions. If we persist with the simple, reductive, and negative conception of vulnerability that is frequently presupposed, then vulnerability will remain something to avoid.⁸ To refuse to conflate vul-

⁸ In this sense we could also think about vulnerability in epistemic terms: after elaborating how we might understand the importance of human vulnerability, Gilson (2011)

nerability in its most profound and general sense – openness to being affected and altered – with specifically negative forms of vulnerability, such as susceptibility to harm, is to make room for positive and constructive attitudes with respect to this the fundamental condition of our existence. Advancing such attitudes is vital if a disavowal of vulnerability is formative of oppressive types of subjectivity and, consequently, of oppressive social relations.

But to lay out, then, an alternative, non-sovereign account of agency, exploring the vulnerabilities that always attend agency, I have to explore the link between vulnerability and agency.

7. VULNERABILITY, AGENCY, AND WELFARE

Vulnerability – as the *Barcelona Report* shows – plays a crucial role in the development of links between institutions, social practices, individuals, and the state. On this level, instead of understanding vulnerability in terms of needs (Mackenzie *et al.* 2014), we should consider it as a more positive and normative resource.

Martin's definition of vulnerability (Martin *et al.* 2014) is specifically based on the possession of interests, and not on needs as has sometimes been proposed (Goodin 1985; Rogers, Mackenzie, Dodds 2012): 'Sally needs X' suggests that X is a valuable end. What seems to be important for the person in need is to achieve this valuable end, and not the need *per se*. Therefore, a definition of vulnerability that focuses directly on these ends is superior

develops the claim that ignorance of vulnerability is produced through the pursuit of an ideal of invulnerability that involves both ethical and epistemological closure. The ignorance of vulnerability that is a prerequisite for such invulnerability is, she contends, a pervasive form of ignorance that underlies and grounds other oppressive forms of ignorance. Following this argument, invulnerability has social utility because we understand vulnerability in the conventional manner described above that collapses all forms of vulnerability into one negative conception and equates vulnerability as susceptibility to harm with weakness, dependency, powerlessness, and defect. If to be vulnerable is to be weak and subject to harm, then to be invulnerable is the only way to be strong and competent. Thus, ignorance of vulnerability is produced precisely because, though we do know and experience our own vulnerability in some sense, we disavow it as formative. Acknowledging it, we assume, will hinder achieving our goals in a world that values the trappings of invulnerability.

to need-based accounts which only indirectly address the ends in question (Schuppert 2013). This is the case for Martin's definition of vulnerability based on welfare and agency interests. Of course – he states – we have basic biological needs. However, more importantly, we have interests relative to these basic needs: we have an interest in having these needs satisfied. As Martin argues (Martin *et al.* 2014), the general vulnerability of living beings rests on their having certain types of interests. If someone has power over the fulfilment or frustration of these interests, he or she also has the duty to take them into just consideration. Those who are more likely not to have their interests fairly taken into consideration should be afforded special protective measures in order to receive what is due to everyone, but what they are likely to fail to receive.

This approach therefore links vulnerability to the possession of welfare and agency interests and allows the identification of particularly vulnerable individuals in some public contexts. The advantages of this definition of vulnerability are manifold:

- it accounts for the intuition that vulnerability is an irreducible part of human life, showing that vulnerability can and should primarily be prevented from manifestation, when not being reduced, eliminated or diminished, as has sometimes been proposed (Kottow 2003);
- given that everyone is intrinsically prone to manifesting vulnerability, this approach avoids potential stigmatizations of particularly vulnerable persons (for instance, in health care settings and ageing, where most manifestations of vulnerability are not linked to any faults in the behaviour of the person in question). Therefore, to be a particularly vulnerable person cannot be regarded as a morally problematic state. This is due to the fact that everyone may in different contexts encounter an increased likelihood of having their claims ignored or unjustly taken into consideration by the responsible moral agents. This definition accounts for the view that the same individual may be particularly vulnerable in one environment, but not in another. This is the kind of proposal that strives to be context-sensitive and thus avoid problematic labelling of the vulnerable;
- this definition could help to distinguish morally problematic from justified manifestations of vulnerability. This makes it possible to

distinguish those manifestations of vulnerability that should be prevented from the ones that cannot. Simultaneously, it can explain and justify why particularly vulnerable persons in some contexts should receive special protective measures.

To summarise Martin's argument on vulnerability, we can say that vulnerable beings are individuals with:

- welfare interests;
- preference interests;
- agency interests.

