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FROM THE RIGHT TO LIFE TO THE RIGHT TO LIVABILITY: RADICALLY RE-APPROACHING 'LIFE' IN HUMAN RIGHTS POLITICS

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Abstract: *This article critically reflects on current mainstream debate on abortion in international human rights discourse and the conception of life underpinning it. The public health focus on access to safe abortion which has dominated this discourse can be detected as committed to a fundamentally liberal idea of bounded and individual subjecthood which mirrors the commitments of the liberal right to life more generally. However, feminist challenges to this frame seeking to advance wider access to reproductive freedoms appear equally underpinned by a liberal conception of life. It is asserted that feminists may offer a more radical challenge to the current impasse in international debate on abortion by engaging with the concept of livability which foregrounds life as an interdependent and conditioned process. The trope of the 'right to livability' developed in this article presents a means to reposition the relation between rights and life and facilitate such radical engagement which better attends to the socio-political conditions shaping our interdependent living and being.*

1.0 INTRODUCTION

The concept of 'life' is one of the most fundamental ideas threading through the international human rights corpus. It is specifically enshrined in the right to life, which is not only the cardinal human right from which all other rights proceed, but also interpellates the 'human' subject.¹ Traditionally the approach to life taken in human rights discourse has been a firmly liberal one, foregrounding an individualised and possessive subject. Such a conception of life is central in shaping politico-legal debate at the international level and what the discourse and practice of rights can be used to achieve in relation to our living and being together. One area demonstrating this is international debate on the issue of abortion. Following the traditional, liberal approach to life, mainstream debate on abortion in international human rights discourse has been shaped by a public health frame which promotes access to safe abortion to prevent maternal morbidity and mortality. This frame serves to foreground an atomised, bounded subject at the expense of considering reproductive relations and freedoms in a more interdependent and complex context. Feminist challenges to this frame advancing wider access to abortion provision based upon discourses such as 'choice' have been largely unsuccessful in rendering a shift in this debate. Feminists have reached this impasse because they, like the wider public health frame they seek to challenge, also rely upon a claim about human life that obscures the fragility and interdependence characterising the human condition.

In this article I consider how a differing conception of life may be imagined in human rights discourse, specifically in the area of reproductive freedoms. I assert that feminists

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¹ Nowak Manfred *UN Covenant on Civil and Political Rights: CCPR Commentary* Engel Kehl 1993 p 121.

interested in advancing reproductive rights at the level of international human rights may do so in a more radical way by looking to the idea of livability.² This is a concept which stems from the work of Judith Butler³ and advances an alternative approach to life as an interdependent and conditioned process, displacing the bounded, liberal subject. By turning to concerns of livability feminists will not only be working with an ontology that captures a more nuanced view of human life and the power that shapes it, but will be engaging in a more radical politics which holds potential to meaningfully challenge the foundations of current debate. Such an approach would disrupt concepts of bounded individualism limiting what can be said and done using the discourse and practice of rights, and holds potential for rights to be of use in facilitating more radical encounters with life which may be of interest to leftist politics.

Butler's discussion of livability⁴ intersects with many concerns faced by feminists engaging with reproductive rights and its present impasse. I seek to build upon these intersections by bringing the concept of livability into dialogue with the practice and discourse of rights. I assert that an alternative feminist approach to life in international human rights debate on abortion can be worked towards through engaging in the practice of what I term the 'right to livability'. This trope restages the relation between rights and life beyond what is currently possible in the traditional, liberal right to life and its associated discourse through seeking to *enforce* the egalitarian social obligations which exist towards human life, but also to *challenge* current distributions of livability and precarity. The right to livability, a right which comes into being only through its practice, retains the utility of rights for feminist work but places their practice on a new ontological footing which holds more radical potential to speak to our living and being together in the context of precarious, interdependent life.

2.0 INTERNATIONAL HUMAN RIGHTS DEBATE ON ABORTION AND ITS UNDERPINNINGS

In order to consider how feminist activism in the area of reproductive rights may advance through recourse to a proposed right to livability, we must consider the current landscape within which mainstream human rights engagement with abortion takes place, and the current liberal discourse on life characterising such engagement. International human rights discourse has generally avoided asserting a strong, or unified, position on abortion. Accordingly, an internationally recognised 'right to abortion' does not exist.⁵ Even the Convention on the Elimination of All Forms of Discrimination Against Women does not explicitly recognise abortion in its text. So how has abortion come to be engaged at the level of international human rights? How can a

² My use of 'radical politics' in this article refers to a form of leftist politics which involves a profound challenge to existing relations of power using a range of post-Marxist and poststructuralist resources. Since present discussion is drawing upon the work of Judith Butler, this understanding parallels the use of 'radical' in her work also. See, for example, Butler Judith *Undoing Gender* Routledge New York & London 2004 p 105-106 and p 129-130.

³ Butler Judith *Gender Trouble: Feminism and the Subversion of Identity* Routledge New York; London 1999; Butler Judith *Precarious Life: The Powers of Mourning and Violence* 2nd ed Verso London 2006; Butler Judith *Frames of War: When is Life Grievable?* Verso London 2009.

⁴ Butler *Precarious* as above at 19-49; Butler *Frames* as above at 1-32; Butler above note 2 at 2-16.

⁵ While the 2003 Protocol to the African Charter on Human and People's Rights significantly included protection of women's access to abortion, such provision is unparalleled in other regional systems and in the UN system itself. For further discussion on the African Protocol see Ngwenya Charles 'Inscribing Abortion as a Human Right: Significance of the Protocol on the Rights of Women in Africa' (2010) 32 4 *Human Rights Quarterly* 783.

liberal conception of life be observed to underpin debate and discussion in this area? Moreover, at what point can the theoretical tool of livability productively intervene?

