

The Vulnerability of God and Humanity

Jonathan Herring, Professor of Law, University of Oxford

Jon.herring@law.ox.ac.uk

Introduction

A study published a few years ago supported an oft-made claim: that people create God in their own image.¹ The study² suggested that people's views on what God was like and what God wanted matched their own views of how they wanted to be and what they believed. There is, of course an irony because in the book of Genesis we are told that God created humans in God's own image. These two views: God made humans in God's image and humans made God in human's image are not, of course, inconsistent. If both are true we might conclude if you want to learn what people think about themselves (or at least what people with power and influence think about themselves) look at the typical image of God. But if you want to learn about God is really like, look at the reality of humankind.

This article suggests some ideas on what thinking along these lines might suggest. I will focus on Christian understandings of God. I argue that a popular concept of God is that he³ is like superman, just bigger, better, stronger. That he is all strong; all knowing and all mighty: exhibiting the characteristics of autonomy; self-sufficiency and strength that (generally speaking)

¹ I am very grateful for the comments of Daniel Bedford on an earlier draft of this article, although he certainly should not be taken to agree with the contents. In this article I draw on previous publications, particularly J Herring, *Vulnerable Adults and the Law* (Oxford: Oxford University Press, 2016).

² N Epley, B Converse, A Delbosc, G Montelone and J Cacioppo, 'Believers' estimates of God's beliefs are more egocentric than estimates of other people's beliefs' (2009) 51 *Proceedings of the National Academy of Sciences* 21533.

³ I use the male pronoun deliberate here as God is commonly imagined as male.

people admire in themselves. These are reflected in the law's assumptions about the self too. The law is largely based around an assumption of the independent individualised man. The law is a revealing way of showing us what we think about ourselves. That is because in law we seek to identify and protect the values that are most important to us.

A more honest look at ourselves would indicate that in reality we are profoundly interdependent and vulnerable. These open up a more appealing image of God as different from the common assumption. A God who is vulnerable; a suffering God, a disabled God, a weak God. Centering the vulnerability of both God and humankind opens up new and interesting ways of thinking about both law and theology. These themes will be explored in this article.

The image of the self in the law

The law's conception of the self profoundly affects the kinds of legal rights we have. As adults we like to emphasize our independence, capacity for rational thought, and autonomy. Hence in our legal system autonomy and liberty are emphasized as key rights, whose interference requires strong justification.⁴ Our right to be able to make our own choices over how to act; to only be subject to those responsibilities we choose to take, are seen as central pillars of the economic, social, and legal structures. The law's role is, under that image of the self, to protect the individual from unwanted intrusions and to protect liberty to pursue one's goal for one's life.

⁴ C Foster, *Choosing Life, Choosing Death: The Tyranny of Autonomy in Medical Ethics* (Oxford: Hart, 2009).

Those who most obviously fall outside the paradigm are described as ‘vulnerable’ and that terminology is used to monitor, supervise, and discipline them. They lack those essential skills to direct their own lives and protect themselves and so need others to do that for them. The Mental Capacity Act 2005 authorises others to make decisions for those who lack capacity to make decisions, based on an assessment of their best interests. Even those who have capacity, if they have impaired autonomy, are deemed to be “vulnerable adults” and in need of protection under the inherent jurisdiction.⁵ Children are seen as being vulnerable and hence in need of special protection.⁶ Government policies are targeted at vulnerable groups, designed to ensure they able to rise above vulnerability and become self-sufficient; or if that is not possible protection from abuse from others. We even have a Minister of State for Vulnerable Children and Families.

A growing body of academic opinion, argues, that this is based on a fiction. We are all in our nature vulnerable.⁷ A legal response based on a norm of vulnerable people would be a more realistic and effective one.

