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TOWARD A CRITICAL ETHICAL REFLEXIVITY: PHENOMENOLOGY AND LANGUAGE IN MAURICE MERLEAU-PONTY

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ABSTRACT
Working within the tradition of continental philosophy, this article argues in favour of a phenomenological understanding of language as a crucial component of bioethical inquiry. The authors challenge the 'commonsense' view of language, in which thinking appears as prior to speaking, and speech the straightforward vehicle of pre-existing thoughts. Drawing on Maurice Merleau-Ponty's (1908–1961) phenomenology of language, the authors claim that thinking takes place in and through the spoken word, in and through embodied language. This view resituates bioethics as a matter of bodies that speak. It also refigures the meaning of ethical self-reflexion, and in so doing offers an alternative view on reflexivity and critique. Referring to the Kantian critical tradition and its reception by Hannah Arendt and Michel Foucault, we advance a position we call 'critical ethical reflexivity'. We contend that Merleau-Ponty's phenomenology of language offers valuable insight into ethical reflexivity and subject formation. Moreover, his understanding of language may foster new qualitative empirical research in bioethics, lead to more nuanced methods for interpreting personal narratives, and promote critical self-reflexion as necessary for bioethical inquiry.

In ethics research and the study of ethical decision-making, agents often deliberate and speak as if their language were a tool, a mere means to an end. And as King and Hyde demonstrate, scholars who study the language of bioethics also tend to subscribe to this conceit: 'Research in the ethics of health communication examines how language is used as a technology'.[1] In this 'commonsense' view, thinking appears before speaking, and speech the straightforward vehicle of pre-existing thoughts. Drawing first on the work of Hannah Arendt, this essay challenges the idea that ethical judgements take place 'in the mind'. The essay then turns to Maurice Merleau-Ponty's phenomenology of language, which claims that thinking takes place in and through the spoken word, in and through an embodied language that cannot be understood as a 'technology'. This view resituates ethics as a matter of bodies that speak. It also refigures the meaning of ethical self-reflexion, and in so doing offers an alternative view on reflexivity.

While agents, decision-makers, and researchers undoubtedly practise reflexivity, we suggest that they rarely reflect upon the very language in and through which their own reflexivity is accomplished and made meaningful. In other words, they rarely reflect on the mediating terms in and through which they are constituted as ethical subjects who are both capable of and responsible for self-reflexion in the first place. We call this 'critical ethical reflexivity'. And we argue that these 'mediating terms' are in some sense the prior and animating conditions for ethical subjectivity as it is constituted relationally, in words spoken with oneself and with others. We contend that Merleau-Ponty's phenomenology of language offers valuable insight into critical ethical reflexivity. Moreover, this understanding of language may foster new qualitative empirical research in bioethics, lead to more nuanced methods for interpreting

[1] N.M.P. King & M.J. Hyde, eds. 2012. *Bioethics, Public Moral Argument, and Social Responsibility*. New York: Routledge: x.

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personal narratives, and promote critical self-reflexion as necessary for bioethical inquiry.

REFLEXIVITY AND CRITIQUE

In qualitative research as in ethical decision-making, reflexivity is commonly understood as a method for self-awareness; it is used to enhance the quality of research, to demonstrate ethical research practises, and to ensure the ethicality of decisions. Guba and Lincoln explain reflexivity as 'a conscious experiencing of the self as both inquirer and respondent, as teacher and learner, as the one coming to know the self within the process of research itself'.[2] Feminist theorists have used reflexivity to disrupt paternalistic practises and to account for how research and theory are 'positioned'[3] and socially produced;[4] other feminists more specifically have appealed to Merleau-Ponty's treatment of the body.[5] This article builds on these discussions on reflexivity, offering a brief study of Merleau-Ponty's phenomenology of language as a contribution to rhetorical[6] approaches to bioethics.

By 'reflexivity' and 'reflexion' we wish to emphasize the active, engaged dimensions of reflexivity. Reflexion must be distinguished from reflection which, in its common usage, connotes a visual and mental activity that involves an image, a representation or a concept. As Cunliffe and Easterby-Smith observe:

> Whereas reflection encompasses learning by *reflecting on experience*, reflexive approaches embrace *learning in experience*. Reflection is generally characterized as a cognitive activity; practical reflexivity as a dialogical and relational activity. Reflection involves giving order to situations; practical reflexivity means unsettling conventional practices.[7]

Significantly, reflexivity is a concrete practise: it is embodied, rather than abstract or conceptual. At the same time, however, it is critical, which may seem paradoxical given our commonsense conceptions of critique as an intellectual endeavour.