Attention to reproductive issues within international human rights can be traced to the 1968 International Human Rights Conference in Teheran where it was officially declared that 'couples have a basic human right to decide freely and responsibly on the number and spacing of their children and a right to adequate education and information in this respect'.⁶ This assertion was built upon in two World Population Conferences held in Bucharest (1974) and Mexico (1984). The concept of 'reproductive rights' gradually emerged as a set of rights related to the ability to decide on the number and spacing of children, including rights to access birth control, to effective information and sex education, to adequate reproductive health care, to make decisions on childbirth, to refuse any unwanted medical procedure, and to terminate a pregnancy.⁷ However, during this time reproductive rights were being promoted by two very different international movements; the women's rights movement, focusing on reproductive freedom as central to challenging restrictive sex/gender roles, and the population movement, which tied issues of reproduction to development concerns as opposed to empowerment for women.⁸ From 1975 the international women's movement gained momentum and feminist participants in the 1984 Mexico Conference sought to strongly assert a right to reproductive freedom grounded firmly in notions of bodily autonomy as opposed to development or population control.⁹

This trend continued and in the 1990s feminist activism to further entrench attention to reproductive issues within human rights discourse formed part of the 'Women's Rights as Human Rights' movement.¹⁰ Significant during this time was the 1994 Cairo Conference on Population and Development. This conference, described as effecting a 'paradigm shift' in relation to reproductive rights,¹¹ lay the foundation for the approach human rights engagement with abortion, and the issue of life in relation to this, would subsequently take. The Cairo Programme of Action was forged from two years of local, national, regional and international preparatory meetings involving feminist groups, health professionals, development economists, demographers, environmentalists, faith

⁶ United Nations 'Resolution XVIII: Human Rights Aspects of Family Planning, Final Act of the Teheran International Conference on Human Rights' (1968) UN Doc. A/CONF. 32/41 p 15.

⁷ Sifris Ronli *Reproductive Freedom, Torture and International Human Rights: Challenging the Masculinisation of Torture* Routledge London 2014 p 5; Cook Rebecca 'International Protection of Women's Reproductive Rights' (1992) 24 2 *New York University Journal of International Law and Politics* 645 at 653; Miller Alice and Roseman Mindy 'Sexual and Reproductive Rights at the United Nations: Frustration or Fulfilment?' (2011) 19 38 *Reproductive Health Matters* 102 at 104.

⁸ Freedman Lynn and Isaacs Stephen 'Human Rights and Reproductive Choice' (1993) 24 1 *Studies in Family Planning* 18 at 21.

⁹ As above at 23.

¹⁰ Miller and Roseman above note 7 at 106; Cook Rebecca 'International Human Rights and Women's Reproductive Health' (1993) 24 2 *Studies in Family Planning* 73 at 75-76; Nowicka Wanda 'Sexual and Reproductive Rights and the Human Rights Agenda: Controversial and Contested' (2011) 19 38 *Reproductive Health Matters* 119 at 119-120.

¹¹ Roseman Mindy and Reichenbach Laura 'The Global Reproductive Health and Rights Agenda: Opportunities and Challenges for the Future' in Reichenbach Laura and Roseman Mindy (eds) *Reproductive Health and Human Rights: The Way Forward* University of Pennsylvania Press Philadelphia 2009 p 3 at 4.

communities, donors and governments.¹² The product of this dialogue was a 'radically different approach' acknowledging that population concerns could not be separated from other economic and social agendas, in particular the need for women's empowerment.¹³

However, one exception to the radical significance of the new discourse emerging from Cairo was the outcome on abortion.¹⁴ During the 1990s abortion was increasingly being discussed at the international level as a significant public health concern, given the high levels of maternal mortality and morbidity arising from unsafe and clandestine abortions.¹⁵ The only consensus which could be reached on abortion at Cairo was an affirmation that where abortion is legal such abortion should be safe, and where illegal women should not die or face morbidity because of illegal or unsafe abortion.¹⁶ The wider issue of wholesale legalisation was rejected in favour of this public health frame. Thus, while the Cairo Conference put abortion on the public agenda in an unprecedented way, this was firmly in the sense of a public health problem of unsafe abortion.

The public health frame has since gained wide traction in Treaty Monitoring Bodies, International Courts and other international human rights fora.¹⁷ Undoubtedly it has produced benefits feminist activists and commentators can applaud, both practically and in terms of the theoretical development of human rights discourse. For example, Joanna Erdman discusses the safe abortion interventions which a public health focus has facilitated, including provision of safer-use information on medical abortion to prevent the use of more dangerous methods.¹⁸ Theoretically, the public health frame has also aided in feminist development of rights, the right to life in particular. The focus on safe abortion and use of the right to life in prevention of maternal mortality has contributed to the reworking of the traditionally narrow liberal conception of this right as restricted mainly to situations involving capital punishment.¹⁹ Through the public health frame feminists have been able to reveal the gendered nature of this right and rework it in new ways.

However, the public health frame represents a compromise, which from the outset makes it a less than radical means for advancing feminist positions in relation to reproductive rights. Beyond this, the frame has other problematic elements which bolster arguments for its contemporary debunking. Despite the opportunity for

¹² Roseman and Reichenbach as above at 4-5; Corrêa Sonia, Germain Adrienne and Petchesky Rosalind 'Thinking beyond ICPD+10: Where Should Our Movement Be Going?' (2005) 13 25 *Reproductive Health Matters* 109 at 110.

¹³ Roseman and Reichenbach above note 11 at 4.

¹⁴ Berer Marge 'The Cairo "Compromise" on Abortion and Its Consequences for Making Abortion Safe and Legal' in Reichenbach Laura and Roseman Mindy (eds) *Reproductive Health and Human Rights: The Way Forward* University of Pennsylvania Press Philadelphia 2009 p 152 at 152.

¹⁵ Cook above note 10 at 73; Zampas Christina and Gher Jamie 'Abortion as a Human Right – International and Regional Standards' (2008) 8 2 *Human Rights Law Review* 249 at 252.

¹⁶ Berer above note 14 at 152; Miller and Roseman above note 7 at 104.

¹⁷ Erdman Joanna, 'Abortion in International Human Rights Law' in Rowlands Sam (ed) *Abortion Care* Cambridge University Press Cambridge 2014 p 244.

¹⁸ As above at 246.