All these interests may be frustrated by the individuals themselves or by external circumstances or other living beings. The first reason why individuals can be considered vulnerable lies in the fact that they have interests that concern their welfare. These are called 'welfare interests'. They have the form 'X is in the interest of A'; 'X would be a benefit to A'; or 'X would make a contribution to A's well-being' (Regan 2004, 87-88). For example: 'It is in the interest of Sara to receive antibiotics if she suffers from pneumonia'. Welfare interests are to be distinguished from preference interests ('A has an interest in X', such as: 'Sally is interested in ice cream, desires an ice cream'). We should think of agency interests as the sum of the first two.

The satisfaction of welfare interests seems to be more fundamental than the satisfaction of preference interests. In order to enable flourishing, some basic conditions must be met. The welfare interests of the individuals in question must be satisfied. Without them, they lack the precondition of a fulfilling life: "In other words, certain conditions are necessary; certain basic requirements must be met, if an individual who *can* live well is to have a realistic chance of doing so" (*ibidem*, 88).

The satisfaction of some preference interests may not be fundamental to one's overall flourishing, while fulfilling someone's welfare interests necessarily is beneficial to the individual in question: while the welfare of individuals involves the harmonious satisfaction of their desires or preferences, there is no guarantee that the satisfaction of each and every desire, on each and every occasion it makes itself known, will contribute to their welfare or be in their interest (*ibidem*, 91).

Thus, what matters in a first step for a definition of vulnerability is the possession of welfare interests, not preference interests. If welfare interests are frustrated or not satisfied, the individual is harmed. By harm, Martin means

being physically or mentally adversely affected. This may, for instance, be due to undesired physical or psychological stress. One's welfare thus does not solely depend on one's physical condition: it can also be diminished by events that only have an impact on one's mental sphere, such as distress.

The second reason why some individuals can be ascribed as vulnerable lies in the fact that they have agency interests. These are individual values, principles and beliefs which the individuals in question pursue and which may form the subject of setbacks, or, in Sen's terms, "a person's agency aspect cannot be understood without taking note of his or her aims, objectives, allegiances, obligations, and – in a broad sense – the person's conception of the good" (Sen 1985, 203).

Agency interests are thus values, preferences, principles, and goals determined by the individuals themselves. They consciously or unconsciously adhere to them and wish to protect them and the freedom of choice they entail. The frustration of some agency interests may simultaneously result in the frustration of welfare interests. For instance, being coerced or unduly insulted may cause severe mental stress. Thus, there is some area of overlap between welfare and agency interests.

However, frustrating someone's agency interests need not necessarily result in a diminution of welfare and consequently harm as formerly defined. It may even be the case that acting against someone's personal values strongly increases the welfare of this person. Nevertheless, such action may be morally problematic. An example is provided by forced blood transfusion for Jehovah's Witnesses, which may be considered as significantly increasing the welfare of the patient. It does not result in any measurable harm. Nevertheless, it still consists in a wrong, since it does not respect the patient's autonomous decision-making (Panico, Jenq, Brewster 2011).

As this last reason for vulnerability ascription suggests, three circumstances of manifestation of vulnerability can be distinguished: manifestations may be caused accidentally or voluntarily by the person him- or herself, by avoidable or unavoidable mishaps, such as natural catastrophes or accidents, or by other living beings – moral agents or patients.

Some manifestations of vulnerability cannot be prevented. Accidental injury during habitual occupations, a natural catastrophe, or an attack by someone who is not responsible for his or her actions diminish welfare and result in harm. However, if nobody has the power and ability to prevent these events, they cannot be considered as wrongful harm. Wrong presupposes a moral agent who has the power over the frustration or satisfaction of the in-

terests in question. Thus, two conditions need to be fulfilled for an action to qualify as a wrong: it has to be an act or omission that is directly or indirectly caused by a moral agent; furthermore, it is regarded as morally objectionable insofar as it cannot be justified at all. Hence, if anyone has power over the fulfilment of the agency and welfare interests of others, he or she also has the duty to take them into impartial consideration. In this case, we are no longer talking merely of interests but of the claims a person has.