In the post-Kantian tradition a critique is intended to disclose the underlying implicit – and often covert – conditions in and through which something appears as 'self-evident', 'natural', 'true' or 'commonsense'. It is reflection upon the kind of knowing subjects that we ourselves have, over time, become. As Foucault writes in a short essay bearing the title, 'What is Critique?':

> critique will be the art of voluntary insubordination, that of reflected intractability. Critique would essentially insure the desubjugation of the subject in the context of what we could call, in a word, the politics of truth.[8]

For Foucault, who draws on Kant here, critique is 'virtuous', it is aligned with the ethical attitude, and it starts with the subject's relation to his/her own 'subjugation' or 'subjectivation', which translates the French *assujettissement*. This word implies the double manner – active and passive, voluntary and involuntary – in which a subject is constituted: both through being *subjected to* something other, and through empowerment as the sovereign subject *of* one's own subjective experiences. Thus, critique is essentially self-reflexive because it will demand that I question the forms of power and knowledge that constitute my own ethical subjectivity. Questioning how one's subjectivity is consolidated is necessary if we hope to be aware of subjective biases and how they might inform research. A qualitative researcher using ethnography or grounded theory, for example, might then approach research participants with a greater understanding of the ways that these participants have, in their own fashion, been subjectivated. Indeed, empirical studies on ethics might well focus on the reflexive manner in which a participant speaks about values and understands these terms as intrinsic to his or her self-constitution.

How do I know myself? Settling on the 'mediating terms' of our self-constitution is no simple matter; the stakes cannot be dismissed as merely 'terminological' or 'semantic'. As Hannah Arendt remarks, our terms themselves are not innocent or neutral: they must be

[2] E.G. Guba & Y.S. Lincoln. 2005. Paradigmatic Controversies, Contradictions, and Emerging Confluences. In *The SAGE Handbook of Qualitative Research*. 3rd edn. N.K. Denzin & Y.S. Lincoln, eds. Thousand Oaks, CA: SAGE: 191–215: 210.

[3] D.J. Haraway. 1991. *Simians, Cyborgs, and Women: The Reinvention of Nature*. New York: Routledge.

[4] C. Gilligan. 1982. *In a Different Voice*. Cambridge, MA: Harvard University Press; S. Harding. Common Causes: Toward a 'Reflexive' Feminist Theory. *Journal of Women, Politics & Policy* 1983; 3: 27–42.

[5] J. Butler. 2006. Sexual Difference as a Question of Ethics: Alterities of the Flesh in Irigaray and Merleau-Ponty. In *Feminist Interpretations of Maurice Merleau-Ponty*. D. Olkowski & G. Weiss, eds. University Park, PA: Penn State University Press: 107–125; L. Irigaray. 1993. *An Ethics of Sexual Difference*. Ithaca, NY: Cornell University Press; I.M. Young. Throwing Like a Girl: A Phenomenology of Feminine Body Comportment Motility and Spatiality. *Hum Stud* 1980; 3: 137–156.

[6] S.J. Murray. Allegories of the Bioethical: Reading J. M. Coetzee's *Diary of a Bad Year*. *J Med Humanit* (forthcoming); S.J. Murray. Phenomenology, Ethics, and the Crisis of the Lived-body. *Nurs Philos* 2012; 13: 289–294; T. Chambers. 1999. *The Fiction of Bioethics: Cases As Literary Texts*. New York: Routledge; T. Chambers. The Fiction of Bioethics: A Précis. *Am J Bioeth* 2001; 1: 40–43; C. Elliott. 1999. *A Philosophical Disease: Bioethics, Culture, and Identity*. New York: Routledge.

[7] A.L. Cunliffe & M. Easterby-Smith. 2004. From Reflection to Practical Reflexivity: Experiential Learning as Lived Experience. In *Organizing Reflection*. M. Reynolds & R. Vince, eds. Aldershot, UK: Ashgate: 30–46: 31.