¹⁹ Cook above note 10 at 79; Bogecho Dina 'Putting it to Good Use: The International Covenant on Civil and Political Rights and Women's Rights to Reproductive Health' (2004) 13 2 *Southern California Review of Law and Women's Studies* 229 at 244.

developing the right to life provided by the public health frame, these problems are linked to the close imbrication of the aim of ensuring safe abortion to prevent maternal mortality and morbidity and a liberal approach to life embodied in the traditional liberal right to life. While extending the right to life to speak to women's reproductive concerns, the public health frame has simultaneously maintained and bolstered this right's liberal conception of the subject.²⁰

For example, the public health frame's focus on ensuring *safe* access to abortion has perpetuated a narrow approach to the concept of 'life', restricting the discussion which human rights can initiate to the physical protection of women's lives as opposed to placing abortion access in a wider community context of gender and reproductive relations. This is evidenced in Treaty Monitoring Body work such as General Comment 28 of the Human Rights Committee. This Comment outlines that when reporting on the right to life states should provide information on 'any measures taken to help women prevent unwanted pregnancies'.²¹ However, a wide interpretation of what this may mean is somewhat restricted by the end of this statement which reads 'and to ensure that they do not have to undertake life-threatening clandestine abortions',²² prioritising the protection of bounded physical life. In its Concluding Observations the Committee has similarly stressed illegal and clandestine abortions and their links to high rates of maternal mortality and morbidity,²³ as have other Treaty Monitoring Bodies.²⁴ While the Committee has made efforts to highlight mental well-being in relation to abortion access,²⁵ the dominant focus on illegal and clandestine abortions nevertheless characterises abortion access as being about the protection of life and health as possessions of an atomised individual. Human vulnerability in this view is perceived as a problem to be solved by human rights rather than, as Illan rua Wall describes it, an inherent and immutable wound which quintessentially exposes being,²⁶ and directs us to wider interdependent relations. In this respect the public health frame bolsters what

²⁰ See Wicks Elizabeth *The Right to Life and Conflicting Interests* Oxford University Press Oxford 2010.

²¹ UN Human Rights Committee 'General Comment 28, Equality of Rights Between Men and Women (Article 3)' (2000) UN Doc. CCPR/C/21/Rev.1/Add.10 at para 10.

²² As above.

²³ UN Human Rights Committee, 'Concluding Observations Regarding Colombia' (1 April 1997) CCPR/C/79/Add.76 at para 24; 'Concluding Observations Regarding Ecuador' (18 August 1998) CCPR/C/79/Add.92 at para 11; 'Concluding Observations Regarding Poland' (29 July 1999) CCPR/C/79/Add.110 at para 11 'Concluding Observations Regarding Guatemala' (27 August 2001) CCPR/CO/72/GTM at para 19; and 'Concluding Observations Regarding Mali' (16 April 2003) CCPR/CO/77/MLI at para 14.

²⁴ UN Committee on the Elimination of All Forms of Discrimination Against Women 'Concluding Observations Regarding Azerbaijan' (14 May 1998) A/53/38/Rev.1 at para. 73; 'Concluding Observations Regarding Belize' (1 July 1999) A/54/38 at para 56; and 'Concluding Observations Regarding Nicaragua' (31 July 2001) A/56/38 at para 300-1. UN Committee on the Rights of the Child 'Concluding Observations Regarding Chad' (24 August 1999) CRC/C/15/Add.107 at para 30; 'Concluding Observations Regarding Colombia' (16 October 2000) CRC/C/15/Add.137 at para 48; and 'Concluding Observations Regarding Guatemala' (9 July 2001) CRC/C/15/Add.154 at para 40. UN Committee on Economic, Social and Cultural Rights 'Concluding Observations Regarding Nepal' (24 September 2001) E/C.12/1/Add.66 at para 55; and 'Concluding Observations Regarding Poland' (19 December 2002) E/C.12/1/Add.82 at para 51.

²⁵ *KL v Peru* (1153/2003) CCPR/C/85/D/1153/2003 (2005); 13 IHRR 355 (2006).

²⁶ Wall Illan rua 'On Pain and the Sense of Human Rights' (2008) 29 *Australian Feminist Law Journal* 53 at 67.

Wall sees as ‘human rights set[ting] itself up as that which is to prevent suffering, or in the most legal of manners, that which provides a “remedy” for suffering’.²⁷

The problematic liberal conception of life which the public health frame bolsters can also be detected in the frame’s emphasis on the relation between individual life and the state. In recent decades an array of litigation adjudicating on safe and legal access to abortion as a public health issue has proliferated within the UN, Inter-American and European systems.²⁸ This body of case law has focused on scrutiny of state implementation of abortion law, the standards and regulations of abortion access and official discretion to deny or obstruct access to lawful abortion services.²⁹ The result is a technical focus on the healthcare obligations of a state to its citizens and a reinforcement of the strict vertical remit of human rights. This scrutiny is no doubt valuable, and human rights are indeed intended to protect individual lives in relation to the state. But this approach forecloses a wider consideration of human lives in interdependent relations by foregrounding the individual-state relation as of primary importance.³⁰ The public health frame’s dominant focus on this relation distracts from a potentially wider use of rights to discuss reproductive relations more generally and to consider the issue of abortion in a more socio-political way beyond the relation between the bounded individual, her life and health, and the state alone.

Given these problems, how have feminist activists and commentators responded to the public health frame? Sonia Corrêa, Adrienne Germain and Rosalind Petchesky note that the ambivalence and gaps in accords such as the Cairo Programme for Action are the result of political conditions at the time and that the feminist movement in 1994 lacked the strength to address access to abortion as a human rights issue in and of itself. As such, the result of Cairo and the subsequent strategy of advancing access to safe abortion as a public health issue were, for Corrêa, Germain and Petchesky, the best outcomes which could be achieved.³¹ However, in the two decades since Cairo, feminist insistence on the importance of access to abortion on wider socio-economic grounds still has not enjoyed mainstream attention. Thus, contemporary feminist engagement with rights and reproductive freedoms continues to focus on widening the remit of the public health frame in the contemporary landscape.³²

One recent example of such engagement took place in March 2014, leading up to the 20-year review of the Cairo Programme of Action, when feminist and women’s organisations drafted and called for a signing of the Airlie Declaration for Safe Legal

²⁷ As above.

²⁸ Erdman above note 17 at 249.

²⁹ See for example, *LMR v Argentina* Communication (2011) No 1608/2007 UN Doc. CCPR/C/101/D/1608/2007 (Human Rights Committee); *X and XX v Colombia* MC-270/09 Inter-Am C.H.R. (2011); *Pauline Ramirez v Mexico* Case 161-02 Report no. 21/07 Inter-Am C.H.R. Friendly Settlement (2007); *A, B and C v Ireland* (2010) (App No 25579/05) 53 EHRR 13 (European Court of Human Rights); *Tysiac v Poland* (2007) (App No 5410/03) 45 EHRR 42 (European Court of Human Rights); *R. R. v Poland* (2011) (App No 27617/040) 53 EHRR 31 (European Court of Human Rights); *P. and S. v Poland* (2012) (App No 57375/08) (European Court of Human Rights).

³⁰ For an alternative reading see Timmer Alexandra ‘A Quiet Revolution: Vulnerability in the European Court of Human Rights’ in Fineman Martha Albertson and Gear Anna (eds) *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics* Ashgate Farnham 2013 p 147 at 156.