Developing a concept of the vulnerable self

Vulnerability has its origin in the Latin word ‘vulnerare’ meaning ‘to wound’. In the academic literature Doris Schroeder and Eugenijus Gefenas⁸ separate out the external element (being exposed to the possibility of harm) and the internal element (being substantially unable to protect oneself from the possibility of harm. They therefore define vulnerability in this way: ‘To

⁵ *DL v A Local Authority* [2012] EWCA 253.

⁶ J Herring, *Vulnerability and Childhood* (Berlin: Springer, 2018).

⁷ M Fineman, ‘The Vulnerable Subject: Anchoring Equality in the Human Condition’ (2008) 20 *Yale Journal of Law & Feminism* 1.

⁸ D Schroeder and E Gefenas, ‘Vulnerability: Too Vague and Too Broad’ (2009) 18 *Cambridge Quarterly Healthcare Ethics* 113.

be vulnerable means to face a significant probability of incurring an identifiable harm while substantially lacking ability and/or means to protect oneself.’ Building on this I would suggest that person (P) is vulnerable if the following three factors are present:

1. P faces a risk of harm.
2. P does not have the resource to be able to avoid the risk of harm materializing
3. P would not be able to respond adequately to the harm if the risk materialized.⁹

All are vulnerable

Vulnerability is an inherent part of being human. As Emmanuel Lévinas put it: ‘The I, from head to foot and to the bone-marrow, is vulnerability.’¹⁰ Or as Catriona Mackenzie, Wendy Rogers, and Susan Dodds explain ‘To be vulnerable is to be fragile, to be susceptible to wounding and to suffering; this susceptibility is an ontological conditional of our humanity.’¹¹ Admittedly, this is not how people generally understand themselves. We emphasize our capacity, independence, and autonomy. But we deceive ourselves with such an image. I will now explain more precisely why it is we are in our nature vulnerable.

The body

We are corporeal beings. But this corporality creates vulnerability. Our bodies are vulnerable to sickness, illness, and accidents. Our health is frail. We are one mis-step, one moment of

⁹ J Herring, *Vulnerable Adults and the Law* (Oxford: OUP), ch 1.

¹⁰ E Lévinas (1993) *Humanismo Del Otro Hombre* (Madrid: Caparros, 1993), 3.

¹¹ W Rogers, C Mackenzie and S Dodds, ‘Why bioethics needs a theory of vulnerability’ (2012) 5 *International Journal of Feminist Approaches to Bioethics* 11, 12.

inattention, one mis-chewed pretzel away from eternity. In their nature our bodies wear down, tire, flake away and ultimately die.

Although the common image is of the bodies as constrained and contained. It is more realistic to see our bodies as ‘profoundly leaky’.¹² They are constantly changing with new material being added to them and old material being discarded.¹³ Inside our bodies we are dependent on a wide range of non-human material to survive and outside it is constantly interacting with the environment. And outside our bodies are deeply connected to other people’s bodies. Be it pregnancy, breast feeding, sex, intimate care or the passing on of viruses our bodies are constantly interacting with and communing with others. And they are constantly reacting with the environment. Dust falls on our skin; pollution diseases the lungs; socio-economic factors have a profound impact on our bodies. The reality is our bodies are in constant flux; and utterly dependent on other bodies and the wider environment. This generates their vulnerability. They are not self-contained and self-sufficient. Quite the opposite they are constantly interchanging and dependent on the environment and other bodies.

The self

Our identity and sense of self is constituted in terms of relationship.¹⁴ We define ourselves and related to the world to a very large extent by how we relate to others and how they relate to us. From our beginnings we are in relationships. Pregnancy is the most intimate relationship between two beings. From birth the child seeks to interpret the world around them and develop a sense of self through interactions with those caring for them. Those around them give them the words to describe what they see and who they are. The language we use; the way

¹² M. Shildrick, *Embodying the Monster: Encounters with the Vulnerable Self* (London: Sage, 2002).

¹³ P-L Chau and J Herring, ‘My body, your body, our bodies’, (2007) 15 *Medical Law Review* 34.