[8] M. Foucault. 1997. What is Critique? In *The Politics of Truth*. New York: Semiotext(e): 41–81: 47.

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questioned. Am I a 'what' or a 'who'?[9] The equivocation captures a phenomenological truth: I am both an object in the world and a subject for the world. Settling on the terms, then, is an ethical question as much as it is a social and political one. Before rushing to an ethical decision – and as a propaedeutic to such decision-making – we ought to start self-reflexively, to ask the critical question of how we have come to understand or define ourselves as beings who can make such decisions. The purpose here, as Hume would remind us, is not to derive 'ought' from 'is', as if descriptive knowledge about human being, whether individual or collective, could lead us to prescriptive or normative claims. Rather, we must know how we question ourselves – and how, according to what or whose terms, and in what idiom, under what conditions, such a questioning might proceed.

'SELF' MEDIATING TERMS

Arendt underscores the rhetorical and ethical dimensions of self-reflexion when she defines speech and thought as practically synonymous, conceived in terms of *the subject's relation to itself*: 'Since Plato, thinking has been defined as a soundless dialogue between me and myself'.[10] This self-relation is essential, ethically, because the answer to an ethical dilemma 'depends in the last analysis neither on habits and customs, which I share with those around me, nor on a command of either divine or human origin, but on what I decide with regard to myself'.[11] The mediating terms are of vital importance, for they constitute a sphere in which I actualize my moral personhood. This exceeds the cognitive or epistemological aspects of self-reflection and is described by Arendt in vital terms, as a 'living-with-myself' that is 'more than consciousness, more than the self-awareness that accompanies me in whatever I do and in whichever state I am'.[12] But one peril of language, for Arendt, is that speech can always become meaningless, empty, routinized, in a word, thoughtless. What happens, for example, when the mediating terms of one's self-understanding become increasingly narrow – biologized, molecularized, neoliberalized, biomedicalized?[13] What 'agency' will these terms have over me, and with what effects on my own ethical agency? After all, reflexivity *per se* is not necessarily ethical: it might involve rather thoughtless self-questioning about whether we have complied with ethics checklists, current best-practice guidelines or evidence-based directives. While the ticking of boxes may lead to desirable outcomes, it is neither sufficient nor necessary for ethical reflexivity.

Arendt is instructive because she understands that ethics has little to do with abstract moral judgements that take place 'in the mind'. Ethics should not be founded on cognition or mentation, just as ethics, at the other end of the spectrum, should not be reduced to ostensibly pure bodily feelings or emotions – what some describe as the 'yuck' factor. Arendt's work stands as a challenge both to an 'ethics' of feelings[14] and to rationalism and principlism.[15] Both are unreliable. Ultimately, rules and universalizable principles are both worldless and bodiless, whereas feelings suffer from too much world, too much body. Arendt's report on the trial of the Nazi leader Adolf Eichmann offers a graphic example:

> The trouble with Eichmann was precisely that so many were like him, and that the many were neither perverted nor sadistic, that they were, and still are, terribly and terrifyingly normal. From the viewpoint of our legal institutions and our moral standards of judgment, this normality was much more terrifying than all the atrocities put together, for it implied – as had been said at Nuremberg over and over again by the defandants and their counsels – that this new type of criminal, who is in actual fact *hostis generis humani*, commits his crime under circumstances that make it well-nigh impossible for him to know or to feel that he is doing wrong.[16]

Eichmann dutifully obeyed the law; his actions were legally and morally 'normative'; he even invoked Kant in his own defence. Arendt describes the 'normality' of such actions as the 'banality of evil'; her reflection on norms in the case of Eichmann – and countless others like him – calls for a more nuanced understanding of ethics. The dilemma is that we can neither *know* nor *feel* with certainty that we are doing wrong: we might say that knowledge and feelings measure one's social conformity or nonconformity[17] to received principles, rules, codes, behaviours, and mores. These are always situated, social,