³¹ Corrêa, Germain and Petchesky above note 12 at 110-111. See also Berer above note 14 at 162; Miller and Roseman above note 7 at 102.

³² Zampas and Gher above note 15 at 255.

Abortion. Ipas, one organisation sponsoring the Declaration, described the move as aiming to 'repeal criminal abortion laws, ensure universal access to services' and address the slow progress since Cairo.³³ The discourse of this challenge to the public health frame was grounded firmly within the language of choice, the Declaration opening with the statement that 'we believe in a world where every woman and girl has the right to make decisions about her body, her health and her future'. While Ipas report some success in pursuing this message among delegates to the 47th session of the United Nations Commission on Population and Development in April 2014,³⁴ the report from the session does not reflect a move beyond the Cairo position.³⁵ This recent example demonstrates the impasse that feminist activists appear to be stuck in regarding advancement of wide access to abortion and human rights both in terms of the difficulty of moving beyond the public health frame, but also the impotency of current feminist approaches in radically troubling debate in this area.

While advancing wider access to abortion on grounds of equality or choice may challenge the public health frame, to date none of these resources have been successful in moving beyond it. As Fiona Jenkins elaborates, such movements focusing on the discourse of 'choice' are 'no less inscribed in a social field of hetero-normative assumptions... although they may be "progressive" relative to conservative views, [they] are hardly radically *transformative* of social and sexual fields of recognition and power'.³⁶ Indeed, such ideas are often as equally mired in the liberal frames they seek to trouble, precluding deeper challenge to prevailing discourse.³⁷ Feminist attempts to move beyond the public health frame using such concepts often appear equally underpinned by a bounded, sovereign subject familiar from the traditional right to life threading through the public health frame. This underpinning means feminist attempts to move beyond the discourse of public health still misunderstand and obscure the interdependency characterising the human condition, rendering wider radical social transformation in relation to discourses of life, gender and reproductive relations impossible.³⁸

Is it possible to stage a deeper, more radical feminist challenge to the current parameters of debate on abortion in international human rights discourse by advancing an alternative conception of living and being, our lives together and where reproductive freedoms may figure in this? This would involve a move even more radical than translation of the right to life to speak to gendered concerns and power relations previously invisible. It would involve a fundamental troubling of what human rights can do and say in relation to human life, moving beyond the basic conception of bounded life, dislodging the liberal subject advanced in the cardinal right to life and envisaging life

³³ Ipas Website <http://www.ipas.org/en/News/2014/March/Global-leaders-sign-global-declaration-for-safe-legal-abortion.aspx> Accessed 12 February 2015.

³⁴ Ipas Website <http://www.ipas.org/en/News/2014/April/Governments-gathered-at-the-United-Nations-call-for-access-to-safe-abortion-and-new-efforts.aspx> Accessed 12 February 2015.

³⁵ Commission on Population and Development 'Report on the Forty-Seventh Session (26th April 2013 and 7-11 April 2014)' E/2014/25-E/CN.9/2014/7 at para 12

³⁶ Jenkins Fiona 'Queering Foetal Life: Between Butler and Berlant' (2009) 30 1 *Australian Feminist Law Journal* 63 at 72 (emphasis in original).

³⁷ McNeilly Kathryn 'Gendered Violence and International Human Rights: Thinking Non-discrimination Beyond the Sex Binary' (2014) 22 3 *Feminist Legal Studies* 263 at 271-273.

³⁸ For previous feminist critique of the right to choose and the individualism it advances see, for example, Petchesky Rosalind 'Reproductive Freedom: Beyond "A Woman's Right to Choose"' (1980) 5 4 *Signs* 661.

as it relates to issues such as reproduction, gender and being together in a way which starts with the inherent vulnerability and interdependency of human life.

A significant body of scholarship has challenged the possessive individualism of liberal rights and their grounding in a bounded subject and a solution-focused approach to human vulnerability which obscures life's wider interdependency. For example, Bryan Turner and Peadar Kirby have both considered vulnerability and discourses of rights and globalisation.³⁹ Within a feminist framework, Martha Fineman and Anna Grear have problematised the traditional assumptions of human rights by using Fineman's theory of vulnerability which critiques the 'autonomous' subject of liberal law and politics and the structural arrangements they support, and Grear's theorisation of 'embodied vulnerability' as a foundation of international human rights subjectivity.⁴⁰ For Fineman and Grear, vulnerability 'positions individuals in relation to each other as human beings and also suggests an appropriate relationship of shared responsibility as between state, societal institutions and individuals'.⁴¹

However, in the present discussion seeking to offer feminists more radical means to move beyond the current impasse characterising debate on abortion within international human rights discourse I would like to turn to the works of Judith Butler. Butler also fundamentally opposes liberal forms of bounded, possessive subjectivity, instead viewing all life as inherently vulnerable and interdependent.⁴² It is Butler's concept of livability within this conception of human life which I believe is most useful to feminists working on reproductive freedoms, intersecting with the concerns the current international debate on abortion poses for contemporary feminist work. More than this, when placed in conversation with the discourse and practice of rights, the concept of livability provides the starting point for a vision of feminist interventions which go beyond the liberal subject and allow for a repositioning of the relation between rights and life in such interventions via a trope I am calling 'the right to livability'.

3.0 THE LIVABILITY FRAMEWORK

3.1 The Concept of Livability

While livability is a concept only explicitly engaged in Butler's work since the early 2000s, commentators have characterised all of Butler's corpus as centred around the concern of 'how can we have more livable and viable lives?'⁴³ A concern with livability stems from Butler's view of life as precarious – 'lives are by definition precarious: they can be expunged at will or by accident; their persistence is in no sense guaranteed'.⁴⁴ In

³⁹ Turner Bryan *Vulnerability and Human Rights* Pennsylvania State University Pennsylvania 2006; Kirby Peadar 'Vulnerability and Globalisation: Mediating Impacts on Society' (2011) 2 1 *Journal of Human Rights and the Environment* 86.

⁴⁰ Fineman Martha Albertson and Grear Anna (eds) *Vulnerability: Reflections on a New Ethical Foundation for Law and Politics* Ashgate Farnham 2013. See also Fineman Martha Albertson 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) 20 1 *Yale Journal of Law and Feminism* 1.

⁴¹ Fineman and Grear as above at 3.

⁴² Butler Judith *The Psychic Life of Power: Theories in Subjection* Stanford University Press Stanford 1997 p 8; Butler *Precarious Life* above note 3 at 26-29.