For a person P to have a claim means being entitled to a “fair hearing and consideration” (Feinberg 1970); that is, to have his or her case taken into just consideration by responsible agents. The fair consideration of the interests at stake is morally binding: failure to take them into fair account is blameworthy. How can we decide which kind of claims have priority? Those in charge must have the duty to take claims related to welfare and agency interests into impartial consideration. In order to simplify this requirement, in the case of health care professionals and mostly of the elderly they can rely on ethical principles that are commonly accepted in health care ethics, such as non-maleficence impartiality, confidentiality, and respect for autonomy. Such principles protect the welfare and agency interests of patients and ought to guarantee impartial treatment.

8. CONCLUSION. THE CASE OF AGEING: TO EMPOWER OR TO PROTECT?

The Barcelona Report identifies a truth when it deems the idea of vulnerability as both “the possibility and necessity” of every moral life. The vulnerable subject is a key to understanding the nature of the interplay between human agency and structural constraints, social policies and political debates. As Bagnoli states (in Straehle 2017), we cannot understand human rational agency without taking into consideration the fact of vulnerability: “vulnerability gives practical reasoning a point”, she says, in that it situates the self within a context of others to whom individuals have to define and identify themselves. In this view, there is no necessary tension between ‘the individual aspiration to autonomy and the unavoidable fact of vulnerability’ (*ibidem*, 22). And finally we could use the lens of vulnerability to further illuminate how institutional arrangements and support services might strengthen human agency.

Age – as we know – should make a difference in health care entitlement. Any definition of particularly vulnerable individuals in need of special pro-

tection needs to be embedded into a larger understanding of vulnerability, that is, vulnerability as a permanent intrinsic property of all beings with certain types of interest, but with different likelihoods of manifestation. Importantly, obligations towards vulnerable individuals in my view are not founded in vulnerability itself, as already mentioned and as is sometimes argued (Goodin 1985; Thomasma *et al.* 2001; Rogers, Mackenzie, Dodds 2012). The general vulnerability of individuals neither directly generates moral obligations, nor is it the source of moral obligation: general vulnerability is one reason amongst others why we should treat other beings in a certain way. But it does not as such ground any direct obligation. Moral obligations stem from moral principles which vary in different moral theories, and not from the fact that we are vulnerable beings. Vulnerability is therefore one of the reasons why we need morality, but in general not the source of moral obligations. Erin Gilson (Gilson 2011) has tried to articulate a non-dualistic concept of vulnerability: she maintains that there is a more fundamental understanding of vulnerability, the 'primary human vulnerability' to which Butler (2004, 28) refers, that gets lost in the solely 'negative' definition. On this account, vulnerability is a basic kind of openness to being affected and affecting in both positive and negative ways, which can take diverse forms in different social situations (for example, bodily, psychological, economic, emotional, and legal vulnerabilities). This conception can be distinguished from the implicitly presumed conception in two ways. First, it refers to a primary and fundamental common condition rather than to a condition that is transient and concerns only some individuals and not others. Second, given this level of applicability, vulnerability is conceived in more ambivalent terms rather than as an essentially negative state tantamount to harm; when it comes to both the forms it takes and the ways it is experienced, vulnerability is finally neither inherently negative nor positive.

This approach explains and justifies why, in particular, individuals in health care should be afforded special protection and attention: vulnerability in general is an action-guiding concept. It exists because we have welfare and agency interests which can be frustrated. But it is the moral importance of these interests, rather than vulnerability itself, which grounds moral obligations. Vulnerability is thus one indicator, amongst others, that we and our interests should be treated respectfully, impartially and justly. Particularly vulnerable individuals are those, such as the elderly, who are more likely not to have their welfare and agency interests fairly taken into consideration.

They are in need of additional attention and special protection in order to be afforded what is due to everyone, but what they may well fail to receive (Hurst 2008). This will reduce or cancel their risk of being wronged. In this way, we can consider the possibility that people's vulnerability is regarded as scalar, and, according to circumstances, more or less severe, as the potentiality of being wronged and the obligations to avoid such wrong by those people or institutions who have the power to act. In so doing, the universality and the particularity of vulnerability are made sense of in a single scalar notion.

The elderly are comparatively more likely to be subjected to unjustified manifestations of vulnerability. That is, old people have an increased risk of having their claims intentionally or unintentionally disregarded or unfairly considered. Therefore, they are more likely to incur wrongful harm or mere wrongs. Hence, in health care, those individuals can be considered as particularly vulnerable who encounter an increased likelihood not to have their claims taken into just consideration by those responsible. To understand this, we must appreciate what it means to live with vulnerability. How do we respond to our fear of sweeping, debilitating vulnerabilities? People who are old, particularly those who reside in nursing homes or other Long-term Care facilities, are vulnerable in many ways. What does vulnerability mean for them?