¹⁴ J Herring, *Caring and the Law* (Oxford: Hart, 2013), ch 2.

we interpret the world; and the sense of self in the world is generated through these early relationships and develops and changes through subsequent relationships. This is why child abuse is such an evil.

This highly relational understanding of the self explains our vulnerability. It means we are constant danger of our self being challenged by others rejecting us; not accepting us as members of a group; not providing the support we expect; or using relationships to harm us. When relationships are used against us, for example, in domestic abuse, that which used to be constitute us, is used to undermine us.

Interdependence

We are all vulnerable because we are all profoundly dependant on others for our physical and psychological well-being.¹⁵ Our society has built up a wide range of structures and forms of assistance which disguise our vulnerability. We might boast the accommodations provided for disabled people so as to minimize the impact of their disability, with the lack of appreciation of the accommodations for the able-bodied. The lift to enable the wheel chair user to reach the second floor is as much as an accommodation as the stairs that accommodate the needs of the so-called able bodied. Whether we look at public transport; sewerage; shops; provision of electricity we all depend on a huge range of resources.

Few of us could, and fewer seek to, live utterly independent lives. Yet with interdependence comes vulnerability. Others might let us down in the provision of what we need, we might let

¹⁵ We are also dependant on others because we are vulnerable.

others down and fail to provide them with what they need. As Jo Bridgeman puts it “Humans are vulnerable...because we care, love, are intimately connected to others.”¹⁶

It is now relatively uncontroversial to acknowledge that mental health is equally important to physical health. Yet our emotional state depends upon the support of others and this creates vulnerability. Mary Neal¹⁷ puts it this way:

even the least vulnerable human being is still fundamentally, and inescapably, vulnerable in the negative sense, since none of us can meet her basic needs and satisfy her core desires without the co-operation of others; and even the most capable adult is vulnerable to hurt and harm, both physical and emotional.

Incapacity

It is remarkable that the Mental Capacity Act 2005 has a presumption that people have capacity to make decisions.¹⁸ That is a bold claim.

Jesse Wall has recently suggested:

To act autonomously a person ought to be able

1. to act free from undue influence or influence of others (the freedom condition)
2. to exercise the capacity for rational thought and cognition (the competence condition)

and

¹⁶ J Bridgeman “Vulnerabilities, care and family law” in J Wallbank and J Herring (eds) *Vulnerabilities, Care and Family Law* (Routledge, 2014), at p 201.

¹⁷ M Neal ‘ “Not gods but animals”: human dignity and vulnerable subjecthood’, (2012) 33 *Liverpool Law Review* 177, at p 185.

¹⁸ Mental Capacity Act 2005, section 1(2)

3. to act according to the beliefs, values and commitments the persons identifies or endorses as their own beliefs, values and commitments (the authenticity question)¹⁹

This seems a very reasonable suggestion. A decision which is under the influence of others is not your decision but the decision of another. The decision based on irrational thought will not enable the person to “write the story of their lives” or determine their destiny because irrational thought will mean the person will end up where they do not want to be. Those acting on beliefs, values and commitments they have not endorsed are not able to determine for themselves what they want their future is. Yet, few of us, if any, can in fact meet these conditions. Hence it is that relationships are so important to our autonomy.²⁰ Few people know all the relevant facts about a decision, at least important ones. That is why we consistently seek expert advice. Even if they do know the facts, we are rarely rational. Jennifer Drobac and Oliver Goodenough²¹ in their analysis of the psychology of decision-making list the following requirements for rational use of information:

- (i) parties with stable, well ordered preferences,
- (ii) choices that are fully voluntary and unconstrained;
- (iii) relatively equal, and ideally complete, information;
- (iv) relatively equal bargaining power and experience;
- (v) sufficient cognitive capacity to evaluate the transaction and to exercise voluntary control over the conflicting factors and emotions involved;
- (vi) the absence of monopoly power or other distortions of the market,
- (vii) the presence of good faith and absence of fraud in both parties; and
- (viii) a level of consequence for a mistake that is not disastrous to the party.