⁴³ Loizidou Elena 'Butler and Life: Law, Sovereignty, Power' in Carver Terrell and Chambers Samuel (eds) *Judith Butler's Precarious Politics* Routledge New York 2008 p 145 at 145; Lloyd Moya *Judith Butler: From Norms to Politics* Polity Cambridge 2007 p 134.

⁴⁴ Butler *Frames* above note 3 at 25.

contrast to the liberal perception of life detectable in the traditional right to life and the public health frame above, precariousness implies 'living socially, the fact that one's life is always in some sense in the hands of the other. It implies exposure both to those we know and to those we do not know; a dependency on people we know, or barely know, or know not at all'.⁴⁵ This state of precariousness is an inherent and ineradicable part of human nature; all are defined by the possibility of destruction and injury.

However, precariousness is not simply an existential condition of individuals; it is a *social* condition from which clear political demands and principles emerge.⁴⁶ Social and political organisations and other institutions have developed to maximise precariousness for some and minimise it for others.⁴⁷ So while all life is equally defined by precariousness, not all lives are equally precarious. The state of enhanced precariousness produced by the operation of power is what Butler terms 'precarity'; the 'politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death'.⁴⁸ Experiences of precarity impose certain obligations upon us – to ask about the conditions under which it becomes possible to apprehend a life as precarious and to consider ways in which precarity can be reduced so that the highest possible persistence and flourishing of life in its precariousness may be promoted.

To meaningfully work towards and consider the flourishing of human life in such contexts a new ontology is required. Engaging with the ineradicable condition of precariousness involves disavowing a focus on individualism and the protection of life in and of itself and draws attention to the *conditions which maintain life*, those conditions which enhance or reduce precariousness. It is in considering the conditions of life - what kinds of conditions need to be promoted to enhance the flourishing and persistence of life - that the question of livability arises and that a departure from liberal conceptions of life may be pursued. 'Livability' emerges as the ability to sustain a viable life in conditions of inherent precariousness and the socio-political operation of precarity. The possibility of a livable life takes place within the realm of basic socio-economic conditions of physical persistence but also within the realm of intelligibility; of who within contingent socio-political landscapes is recognisable as a subject capable of living a life that counts.⁴⁹

The concept of livability has been engaged in various ways by Butler to stage critical interventions in relation to socio-political discourses on life – for example, in relation to immigrant populations, Palestinian lives and lesbian, gay, bisexual and transgender lives. Less prominent, however, is the way in which Butler directly utilises the idea of livability to radically challenge how the concept of 'life' is thought in relation to abortion. While by no means asserting a fully formed or fixed approach to political debate on abortion, this direct engagement can be thought as a starting point capable of development to signpost an alternative feminist approach to theorising and engaging politically with this issue. This is one that supports an alternative role for 'life' but also, I believe, in its development can support an alternative role for rights, and the relation between the two, in this debate.

⁴⁵ Butler *Frames* above note 3 at 14.

⁴⁶ Butler *Frames* above note 3 at xxv.

⁴⁷ Butler *Frames* above note 3 at 2-3.

⁴⁸ Butler *Frames* above note 3 at 25.

⁴⁹ Butler above note 2 at 39.

3.2 Livability and 'Life' in Debate on Abortion

Direct engagement with abortion using livability's reframing of 'life' arises mainly in Butler's essay 'The Question of Social Transformation', published as part of *Undoing Gender*,⁵⁰ and in the introductory chapter to *Frames of War*.⁵¹ In these discussions the livability framework advances a move beyond focus of the abortion debate on when life is biologically viable – and the liberal individualism which surrounds such framing of debate – and towards a more radical approach to 'life' as a conditioned process. Butler is keen to stave off misinterpretations of this concern with enhancing livable life, stating that 'some of my opponents may well argue that if one takes as a paramount value the "extension of norms that support viable life", it might follow... that the "unborn child" should be valued above all. This is not my view, and not my conclusion'.⁵² Her argument against this conclusion involves questioning the term 'life', disputing its meaning as clear, as if we know what life requires and demands. It is her assertion that the societal approach to 'life' in general, and in the abortion debate in particular, has been divorced from questions of what normative conditions must be socially fulfilled for livable life to be secured. It is Butler's aim 'to retrieve thinking about life for the left and to make use of this framework of precarious life to sustain a strong feminist position on reproductive freedoms'.⁵³

Discussion along these lines in 'The Question of Social Transformation' and *Frames of War* offers resources which may be of use to feminist activists and scholars seeking to radically disrupt the liberal discourses of life which restrict what it is possible to hear and see in relation to abortion in international human rights discourse. In both these locations Butler is keen to distinguish between life as a minimum biological condition, a possession of a liberal individual as per the public health frame and feminist responses to it based on discourses of 'choice', and a wider idea of life as a conditioned process. In addition, given the interdependent nature of life, egalitarian obligations exist to attend to these conditions.⁵⁴ Society and its institutions have positive obligations to provide the basic supports that minimise precariousness and maximise livability.⁵⁵ Thus, the considerations guiding debate on abortion following a livability approach should not rest on liberal conceptions of bounded, autonomous life but always on the conditions sustaining (gendered) life and how they may be socially fulfilled, where 'life' is something that requires these conditions in order to become livable and grievable.⁵⁶

Moreover, livability's rejection of recourse to biological individualism, and its grounding in commitments to the liberal bounded subject in favour of an attention to the precariousness of all life, renders untenable a right to life in the sense advanced by the public health frame. Not only is life a conditioned process as opposed to a possession of a bounded individual to be protected, but because all life is precarious we cannot say in advance that there is a right to life for any living thing as it is impossible to ward off all

⁵⁰ Butler above note 2 at 204-231.

⁵¹ Butler *Frames* above note 3 at 15-23. See also Butler Judith and Schneider Nathan 'A Carefully Crafted Fuck You: Nathan Schneider Interviews Judith Butler' (2010) *Guernica* n. pag.

⁵² As above.

⁵³ Butler *Frames* above note 3 at 15-16.

⁵⁴ Butler *Frames* above note 3 at 14.

⁵⁵ Butler *Frames* above note 3 at 21-22.

⁵⁶ Butler *Frames* above note 3 at 23.

possible sources and processes of degeneration and death.⁵⁷ An ontology which views individual life as capable of protection from vulnerability and injury, legal protection in particular, is one which fails to recognise that the precariousness characterising life places such individualism into question.⁵⁸ Instead of individualising subjects as rights holders whose life must be protected, we must acknowledge that ‘there is no life without the conditions of life that variably sustain life, and those conditions are pervasively social, establishing not the discrete ontology of the person, but rather the interdependency of persons’.⁵⁹ The livability framework thus encourages unpredictable and highly contextualised democratic debate on what life requires to be viable and flourishing, and on how these conditions may be worked towards in particular locations, the outcome of which can never be predicted in advance.