[9] H. Arendt. 1998. *The Human Condition*. Chicago, IL: University of Chicago Press: 10–11.
[10] H. Arendt. 2005. *Responsibility and Judgment*. New York: Schocken: 8.
[11] Ibid: 97.
[12] Ibid.
[13] S.J. Murray. 2009. The Perils of Scientific Obedience: Bioethics under the Spectre of Biofascism. In *Critical Interventions in the Ethics of Healthcare*. S.J. Murray & D. Holmes, eds. Farnham, UK: Ashgate Publishing: 97–113; S.J. Murray, D. Holmes, A. Perron & G. Rail. Towards an Ethics of Authentic Practice. *J Eval Clin Pract* 2008; 14: 682–689; A.E. Clarke et al. Biomedicalization: Technoscientific Transformations of Health, Illness, and U.S. Biomedicine. *Am Sociol Rev* 2003; 68: 161–194; A.E. Clarke, et al., eds. 2010. *Biomedicalization: Technoscience, Health, and Illness in the U.S.* Durham, NC: Duke University Press.
[14] E.g. L.R. Kass. The Wisdom of Repugnance. *New Republic* 1997; 216: 17–26.
[15] E.g. T.L. Beauchamp & J.F. Childress. 2009. *Principles of Biomedical Ethics*. 6th edn. New York: Oxford University Press.
[16] H. Arendt. 1994. *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: Penguin: 276.
[17] Arendt, *op. cit*. note 10, p. 107.

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historical, and bound up with the world in complex ways. And as history demonstrates, they can be 'normalized' in any number of directions. They carry no guarantee, no ethical certitude, in themselves.

If Arendt obliges us to acknowledge a 'rhetorical nihilism'[18] that makes it impossible to found ethics on universalizing principles or concepts, the answer is not simply to seek recourse in some kind of particularizing bioethics. Instead, rhetorical nihilism is the impetus for critical ethical reflexivity, to tarry with the terms of my self-relation. But this should not warrant the charge of moral relativism; indeed, we *must* arrive at decisions, we *must* judge, but do so rarely under the aegis of universal concepts or principles, absolutes. The only true absolute arrives as a kind of inescapable command: to act (or refuse to act). This locates ethics as a relational problem of the self – one, we might add, that is in a fashion both empirical and critical. It is empirical in the sense that the social, historical, and linguistic dimensions of my self-constitution are real, they have been lived and experienced by me; but these are also moments for critical reflexion, when I ask how these terms have come to constitute me as a relational subject. In Judith Butler's words:

> This self is distributed in its relational, social, and historical dimensions. But this fact does not destroy the idea of responsibility; all it does is to relocate responsibility as a problem of my relationality, of the fact that I am constituted fundamentally in a relationship with others, and that that constitution does decenter me; it both decenters me and provides the condition of a certain kind of responsibility. Although I understand that people worry that poststructuralism is only a kind of devastating critique of certain notions that have been at the core of ethical philosophy, I think we might see that it also relocates responsibility in a way that takes into account the social and linguistic constitution of personhood, the way that the scene of address is bound up with what it is to be a subject.[19]

The 'scene of address' here is telling, for it is a scene in which bodies appear, speak, and stake an ethical claim. We are suggesting that this 'scene' should be approached phenomenologically, in a way that brings together the body and its speech, and relates these to the self and to others.

This is, then, an antifoundationalist approach, which is why it will fail to solve the problem of rhetorical nihilism. Merleau-Ponty will offer no firmer foundations, no guarantees. Rather, he speaks in another philosophical idiom, where such problems are beginnings, occasions for deeper reflexion on our ethical relationality. His philosophy of language is a resource for those who seek to critique a principlist approach, particularly the principle of autonomy.[20] In practical terms, he demonstrates for us how language constructs one's subjectivity. Richardson and St. Pierre provide a relevant example:

> when a man is exposed to the discourse of 'childhood sexual abuse,' he may recategorize and remember his own traumatic childhood experiences. Experience and memory are, thus, open to interpretations governed by social interests and prevailing discourses. The individual is both the site and subject of these discursive struggles for identity and for remaking memory.[21]

In this case a researcher might study this man's interpretation of 'social interests' and 'prevailing discourses', with the goal of better understanding how he navigates self-reflexivity, his ethical relation to his self, and the ways his identity and memories have been (re)made.