¹⁹ J Wall, ‘Being yourself’ in C Foster and J Herring (eds), *Law and Depression* (Oxford: Oxford University Press, 2017), at p 135

²⁰ J Herring, *Relational Autonomy and Family Law* (Berlin: Springer, 2015).

²¹ J Drobac and O Goodenough, “Exposing the myth of consent” (2015) 12 *Indiana Health Law Review* 471.

A high hurdle indeed. Neil Levy²² refers to a wide range of psychological studies which reveal ‘fallibilities of human reasoning’ (including ‘myopia for the future’, ‘motivated reasoning’ and ‘biases’ in ‘assessing probabilities ... exacerbated ... under cognitive load’). He concludes that ‘Human beings are, under a variety of conditions, systematically bad reasoners, and many of their reasoning faults can be expected to affect the kind of judgements that they make when they are called upon to give informed consent’. And as for being able to endorse beliefs as their own, and not simply mimicking those of people around us or our cultural environment only the most brilliant of philosophers might make such a claim.

We must, therefore, be somewhat sceptical to our claims to be autonomous. Our best hope for making decisions that could be described as capacitous is to make them together with others and join our limited knowledge and thinking power together.

The law and the vulnerable self

So, where does that leave a legal response. The principles we held once so dear: autonomy, liberty, freedom, are a woefully inadequate response to our vulnerable nature. Susan Dodds²³ also argues that we need a legal and social system which is premised not on individualistic conceptions of autonomy but an acceptance of our vulnerability:

A vulnerability-centered view of the self and of persons is better able to capture many of our moral motivations and intuitions than can be captured

²² N Levy, “Forced to be free? Increasing patient autonomy by constraining it” (2014) 40 *Journal of Medical Ethics* 293, at p 295.

²³ S Dodds, ‘Depending on care: Recognition of vulnerability and the social contribution of care provision’ (2007) 21 *Bioethics* 500, at 507

by an autonomy-focused approach. We are all vulnerable to the exigencies of our embodied, social and relational existence and, in recognizing this inherent human vulnerability, we can see the ways in which a range of social institutions and structures protect us against some vulnerabilities, while others expose us to risk. We do not have to view our obligations towards those who lack the capacity to develop or retain autonomy as having a different source from our obligations towards those whose autonomy is made vulnerable due to a degree of dependency. It may be easier to recognize the social value of provision of care if it is viewed as something on which we all have been dependent and on which we are all likely to be dependent at different points in our lives, rather than altruistic behaviour extended to those who lack 'full personhood.'

A recognition of our mutual vulnerability and the reliance we all have on the provision of help from the state and others must be at the heart of our political and legal response. As Martha Fineman argues, law tends to emphasize and presume actors are marked by autonomy, self-sufficiency, and self-determinacy. She spells out the significance of this approach:

When we only study the poor, the rich remain hidden and their advantages remain relatively unexamined, nestled in secure and private spaces, where there is no need for them or the state to justify or explain why they deserve the privilege of state protection. We need to excavate these privileged lives. .

As Fineman argues a universal vulnerability approach highlights the extent to which all of us are supported by social provision, but also the way that some people are particularly privileged in

terms of state provision. But once that is accepted the role of the law can shift to restricting and reducing the power of the powerful, rather than seeking to protect the vulnerable from an exercise of power. Those labelled ‘vulnerable’ are not some pre-existing category but better seen as having been labelled as such in order to legitimate political ends and to justify current inequalities.

A full account of a legal system centered on the notion of vulnerable people cannot be given here.²⁴ But here are a few key points.