In thinking about what the livability framework means for contemporary feminist engagement with abortion, Jenkins outlines that a livability approach can be distinguished from the ‘metaphysical realism characteristic of Pro-Life positions’ as well as ‘the countering metaphysical positivism of many Pro-Choice positions that would directly deny humanity to the foetus’.⁶⁰ Located outside this binary, a livability approach opens up the very question of belonging, of the social conditions through which ‘life’ is produced and sustained, to critical interrogation. It is this assertion which I would like to draw out here, articulating how the livability framework may suggest an alternative feminist perspective on abortion which goes beyond the liberalism characterising both the public health frame and feminist choice-based challenges to it, and may also point towards a new role for the practice and discourse of rights in this area.

3.3 Reimagining Abortion Politics, Reimagining Rights

To summarise the ground covered so far, an approach to political engagement with abortion based on the concept of livability should stimulate a differing conceptualisation of ‘life’ which resists the binary of ‘pro-life’ and ‘pro-choice’, and foregrounds societal obligations towards the socio-cultural conditions which encourage the flourishing of human life. This politics can be read as pointing towards the need to *consciously move beyond* such binarised discourse and debunk the debate’s grounding in a liberal subject through a *rethinking of the terms of political debate itself*. How can this approach be thought through further to work towards a new feminist politics of life and rights? In order to demonstrate what this may mean, it is useful to refer to another location in Butler’s corpus where a similar imperative is urged. In the context of debate on gay marriage Butler advances the asking of new and different questions about what current structuring of political debate forecloses, questions which are themselves foreclosed, in order to encourage political debate beyond binarised parameters of ‘pro’ and ‘against’.⁶¹ In advancing the need to re-appropriate the term ‘life’ in political debate on abortion the framework of livability can be thought of as aiming towards a similar goal.

A feminist approach to the issue of abortion which aims to go beyond the current terms of the debate and instead open up discussion on life and what it requires to flourish in particular contexts might begin by asking questions such as ‘what kinds of choices are

⁵⁷ Butler *Frames* above note 3 at 18.

⁵⁸ Butler *Frames* above note 3 at 19.

⁵⁹ As above.

⁶⁰ Jenkins above note 36 at 81.

⁶¹ Butler above note 2 at 102-130.

made possible by social configurations of life?'; 'which lives count reproductively?'; 'what does current discourse make it possible to see and hear about reproductive lives?'; 'what do humans require in contingent locations to live viably – in the socio-political sense – to do more than just persist?'; 'what do our gendered lives currently look like together?' Resisting either 'pro-life' or 'pro-choice' positions and the focus on bounded, liberal life defining debate at the level of international human rights, such questions interrupt the very foundations of current debate.

Raised through engagement with livability as a socio-political imperative, these questions are aimed towards wider social transformation, foregrounding a new ontology of precarious life not graspable by political debate as it currently stands. As discussed above in relation to the Airlie Declaration, within contemporary abortion politics even pro-choice feminist movements in favour of enhanced reproductive freedoms for women cannot draw attention to, never mind ultimately achieve, the kind of critical questioning and social transformation which the livability framework envisages. Thus, while an approach grounded in the politics of livability will not be prescriptive about what a reformed feminist politics on reproductive freedoms would look like, it is clear that such a politics starts from the asking of new questions about 'life' and sustaining (gendered) debate surrounding these questions. From this, a new way for feminists to engage in, and interrupt, political debate on abortion emerges, and space may be opened to consider life, and its gendered dimensions, in terms of the conditions – social, economic, political – which sustain it.

This rethinking of debate on abortion using the framework of livability may also involve a re-engagement with the use of rights discourse and what the practice of rights can do or say in relation to concerns of 'life'. Feminist engagement with rights in a sense of upholding liberal notions of bounded individualism and sovereign choice is problematic from the perspective of livability.⁶² As Jenkins outlines, pro-choice discourse currently seeks to 'inscribe women within the order of rights-bearing adult citizenry' and, in doing so, risks 'avoiding a necessary critique of the hetero-normative structuring of the space of rights'.⁶³ Thus, pro-choice use of rights to signify women as autonomous or choosing rights bearers is not, in and of itself, a strategy or a form of political engagement which is sufficiently transformative from the perspective of livability; it cannot disrupt attention from liberal conceptions of life. Advancing a politics of livability, of questioning and experimentation necessarily involves rejecting liberal rights as insufficiently radical as they are currently used in mainstream debate on abortion.

This does not necessarily mean that work towards questioning and experimentation in political debate on abortion from the perspective of livability need rule out engagement with rights altogether.⁶⁴ Yet, much work is needed in imagining specific ways in which

⁶² For wider feminist critiques of rights in the abortion debate see Karlan Pamela and Ortiz Daniel 'In a Diffident Voice: Relational Feminism, Abortion Rights and the Feminist Legal Agenda' (1993) 87 3 *Northwestern University Law Review* 858; MacKinnon Catharine *Feminism Unmodified* Harvard University Press Cambridge, Mass. 1987 p 93-102; Ruhl Lealle 'Disarticulating Liberal Subjectivities: Abortion and Fetal Protection' (2002) 28 1 *Feminist Studies* 37 at 37-38; Smyth Lisa 'Feminism and Abortion Politics: Choice, Rights, and Reproductive Freedom' (2002) 25 3 *Women's Studies International Forum* 335.

⁶³ Jenkins above note 36 at 85.

⁶⁴ In her work Butler does express a scepticism regarding the use of rights, but does not appear to advance a wholesale rejection of rights. See, in relation to her scepticism, Butler above note 2 at 20;

rights discourse may be useful, and may facilitate a more radical debate beyond liberalism. In what follows below, I build upon Butler to contribute to such imaginings by combining the politics of livability and the politics of rights. Following discussion above, rights can be of use only to the extent that they help to trouble debate on abortion by opening up questions based upon the inevitable precariousness of all life and the conditions of life which must be attended to. Because livability is the concept which holds potential to transform the stagnation of political debate and encourage a crisis in how human life is perceived, the discourse of rights can be viewed as productive *where it can be used to draw attention towards and stimulate debate on concerns of livability*. This would not only facilitate a new perspective on the abortion debate but also, potentially, a re-engagement with what rights can do or say in relation to life from the perspective of radical politics more generally.

