Foucault Studies

ARTICLE

This Is What a Historicist and Relativist Feminist Philosophy of Disability Looks Like[∗]

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ABSTRACT: With this article, I advance a historicist and relativist feminist philosophy of disability. I argue that Foucault's insights offer the most astute tools with which to engage in this intellectual enterprise. Genealogy, the technique of investigation that Friedrich Nietzsche famously introduced and that Foucault took up and adapted in his own work, demonstrates that Foucault's historicist approach has greater explanatory power and transgressive potential for analyses of disability than his critics in disability studies have thus far recognized. I show how a feminist philosophy of disability that employs Foucault's technique of genealogy avoids ahistorical, teleological, and transcultural assumptions that beleaguer much work in disability studies. The article also situates feminist philosophical work on disability squarely in age-old debates in (Eurocentric) Western philosophy about universalism vs. relativism, materialism vs. idealism, realism vs. nominalism, and freewill vs. determinism, as well as contributes to ongoing discussions in (Western) feminist philosophy and theory about (among other things) essentialism vs. constructivism, identity, race, sexuality, agency, and experience.

Keywords: genealogy; historicist; relativist; materialism vs. idealism; disability apparatus; subjectivity; experience; minority identity

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Introduction

The argument of this article endeavors to advance a feminist philosophy of disability that is both historicist and relativist. I define *relativism* as the philosophical doctrine according to which different societies and cultures create different beliefs and values under different historical conditions. I define *historicism* as the philosophical doctrine according to which beliefs and values emerge as a consequence of historical events and circumstances.[1] Thus, the historicist and relativist feminist philosophy of disability that I aim to elaborate presupposes that the apparatus (*dispositif*)[2] of disability is a product of human invention and intervention all the way down. *Feminist philosophy of disability* is the term that I have coined to instigate the emergence of a field of inquiry that simultaneously employs, contributes to, and widens the scope of feminist philosophy, philosophy of disability (as I have called it), and feminist disability studies. Although feminist philosophy of disability shares many theoretical assumptions, social values, and political goals with each of these other academic subfields, it is nevertheless distinct from all of them and remains beholden to none of them. Indeed, a relativist and historicist feminist philosophy of disability improves upon these other theoretical domains and, ultimately, surpasses them by virtue of its insistence on attention to historical contingency and cultural specificity and variation, its political potency, and its analytical rigor. Furthermore, such a feminist philosophy of disability makes a powerful intervention into age-old debates in (Eurocentric) Western philosophy about (for instance) materialism vs. idealism, realism vs. nominalism, and freewill vs. determinism, as well as contributes to ongoing discussions in feminist philosophy about (among other things) essentialism and constructionism, identity, race, sexuality, agency, experience, and oppression. My argument is that Foucault's insights — especially when augmented by the insights of feminist thinkers such as Ladelle McWhorter and Joan W. Scott — offer the most sophisticated and most philosophically and politically astute tools with which to engage in this intellectual enterprise.

I am acutely aware that some (perhaps many) disability theorists disagree with me about the value of Foucault for analyses of disability. In addition to my editorship of *Foucault and the Government of Disability*, over the course of the last decade, I have published several journal articles and book chapters whose arguments about disability relied on Foucault ideas, drawing especially upon his claims about the constitution of the subject and the productive character of modern power in order to dismantle the distinction between impairment and disability that had at one time dominated discussions in disability theory and

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[1] See Jesse J. Prinz, *The Emotional Construction of Morals* (Oxford: Oxford UP, 2007), 215, 234-35.

[2] Foucault defined a *dispositif* (apparatus) as "a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, [and] philosophical, moral and philanthropic propositions" that responds to an urgent need in a given historical moment. See Michel Foucault, "The Confession of the Flesh", in Colin Gordon (ed.) *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977 (*New York: Pantheon Books, 1980), 194. For a discussion that advances queerness as an apparatus, see Robert Nichols, "Empire and the *Dispositif* of Queerness", *Foucault Studies*, no. 14, September 2012, 41-60.

activism[3] A number of disability theorists have implicitly and explicitly criticised these arguments, variously attempting to show that Foucault's claims are counterproductive for disability theory.[4] Criticisms that some of these disability theorists make about Foucault dovetail with recent challenges that some feminist philosophers (and theorists) have directed at him insofar as these disability theorists juxtapose his insights with the central assumptions of what in the humanities and social sciences are now often referred to as "the new materialism" and "the new realism." In fact, both of these "new" theoretical movements emerged to a large extent in reaction to perceived excesses of Foucault's approach in particular and poststructuralism in general. Some disability theorists, like some feminists, rely upon the assumptions of an earlier form of materialism — namely, historical materialism — in order to critique Foucault's claims and hence the claims of philosophers and theorists of disability who use his work.[5] Other disability theorists (like some feminists) draw upon the assumptions of both of these forms of materialism in order to implicitly criticise the work of philosophers and theorists of disability who use Foucault, even though in some cases doing so entails self-contradiction and inadvertently undermines their own positions.[6]