First, caring would become a central activity of importance to the law. If we are relational, vulnerable and interconnected, it is clear that care is essential to human survival. Our legal system would put the sustenance of caring relationships at its heart.²⁵ Second, essential to the promotion of caring relationships is protection from abusive relationships. Third, we would recognise that we all need social provision and support for survival. These are not only required for “vulnerable people” or failing people but are needed for all of us. Fourth, our interactions with each other would be governed by responsibilities to ensure we do not exploit each others vulnerability. For example, I have promoted a contract law:

“Where all contracting parties are encouraged to recognize each other’s vulnerability and act in good faith towards each other, providing them with the information they need, doing what they can to ensure the other is not mistaken or entering a clearly unfair bargain. Where the values promoted are honesty, mutuality and interdependence”.²⁶

²⁴ J Herring, *Vulnerable Adults and the Law* (Oxford: Oxford University Press).

²⁵ J Herring, *Caring and the Law* (Oxford: Hart, 2013).

²⁶ J Herring, *Vulnerable Adults and the Law* (Oxford: Oxford University Press, 2016).

How different from our current contract law which seems designed to enable people to exploit the weakness of the other party; squeeze a high price as possible; and ensure neither contracting party will ever want to speak to the other again!

Enough of us people and the law, what about God?

God is Vulnerable

The image of the ideal person as being invulnerable, autonomous, and self-sufficient are reflected in understandings of God. Certainly popular contemporary Christian songs talk reflect that image:

“*My God is so big, so strong and so mighty, there's nothing my God cannot do*” or
“*Our God is a great big God ... He's higher than a skyscraper. He's deeper than a submarine. He's wider than the universe. And beyond my wildest dreams.*”

The image presented in such songs is that God is a hyped-up version of the legal self, I discussed before: super-independent, super-strong and super-self-sustaining.

But might we not think of a different kind of God. A God who is vulnerable; a suffering God, a disabled God, a weak God. Not a God who wants to control. Not a God who is a great boss in the sky. Not a God setting down rules for us to comply with, otherwise there is eternal examination. But a God desperately reaching out for love.

The image of God as a superhero reflects many values that are present in society. Much of the world worships power. Rich is good, even richer is even still. Strength is good. Weakness is bad. Not surprising then that some seek out an Almighty, all powerful, all-knowing deity. The ultimate in power. It is not surprising that feminism has found so much to critique in contemporary popular Christianity: God as the uber-male: muscular, powerful and brawny.

If we have the image of God which emphasises his strength, might and power, it's not surprising that such faith soon fades. One does not have to look very far around the world or experience much of life, to have very good reason to doubt "any great big God exists". Nor does it seem particularly true to the biblical account.

The story of God's relationship with humans as recounted in the Bible is hardly a success story. The beautiful start in the Garden of Eden ended with the tragic expulsion of Adam and Eve. This is followed quickly by murder. We then have the tower of Babel fiasco. And, then with the flood God decided to start all over again. Many prophets, largely ignored; a chosen people largely disobedient and later we have Jesus: sent as God's ultimate word. Yet he was killed and ignominiously crucified. The picture is hardly one of God in control, knowing what will happen and everything falling into his plan. Where is the God who is strong and so mighty? This looks like a God who has lost control of creation; not the lord of all.

This suggests the image of the almighty all powerful god who controls everything may be misconceived or at least is only part of the story. I would suggest that what we see in fact is a God who is constantly reaching out to connect with humanity, but being repeatedly rejected. This is God as the parent of the rebellious teenager; not God the parent of the submissive perfectly well-behaved child. This is God as the parent desperate to re-establish a relationship

with her turbulent child but fearing the relationship is slipping away. God reaching out to people, wanting them to love. A God who can be let down. A God who can be misunderstood. A God whose plans can be thwarted.

This image of the vulnerable, frail God may strike many as heretical. However, if we look at the powerful presentation of God's character, in Jesus, vulnerability is riven through his life.