How can rights be directed towards this new use? How may the discourse and practice of rights be harnessed to engage with life in a new way? What I propose is that a radical approach to 'life' – one which holds potential to reformulate political debate on abortion in the manner outlined above and offers a new future for the concept of 'life' in rights discourse – can be envisaged by developing the concept of a 'right to livability'. This concept is grounded in livability's drive towards social transformation and seeks to engage the politics of rights to facilitate a questioning and experimentation which troubles current normative conceptions of life. This contrasting account can reimagine a human rights approach to life beyond liberalism, pointing rights and their politics towards an alternative ontological footing.

The concept of a 'right to livability' encourages activist politics, such as feminist engagements with abortion, to assert a claim to more livable life in a way which facilitates political engagement with both the precariousness of life and the conditions which constitute and sustain life. This practice has potential to interrupt current impasses in political debate, to foreground the experiences of those living in heightened conditions of precarity, and to open up debate on ways in which this may be addressed and concepts of life in particular contexts thought anew. In this respect the discourse and practice of the 'right to livability' holds potential to challenge and move beyond the dominant public health frame's liberal focus on the protection of life, while also eschewing the liberalism implicit in contrasting assertions of choice to justify universal legalisation. The right to livability allows feminists to engage in a more radical politics which pursues access to abortion because it sustains and attends to the conditions allowing livable life in gendered contexts.

4.0 THE RIGHT TO LIVABILITY

How might we further conceptualise the idea of a 'right to livability'? Butler's critique of the right to life in *Frames of War* asserts that a more radical approach to life must involve embracing the *social obligations* attached to the conditions which sustain life, and this account of obligation aims to facilitate political engagement with the *unequal recognition* of lives. This two-pronged assertion emerging from Butler's reworking of 'life' can be used in conceptualising a 'right to livability'. Engaging the practice of rights to work towards more livable life by using the right to livability involves, firstly, *enforcing the egalitarian obligations towards life* and, secondly, *challenging current conditions of*

Butler *Precarious Life* above note 3 at 25. However, for commentary on Butler's retaining of rights as a possibility for radical politics see Jenkins above note 36 at 79.

livability and precarity as they emerge within socio-political contexts. These two elements are explored in more detail below. It is important to note, however, that the right to livability is not outlined here as an alternative positive right which aims to substitute the current liberal right to life. It is not a right in the sense of an already existing protection which may be claimed, but a right which comes into being *through its assertion*. Asserting that certain subject lives have a right to enhanced conditions of livability, via the two limbs outlined above, works towards performatively bringing these enhanced conditions into being. The radical potential of the right to livability in this sense is not contained in its content - indeed the 'content' of this right cannot be fixed and is itself what is to be opened for political debate - but in its *practice*.

To articulate further the resources which ground this trope, in terms of the first limb of the right to livability - working towards the enforcement of life's egalitarian obligations - the interdependency of persons which characterises precarious life creates not only ethical obligations towards the other who is constitutive of the self, but social obligations too. Moving focus from life itself to the conditions which sustain interdependent life prompts a rethinking of the right to life where there is no final protection against destruction and where social bonds compel us to secure the conditions for livable lives on egalitarian grounds, providing basic supports which seek to minimise precariousness and maximise livability in egalitarian ways.⁶⁵ While no doubt seeking to leave substantive content of these obligations open to contextual political debate, Butler does provide some outline of what these egalitarian social obligations central to an approach based on livability may entail. For example, she outlines in *Frames of War* that these obligations should pervade social policy involving issues such as shelter, work, food, medical care and legal status.⁶⁶ Whereas the liberal right to life currently fails to engage with the conditions of life and place focus upon such egalitarian obligations, it is possible that the discourse of rights could be usefully reimagined as a vehicle for debating and seeking to better fulfil such obligations which society and social/political institutions have to life as livable life. In this way, the practice of the right to livability firstly involves questioning, (re)claiming or enforcing some kind of egalitarian obligation to life which is currently inadequately fulfilled – not as something to which subjects have a right in the liberal sense, but in the sense of interdependent life where the life of the other is inherently caught up with one's own and creates an ethical relation between the two.

As assertion of such positive social obligations aims to intervene in current distributions of precariousness which recognise some lives as more livable than others, a second task can be envisaged for the practice of the right to livability.⁶⁷ Asserting a right to livability may also be used as a critical tool to challenge current distributions of precarity. Through enforcing societal obligations towards lives currently restricted or experiencing heightened precarity, the practice of the right to livability fundamentally involves speaking back to the power relations grounding human life and its viability. By enforcing or exploring the societal obligations which exist to ensure livable life opportunity simultaneously arises to interrupt or initiate debate on current distributions of precarity and thereby redraw the boundaries of human life itself. The contingent assertion of a right to livability by those lives whose livability is restricted by current socio-political

⁶⁵ Butler *Frames* above note 3 at 21.

⁶⁶ Butler *Frames* above note 3 at 13.

⁶⁷ Butler *Frames* above note 3 at 22.

discourses will also necessarily involve exposing the alterity within dominant discourses of livable life, using this alterity to rework such discourses beyond their current limits.

The right to livability, therefore, comes into being through asserting a claim to egalitarian obligations to sustain life where such conditions are currently restricted, and challenges current discourses of livable life through this practice. Fundamentally, this concept poses a new relation between the discourse of rights and the concept of life. As a trope the right to livability retains the utility and political significance of rights and rights claiming, but bases the practice on an alternative ontological footing. Life comes into sight not as a possession of atomised rights holders to be protected, but as a conditioned and political process, something inherently vulnerable, open to differential conditions of precarity, with this precarity demanding a response grounded in the inter-related and ek-static nature of our lives. In this way, the right to livability uses the language of rights to draw attention to concerns of livability, altering what the discourse of rights can be used to reveal and enforce in relation to life as not a possession but a condition of *dispossession*.⁶⁸ The right to livability does not exist as a guarantee of these obligations to facilitate livable life *per se*, but as a mechanism to begin discussion on them anew and so challenge current distributions of precarity. In this repositioning of what rights can do in relation to livable life, the discourse of rights appears as a mechanism of working towards social transformation, reimagining life and our lives together towards potentially productive ends.