When vulnerability is the result of natural causes, there is little, if any, difference between being 'vulnerable' and being 'at risk.' But there is another kind of vulnerability, more limited and more selective. It derives primarily from blocked or impeded social functioning. For that reason, it is largely the result of human causes and human creations. Some of these causes are individual: the incapacity or unwillingness of individuals to provide the information an elderly person needs or to provide it in a manner she can comprehend and retain. Some causes are cultural. Despite these differences, though, there is a crucial similarity between all these kinds of vulnerabilities. What does not come out explicitly in the dictionary definitions of 'vulnerable,' but what is most important about vulnerability, is what every vulnerable subject experiences the most: the loss of power that vulnerability imposes and signifies, and the attendant loss of control that ensues. In this sense it seems to me plausible to state that we fear vulnerability most immediately because of the particular harms we seek to avoid, but we fear vulnerability most profoundly because of the power we seek to retain.

Reframing the concept of vulnerability in a normative way means pointing out that the different ways in which vulnerability will be lived and experienced,

the ways in which we will be affected, and thus the meaning that vulnerability will have, can only, however, be understood in the light of the particularity of embodied, social experience. I believe that this conception of vulnerability is distinctive – and preferable to the understandings of human vulnerability we take for granted – both because it is simply more accurate, more in tune with our experiences, and because it is a reconsideration that avoids the problems that accompany a solely negative understanding of vulnerability. For instance, by specifying that vulnerability is a condition of potential we can depart from the conventional assumption that vulnerability is a property that characterizes only certain individuals in specific circumstances. When such an assumption is made, vulnerability is usually configured, if only implicitly, as a weakness on the part of a certain set of people rather than as a fundamental way of being that pertains to us all. A shift is made from thinking of vulnerability in terms of weakness to thinking about those who are vulnerable as weak.

Even if some concerns remain that as well as operating as a vehicle for assistance, vulnerability politics often trigger a narrowing of entitlement in favour of targeted interventions, reinforcing hierarchies of legitimacy and enhanced state power on the basis that certain citizens – such as the elderly – might not be in a position to act in the way that ‘best’ protects their interests, my aim has been to present a formal definition of vulnerability and, simultaneously, consider if it is possible to apply it to health care and for health care practitioners. The definition of vulnerability that I suggest adopting is relational and context-sensitive, in the sense that there is no list of vulnerable individuals: different subjects, disabled or vulnerable in different ways and degrees, can have their own peculiar talents and possibilities, and their own difficulties and it is important to remember that there is a scale of disability/vulnerability on which we all find ourselves. To deny vulnerability and its inherent relationality is thus also to deny the power of one’s own actions to affect others and to contribute to a culture in which the norms of the invulnerable self are those upon which so many of us model ourselves.

Vulnerability, in this relational sense, is a matter of more or less, both in respect of degree of disability and in respect of the time periods in which we are disabled or vulnerable. And at different periods of our lives we find ourselves, often unpredictably, at very different points on that scale. We will be in turn dependent or independent ‘practical reasoners’, able to have and maintain the capacity not only to have reasons but also to being able to evaluate those reasons as good or bad, and, by so doing, to change our reasons for acting and

in consequence our actions. Institutions can support us in providing all the resources for making these two distinct evaluations: ‘We need others to help us avoid encountering and falling victim to disabling conditions, but when, often inescapably, we do fall victim, either temporarily or permanently, to such conditions as those of crippling injury, debilitating disease, or psychological disorder, we need others to sustain us, to help us in obtaining needed, often scarce, resources, to help us discover what new ways forward there may be, and to stand in our place from time to time, doing on our behalf what we cannot do for ourselves’ (MacIntyre 1999). We can conclude that a theory of vulnerability in its normative form could contribute to applied ethics in two ways: first, it shows that if we simply accept the equation between vulnerability and lack of capacity for autonomous decision making, we risk committing a moral wrong by denying individuals their agency and by denying them recognition as autonomous agents. Moreover, it shows that taking vulnerability as synonymous with lack of autonomy is not only conceptually misguided and morally wrong in this first sense, but can actually lead to a second injustice – in this case, to the injustice of not having access to those treatment options that are actually tailored to the needs of the vulnerable.

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