Looking at some of the most striking stages of his life we see: Jesus the helpless baby; Jesus washing disciples feet; Jesus in tears in the Garden of Gethsemane desperate for the support of his sleeping friends; or most powerfully of all Jesus nailed naked to the cross in full view of all: utterly powerless. These are not the images of All-powerful God imposing his will on others, but a God opening herself up in love. Vulnerable to rejection and hurt.

Further, the Christian God is a relational God. The doctrine of trinity may at times seems designed to produce headaches, than insight. But whatever its complexities, it reveals a wonderful truth. God is not dependent, God is interdependent. God exists in and through relationships. God is not a God of isolated power but a God of inter-mingling. Not as one who asserts his will on us. Not on a strong almighty God who knows everything that is to be known. A God reaching out to us, wanting to work together. God as sympathetic, mutable, limited in power and knowledge, creative, and as a risk-taker. Not a God of self-sufficiency and power, but a God who needs people.

Vulnerability is good

Vulnerability is often seen in a negative light. David Archard,²⁷ writing about childhood, has written:

There may be features of childhood but not of adulthood which are valuable, such as innocence, wonder and trust. There may, correspondingly be features of adulthood but not childhood which are valuable, such as experience and independence. It is also evident that there may be features of childhood but not of adulthood which are not valuable, such as dependence and vulnerability.

This dislike of dependence and vulnerability is not restricted to philosophers. Self-reliance has become a dominant theme in social policy. John Moore, when the Secretary of State for Social Security, once claimed: 'A climate of dependence can in time corrupt the human spirit. Everyone knows the sullen apathy of dependence and can compare it with the sheer delight of personal achievement.'

The fact that it seems heretical to suggest God is vulnerable and that it is God's power, strength and wisdom that is emphasised are a particularly notable sign of the low view taken of vulnerability.

I think such views are profoundly mistaken. Vulnerability and dependence are not only inevitable parts of humanity, as argued above, they are to be greatly welcomed. They are often virtues, not vices. Certainly, such views are bizarre if vulnerability is an inherent aspect of the human condition it is hard to seek to avoid it.

²⁷ D Archard, 'Philosophical perspectives on childhood' in J Fiona (ed.), *Legal Concepts of Childhood* (Oxford, Oxford University Press 2001), at p 52.

But more positive things can be said about vulnerability than that it is simply an inevitable part of the human condition. Our mutual vulnerability requires us to reach out to others to offer and receive help from them. The virtues of beneficence and compassion are encouraged and necessary. We have to become open to others and our own and other's needs. A recognition of our mutual vulnerability leads to empathy and understanding. It creates intimacy and trust. It compels us to focus on interactive, co-operative solutions to the issues we address. It encourages creativity in finding new ways of overcoming our human limitations and requires a desire to accept others as they are. As Carse²⁸ puts it: 'Our vulnerability is inextricably tied to our capacity to give of ourselves to others, to treasure and aspire, to commit to endeavors, to care about justice and about our own and other's dignity.' Indeed, with these points in mind, it might be argued that God cannot be good and loving unless God is vulnerable.

The political use of vulnerability narrative tends to promote disablist approaches to the issue. As many writers of disabilities studies have written, there is great pressure to be perceived as independent and lacking vulnerability. Success for a person with a disability is measured by the extent to which they may be able to be (or present themselves as being) independent and autonomous. In short, to be 'normal'. But that is a completely wrong misuse of the concept. It recognizes that all of us need social provision; we all need help. It can only be in our joining together and co-operation that human flourishing can be found. We may have different needs and different strengths. Our vulnerabilities may be manifest in different ways.