REFLEXIVITY AND THE LIVED-BODY

Because there is no such thing as a 'pure language',[22] phenomenology involves reflection upon that which is unreflected, upon original or 'primordial' experiences that meaningfully anchor our bodies in the world. This captures our sense of critical ethical reflexivity, which attends to the conditions of possibility for reflexivity as such. 'There is always a preflective, an unreflective, a prepredicative upon which reflection and science are based, and which these latter always conjur [*sic*] away when explaining themselves'.[23] The sciences describe what was observed, not experienced. So if we begin with the hard sciences, ethics and the life-world will strike us as epiphenomenal, rather than immediate or originary.

Edmund Husserl argues that 'scientific' rationalism is dangerous because it conceives of bodies and life itself as mere physiology – bodies conceived reductively as *Körper* in the geometric and material sense, life conceived as bare biophysiology. Against this atomistic and one-dimensional understanding of bodies as *Körper*, Husserl

[18] A. Frank. Rhetoric, Moral Relativism, and Power. *Am J Bioeth* 2001; 1: 51–52.

[19] J. Butler & S.J. Murray. Ethics at the Scene of Address: A Conversation with Judith Butler. *Symposium: Canadian Journal of Continental Philosophy* 2007; 11: 415–445: 419–420.

[20] A.W. Frank. Social Bioethics and the Critique of Autonomy. *Health* 2000; 4: 378–394.

[21] L. Richardson & E.A. St. Pierre. 2005. Writing: A Method of Inquiry. In *The SAGE Handbook of Qualitative Research*. 3rd edn. N.K. Denzin & Y.S. Lincoln, eds. Thousand Oaks, CA: SAGE: 959–978: 961–962.

[22] M. Merleau-Ponty. 1973. *The Prose of the World*. J. O'Neill, trans. Evanston, IL: Northwestern University Press: 4.

[23] J.-F. Lyotard. 1991. *Phenomenology*. Albany, NY: SUNY Press: 33.

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distinguishes the body as *Leib*.[24] *Leib* is translated as the 'lived-body', a body that is situated in the 'life-world' (*Lebenswelt*), a bodily life in which bodies coexist through empathy (*Einfühlung*), in meaningful community with others, and in intimate proximity with the world.[25] The *Lebenswelt* is the preflective, prepredicative 'ground' – the pregiven and shared condition of possibility – in which all meaning takes root. In other words, the concepts of 'lived-body' and 'life-world' represent a critique of the Enlightenment worldview, a critique of Cartesian dualism that privileges the rational agency of the mind over the brute materiality of the body. Merleau-Ponty is writing in this phenomenological tradition. Both he and Husserl argue that the *Lebenswelt* has been forgotten, and has been supplanted by the naïve objectivism of the life sciences. It is the life-world and the lived-body that phenomenological reflexivity is meant to recapture.

Merleau-Ponty's discussion on reflexivity takes the body and touch as its central metaphor. For us it is a way to better understand critical ethical reflexivity:

> in the 'touch' we have . . . three distinct experiences which subtend one another, three dimensions which overlap but are distinct: a touching of the sleek and of the rough, a touching of the things – a passive sentiment of the body and of its space – and finally a veritable touching of the touch, when my right hand touches my left hand while it is palpating the things, where the 'touching subject' passes over to the rank of the touched, descends into the things, such that the touch is formed in the midst of the world and as it were in the things.[26]

Here, the first two forms of touch concern the experience of a thing's qualities (e.g. the sleek and the rough) and of the thing itself as an independent 'object'. Conventional approaches to reflexivity (reflection) might be likened to these two forms of touch, in which the researcher reflects cognitively on his/her engagement, and explores, perhaps, the manner in which he/she co-constitutes what he/she studies. In some respects, however, this approach is worldless, virtual; it remains wedded to Cartesianism, and will be forced to import external terms as a way to qualify the ethics of the particular touch in question.