As an example of what such action may look like we may think of Butler's engagement with Spanish-speaking immigrants publicly singing the American national anthem in their own language in California during May 2006.⁶⁹ In this singing these subjects were asserting rights of citizenship, rights of freedom of assembly and speech which they officially lacked. Butler comments on this action in the following terms:

What kind of public performance was this street singing? Their aim was to petition the government to allow them to become citizens. But what was the way in which they made their petition? Indeed, what kind of performative exercise was this singing? They were exercising the right of free assembly without having that right. That right belongs to citizens. So, they were asserting a right they did not have in order to make the case, publicly, that they should have that very right.⁷⁰

This was exactly the kind of action which asserted a right to livability – enforcing social, economic and political obligations which exist towards immigrant lives and in doing so challenging the enhanced precarity these lives experience within discourses of American nation and citizenship. The right to livability framework would encourage an explicit couching of this performative political action in the language of rights, labelling it as part of the practice of rights thought anew. The right to livability indeed allows the performativity of rights to come into view, moving from contested debates surrounding

⁶⁸ See Athanasiou Athena and Butler Judith *Dispossession: The Performative in the Political Polity* Cambridge 2013.

⁶⁹ Butler Judith and Spivak Gayatri Chakravorty *Who Sings the Nation-State?: Language, Politics, Belonging* Seagull Books New York 2010 p 58-69; Butler Judith 'Performativity, Precarity and Sexual Politics' (2009) 4 3 *AIBR: Revista de Antropología Iberoamericana* i at iv-vi.

⁷⁰ Butler 'Performativity' as above at iv.

personhood, or the protection of bounded ideas of personhood, to allow the practice of rights to be viewed as ineradicably political. In contrast to the liberal right to life and its attempts in contexts such as the public health frame to depoliticise rights and their relation to life, the right to livability acknowledges that rights can never overcome politics. In this way, the right to livability framework encourages an entirely different view of the practice of rights, one that is more open about the political nature of this activity. How in particular may the concept and practice of the right to livability aid feminists interested in reproductive freedoms and help challenge or work through the impasses into which human rights debate on abortion has fallen?

Beginning with feminist activism at the local level, feminists concerned about the gendered impact of particular contextualised abortion provision on possibilities for gendered life may undertake actions couched in the language of the right to livability. For example, protests, vigils, staged takings of abortion medication and similar action protesting against restrictive access to abortion provision may be articulated as asserting a right to livability. Such political actions not only seek to enforce egalitarian social obligations towards women and their reproductive capacity, which may include access to abortion where flourishing life requires it, but also challenge current (gendered) discourses on which lives are livable. Reframing these actions in such a way may thus abandon the liberal discourse of choice, bodily autonomy and rights, instead using rights language which is grounded in an approach to life as a conditioned, and precarious, process. This could open up debate on livable life in a way not previously possible. While such feminist action need not rely on the language of rights, consciously undertaking these actions under the guise of the right to livability holds potential to re-stage what rights discourse can do and say in this debate, what the politics of rights looks like and, potentially, offers resources to rethink rights discourse at the level of international human rights politics also.

In turn, feminist activism at the international level may draw upon and mirror this repositioning of rights and the concept of life engaged through the right to livability framework. This would involve abandoning the search for a way beyond the public health frame through recourse to a discourse of choice and engaging in a more fundamental reframing of debate through asking the questions which stem from a feminist livability approach abortion as outlined above - 'what kinds of choices are made possible by social configurations of life?', 'which lives count reproductively?', etc. Asking these questions may present international feminist activism opportunities to explore and promote rights-based approaches to reproductive freedom which do not abandon the focus on women's empowerment, but place this within a context which is accompanied by a struggle for a conception of the self as invariably in community, affected by cultures of precarity and requiring of socio-political conditions to flourish.

In working towards such interruptions to current mainstream debate on abortion feminist activists at the international level are undertaking the work of the right to livability also – using the practice of rights at the international level to focus on attending to the conditions that facilitate life – and in doing so are working towards opening up debate on life, reproduction and gender in a way which holds greater potential to challenge current distributions of gendered precarity. A repositioning of the relation between rights and life which the right to livability framework promotes, therefore, may involve and interlink reappropriation of the language and practice of rights at local and international levels. Through such a holistic approach and broad

spectrum of feminist activity, all focused on engaging questions of livability, opportunities emerge to engage with the issue of abortion in a more radical way and work towards social transformation which starts with displacing the liberal subject.

5.0 CONCLUSION

This article has sought to imagine the workings of an alternative approach to life in the discourse and practice of human rights, one which poses a new relation between the two. In the context of international human rights debate on abortion, liberal discourses of bounded and possessive individualism currently limit debate. The trope of the right to livability offers feminist activists means to engage in a more radical politics of rights that holds the potential to disrupt these discourses, and move beyond the current impasse into which international human rights debate on abortion has fallen. This move begins at the local level, by appropriating what it is possible to say, do and think in relation to abortion and rights based upon the livability concerns of women facing restrictive and restricting situations of reproductive freedom. Building alternative uses and practices of rights at the local level in such a way may be part of a wider challenge to how rights have developed as universal concepts at the international level, offering new opportunities to look at international rights discourse anew as inherently unfixed and open to future development. Using the practice of the right to livability to stage new encounters with the concept of life is one step in working towards radicalising the politics and practice of rights in a way which may allow rights to go beyond their current liberal limitations and facilitate more radical encounters with life and its viability in particular socio-political, and gendered, contexts.

While the issue of reproductive rights has been the focus for discussion above, a livability approach is applicable to a wide range of issues and is a flexible tool holding much potential for wider leftist politics and activism to deepen debate on life as a contextualised and conditioned process. The right to livability in its two-limbed form not only provides a framework which leftist politics may consciously engage in organising political action, but by restaging the relation between rights and life also allows leftist politics to retain a use for the politically powerful discourse of rights. Through such a rethinking of what rights can be used to do, say and achieve, the discourse of rights may be envisaged beyond its current liberal restrictions and emerge as an additional tool which can radicalise debate on a range of issues pertaining to the question of our lives together.

Predictably, the right to livability can offer no grand solutions as to the way in which the concept of life must be re-engaged in particular contexts. The question of life, its demands and obligations must be kept open and locally responsive. Any challenge to cultures of precarity, any journey of dispossession by the demands of precarious life will be localised and unpredictable and in this respect the right to livability offers only the tools to initiate debate. Yet it is this process of working through unpredictability which holds radical possibilities and carves out space for social transformation. Through utilising the practice of rights to stage unpredictable, uncontrollable and fundamentally troubling critical questioning from the perspective of livability, leftist politics may discover ways to interrupt liberal discourses of bounded and possessive individualism and allow us to radically re-approach life anew.