Vulnerability is essential to relationships. In entering a relationship with others this creates an understanding of trust, the assumptions of responsibility, and obligations of care. These things create a vulnerability: we are in danger of not meeting our obligations; we are risk of others not

²⁸ A Carse, 'Vulnerability, agency and human flourishing'; in C Taylor and R Dell'Oro (eds), *Health and Human Flourishing* (Washington: Georgetown University Press, 2006).

meeting theirs to us. Our trust might be misplaced. The opening up of our natures creates a risk we will be taken advantage of, that private information will be used to harm us, and the risk of grief and loss. Yet relationships are good and beneficial. Indeed they may well be described as one of the basic goods. Relationships, intimacy, care; all of these things in their nature render us vulnerable. Exclusion of the other to achieve invulnerability is an anathema to relationships. Imagine the life of a Stoic, who renders himself invulnerable to the blow of fortune and safe from the ‘slings and arrows’ of life. That would not be a life we expect to be marked by virtue, it would lack empathy. The ability to provide deep care for others and a lack of investment in the well-being of others. No love. If relations with others is what produces identity then identity is inherently vulnerable, but not in a bad way.

Eva Feder Kittay’s daughter, Sesha, has cerebral palsy. She is profoundly cognitively and physically impaired. She will always be dependent on others for life’s basics. Feder Kittay²⁹ is not a philosopher given to sentimentality, yet she still writes:

Sometimes I wonder if Sesha is a special being sent to us from elsewhere, for there is an impossible to - articulate sweetness, graciousness, and emotional openness about her—qualities we rarely find in others. On any conventional definition of health, Sesha would be found unhealthy, but does not her sweetness, graciousness and openness demonstrate a rare health. We elevate the capacity for logic, rational thought and autonomy over the capacity for wonder, gentleness and warmth, but perhaps the first set of qualities make for a better person than the other.

²⁹ E Feder Kittay, ‘Forever small: The strange case of Ashley X’ (2011) 26 *Hypatia* 610, at p 621

Recognition of vulnerability is therefore key to our flourishing. When we pretend to be capacious, autonomous and self-sufficient we set up for us standards that we cannot possibly live up to and end up blaming ourselves for our failures because we are responsible for them. In fact it is striking we do not seek our friends who are capacious, autonomous and self-sufficient. We look for gentleness, openness, fun, a sense of the ridiculous. We look for things we can work at together. That we can laugh together at our own failings.

We need not hide and be embarrassing by our precarious, leaky independent bodies. We need to pretend to know it all, be hyper-rational and driven by our high-order vales. We need not claim to be self-sufficient, able to survive without government handouts or the help of others. Our destiny and sense of purpose is not found in ourselves. We are not people of autonomy but people of dependence. We are created for and with one another. We can say “I am because we are”³⁰ We are fragile, fearful, broken; but that is as we should be.

Conclusion

This article has suggested that the law and mainstream theology have made a fundamental mistake. The law tends to assume that adults have capacity, are autonomous, and able to make decisions for their life which are worthy of respect. The general law’s rules apply to such people. There are then special areas of the law which are marked off for those lacking capacity. For example, there are special exceptions to the rules of contract which apply to minors, those under undue influence, or those lacking mental capacity. We could, and should, present a rather different legal system, which starts with an acknowledgement of everyone’s vulnerability. This would produce a rather different way of looking at the world. Gone would be the special

³⁰ F Ford and J Lee, *I am because we are: Readings in African philosophy* (Cambridge MA: University of Massachusetts Press, 2016).

‘concessions’ involved in protecting especially disadvantaged groups such as the disabled or children. Rather they would be regarded as the norm and the focus would be on the special privileges that are given to the able-bodied or some adults.

Theology often produces an image of God which is a super-sized vision of the ideal legal person. Strong, self-sufficient and all-knowing. A God in control; casting aside the enemies; and sending the wicked to eternal punishment. This article has posited the image of God as vulnerable. God needing to be loved and reaching out. A God who is not in control. A relational, interdependent, broken God. A God who loves, yet in love is open to pain and rejection and aching.

Centering vulnerability in our understanding of who we are opens up new visions of what it is to be a successful human community. It is in our relationships, our caring and our mutuality that humanity thrives. A God who shares that brokenness, vulnerability and interconnection seems far more plausible and worthy of praise, than an uber-masculinised superhero in the sky.