It is Merleau-Ponty's third form of touch that lights the way to ethical reflexivity: *the touching of touch itself* bears upon an intersubjective world in which touching and touched, subject and object, are characterized by reversibility and are intimately intertwined. It is important to note, however, that this reversibility is never wholly accomplished, it is never lifted to the level of a positive cognitive content, an explicit method, or a program:

> If my left hand is touching my right hand, and if I should suddenly wish to apprehend with my right hand the work of my left hand as it touches, this reflection of the body upon itself always miscarries at the last moment: the moment I feel my left hand with my right hand, I correspondingly cease touching my right hand with my left hand. But this last-minute failure does not drain all truth from that presentiment I had of being able to touch myself touching: my body does not perceive, but it is as if it were built around the perception that dawns through it.[27]

The 'miscarriage' or 'failure' of the body in this moment is an apt metaphor for ethical reflexivity, which can never be marked with certitude or be codified, but which opens us toward a 'presentiment' that speaks to the ways that we know and feel in relation with others by whom we are touched, whom we touch at the same time, and whom we meet together in a shared world that 'dawns through' us. It is impossible to say precisely when touching crosses over into being-touched, when activity becomes passivity, when subject becomes object, and vice versa. We must sustain this ambivalence, dwell there momentarily.

Phenomenological reflexivity, then, is not interested in the moral tradition that understands reflexivity as a reflection on moral judgments – on what it is right to *do*. Rather, phenomenology opens us onto the world of being, ontologically, and so phenomenological reflexivity turns us back upon the kinds of subjects that we ourselves *are* – in an ethical vein, upon what it is good to *be*. In this regard, ethics is not primarily a matter of epistemology – how we know what we know. Nor is ethics a matter of emotions or feelings (although we are responsible for these as much as for our thoughts, because we have a responsibility for the wider 'scene of address' within which they are produced). In other words, we are suggesting that ethics is aligned with sensibility, with the body-subject's *capacity* to think, to feel, and to speak. The subject's intimate and expressive relations with others have a thick spatiotemporal context we would call *place*, which is irreducible to the geometric *space* of the body's biophysiology or *Körper*: 'not my body as it in fact is, as a thing in objective space, but as a system of possible actions, a virtual body with its phenomenal "place"

[24] E. Husserl. 1970. *The Crisis of European Sciences and Transcendental Phenomenology*. D. Carr, trans. Evanston, IL: Northwestern University Press: 107.

[25] Ibid: 255; E. Husserl. 1989. *Ideas Pertaining to a Pure Phenomenological Philosophy. Second Book: Studies in the Phenomenology of Constitution*. A. Schuwer & R. Rojcewicz, trans. The Hague: Kluwer Academic Publishers: 170–180.

[26] M. Merleau-Ponty. 1968. *The Visible and the Invisible*. A. Lingis, trans. Evanston, IL: Northwestern University Press: 133–134.

[27] Ibid: 9.

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defined by its task and situation'.[28] In this light, ethical responsibility is intensional, directed, and engaged; it does not end at the physical or spatial limits of my body, nor with the immediate effects of my causal actions. Rather, ethics begins with the experience of this limit, for it is in some sense beyond my body and beyond my will that both body and will take place as meaningful in and for a world of others. Following Arendt, we begin when we acknowledge that we cannot with any certitude either know or feel that we are doing what is right; and yet we know and feel that we are responsible all the same. Speech is an appropriate figure here because my words come from the world and extend into the world in ways that I cannot control or foresee. I am ethically responsible, we might say, for the conditions of my own ethicality, for those mediating terms, even if I have not authored them, even if they have not come from me.

SPEECH

Speech takes place within a 'scene of address'; it deploys and is borne by language that is not simply a tool, not simply a means to an end:

> As soon as man [*sic*] uses language to establish a living relation with himself or with his fellows, language is no longer an instrument, *no longer a means; it is a manifestation, a revelation of intimate being and of the psychic link which unites us to the world and our fellow men*.[29]

The researcher-ethicist must therefore attend to *how* ideas are communicated in dialogue, to draw on interpretive strategies from the human and social sciences, which might lend insight into the subject's difficult experience of meaning-making, of seeking or even reinventing stylistically and situationally appropriate terms for communication. These might be built on the significance of gestures, lacunae, hesitations, word choice, and figures of speech – tropes such as metaphor, metonymy, and catachresis.

According to Merleau-Ponty, this work stands in contradistinction to the hard sciences, such as physics or cognitive psychology, which rely on arbitrary and abstract definitions – *ex hypothesi* 'signs' that bear only a conventional and hence normalized relation to their referents. As Merleau-Ponty remarks, 'the listener does not form concepts on the basis of signs'.[30] On the contrary:

> the word, far from being the mere sign of objects and meanings, inhabits things and is the vehicle of meaning. Thus speech, in the speaker, does not translate ready-made thought, but accomplishes it.[31]

Meaning is bound up with the scene of address, and it is the speech – its scene and its style, rather than its word-contents – that must be studied if we hope to understand the meaning of an experience, or if we hope to explore its ethical valences. What is called for, then, is a reflexion on conventionality and normalization as such – a critical practice that leads us back, reflexively, to the lived-body and the intersubjective scene, the scene of address, in which that body-subject is situated, in which it speaks.

Speech is not, then, the expression of some cognitive or psychological 'content', nor is speech the effect of mechanical stimuli obeying neurological laws. These approaches fail, Merleau-Ponty argues, to account for the significance and agency *of the words themselves*; it renders the word meaningless, a 'passive shell', and makes of language no more than a technology or a tool. On this view, then, ethics cannot be indifferent to these scenes of address because these scenes call the subject into being, allow him/her to speak, to be seen, to take place, and to matter in a world of others. Indeed, ethics is nothing if it is not a concernful attention to these conditions of possibility for subjective belonging.

CONCLUSION

The radical implication of our analysis is that only as phenomenology is ethics possible. Ethical responsibility must shift its gaze toward the context in which a subject finds him/herself, the scene that is constitutive of his/her subjectivity. Indeed, we must reckon with what we might call a 'linguistic agency' at work within the scene of address. As Merleau-Ponty states:

> Here the meaning of words must be finally induced by the words themselves, or more exactly, their conceptual meaning must be formed by a kind of deduction from a *gestural meaning*, which is immanent in speech.[32]

This decentres the subject, surely, and requires us to think differently about 'agency' in relation to ethical claims.

In this paper we have sketched a definition of criticality that underpins *ethical* reflexivity – one that demands our attention to language, speech, and embodiment if it is to have ethical purchase. While we have been motivated by the social science critique of bioethics, as Adam Hedgecoe understands it,[33] this critique is necessary

[28] M. Merleau-Ponty. 1962. *Phenomenology of Perception*. C. Smith, trans. London: Routledge & Kegan Paul: 249–250.
[29] Ibid: 196.
[30] Ibid: 180.
[31] Ibid: 178.
[32] Ibid: 179.
[33] A.M. Hedgecoe. Critical Bioethics: Beyond the Social Science Critique of Applied Ethics. *Bioethics* 2004; 18: 120–143.

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but insufficient because it remains insufficiently critical. Moreover, while we suggest that our view may foster new qualitative empirical research in bioethics, it is unclear if it will qualify as 'empirical bioethics' as Jonathan Ives has defined it: 'The idea is to produce a contextualised ethical analysis, which is both sensitive to the lived experiences of stakeholders and yet still critically normative'.[34] It is difficult to qualify 'empirical' in this context because the phenomenological tradition has worked to critique and undermine conventional binaries such as empirical/theoretical, mind/body, subject/object. 'Empirical' as opposed to what? We maintain that our analysis is 'empirical' insofar as it comprehends concrete experiences; however, by 'empirical' we do not mean 'self-sufficient' or 'self-evident' in any straightforward sense. We would also include those covert conditions in and through which 'the empirical' appears as such – conditions that have real effects, but that require an embodied theoretical gaze in order to be seen (race, class, and gender, for instance, arguably have no 'empirical' referents, strictly speaking, but are nonetheless ethically relevant and empirically real in effect). In other words, rather than producing a 'contextualised ethical analysis', as Ives puts it, we have sought to provide some resources for producing an *ethical analysis of contextualization itself*.

Finally, much will depend on how we interpret Ives's phrase, 'critically normative'. In our view, a critical ethical approach necessarily interrogates normativity through self-reflexivity, and will seek to disclose the conditions in and through which a set of normative practises function as morally binding. It may well be that we have produced some conditions for 'a contextualised ethical analysis', as Ives calls it, but that it will be constitutively impossible to remain both 'sensitive to the lived experiences of stakeholders' and 'critically normative' at the same time. Rather than providing a normative or prescriptive response – which for many will exist in tension with the critical project – we invite readers to consider our paper as a modest study towards a 'pre-normative' reflexivity.

[34] J. Ives. 'Encounters with Experience': Empirical Bioethics and the Future. *Health Care Anal* 2008; 16: 1–6: 1.

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