Disability theorists and feminist philosophers (and theorists) who, on the basis of one of the aforementioned positions, criticise use of Foucault allege that there are two fundamental problems with his work (and poststructuralism) that make it inadequate for critical cultural theory that aims to stimulate social and political change. The two perceived problems can be articulated in these ways: (1) Foucault (and poststructuralism) offered thin conceptions of subjectivity and identity by kicking away their foundations and thereby rendering them "fictive;" and (2) Foucault (and poststructuralism) offered an account of the

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[3] See Shelley Tremain, "On the Government of Disability", *Social Theory and Practice,* vol. 27, no. 4 (2001), 617-636; Shelley Tremain, "On the Subject of Impairment", in Mairian Corker and Tom Shakespeare (eds.) *Disability/Postmodernity: Embodying Disability Theory* (London: Continuum. 2002), 26-50; Shelley Tremain, "Foucault, Governmentality, and Critical Disability Theory: An Introduction", in Shelley Tremain (ed.), *Foucault and the Government of Disability* (Ann Arbor: University of Michigan Press, 2005); Shelley Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates", *Hypatia: A Journal of Feminist Philosophy*, vol. 25, no. 3 (2010), 577-609.

[4] For instance, Bill Hughes, "What Can a Foucauldian Analysis Contribute to Disability Theory", in Shelley Tremain (ed.) *Foucault and the Government of Disability (*Ann Arbor: University of Michigan Press, 2005), 78-92; Tobin Siebers, "Disability Experience on Trial", in Stacy Alaimo and Susan Hekman (eds.) *Material Feminisms* (Bloomington & Indianapolis: Indiana University Press, 2008), 291-305; Tobin Siebers, *Disability Theory* (Ann Arbor: University of Michigan Press, 2008); Jackie Leach Scully, *Disability Bioethics: Moral Bodies, Moral Differences* (Latham: Rowman & Littlefield Publishers, Inc., 2008); Catherine Mills, *The Future of Reproduction: Bioethics and Biopolitics* (Sydney: Springer, 2011).

[5] See, for instance, Nirmala Erevelles, "Signs of Reason: Rivière, Facilitated Communication, and the Crisis of the Subject". in Shelley Tremain (ed.), *Foucault and the Government of Disability* (Ann Arbor: University of Michigan Press, 2005), 45-64. Reprinted from *Studies in Philosophy and Education,* vol. 21, no. 1 (2002), 17-35.

[6] See, for example, Carol Thomas, *Female Forms: Experiencing and Understanding Disability* (Buckingham, U.K.: Open University Press, 1999); Rosemarie Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept", *Hypatia: A Journal of Feminist Philosophy,* vol. 26, no. 3 (2011), 591-609.

material body and embodiment that is tantamount to a form of linguistic idealism or, in any case, gives far too much significance to language and representation. With respect to the first problem, disability theorists follow many feminists who have for quite some time argued that a stable and coherent subject is required as a basis for politics. These disability theorists and feminists argue that insofar as the subject in Foucault does not provide such a foundation for politics, his work is inadequate for (respectively) the disabled people's movement and the feminist movement.[7] Although some of the feminists and disability theorists who argue in this way claim that their work relies upon one or both of the new approaches, I want to note that the claims of these authors bear striking resemblance to earlier historical materialist influences in both feminist theory and disability theory. The second criticism, although in circulation within some corners of disability theory for a long time now, has been given new life thanks to disability theorists who have taken up new materialist theories or aspects thereof.[8] In fact, both of these criticisms of Foucault have, by now, become so commonplace in some corners of disability studies and feminist philosophy that they are, by and large, seldom fully elaborated and even more rarely are adequate textual supports provided to substantiate them.[9] Nevertheless, insofar as I wish to advance a feminist philosophy of disability inspired by Foucault, I must respond to these criticisms in order to show why they ought not to be accepted.

In what follows, I argue that genealogy, the technique — that is, practice — of investigation that Friedrich Nietzsche famously introduced in his work on the descent of Western morals and that Foucault took up and adapted in his own work on the history of sexuality and history of the modern prison (in particular), facilitates ways in which to talk back to these criticisms; that is, Foucault's technique of genealogy circumvents these criticisms by demonstrating that his historicist approach to (among other things) subjectivity, identity, experience, race, sexuality, and the material body has greater explanatory power and transgressive potential for disability theory than his critics in disability studies (and feminist philosophy) have thus far recognized. Jesse Prinz asserts that the important lessons to derive from Nietzsche's genealogical approach to morality are that each of the values that we currently cherish has a history, that these histories may not be favorable, and, furthermore, that these histories may not suggest our progression toward ideas that are truer or more benefi-

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[7] Siebers, "Disability Experience on Trial"; Siebers, *Disability Theory*; Hughes, "What Can a Foucauldian Analysis Contribute to Disability Theory"; Erevelles, "Signs of Reason"; Linda Martín Alcoff, "Who's Afraid of Identity Politics?" in Paula M.L. Moya and Michael R. Hames-Garcia (eds.), *Reclaiminig Identity: Realist Theory and the Predicament of Postmodernism* (Berkeley: University of California Press, 2000), 213-44; Linda Martín Alcoff, *Visible Identities: Race, Gender, and the Self* (New York: Oxford UP, 2006); Nancy Fraser, *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory* (Cambridge: Polity Press, 1988); Sally Haslanger, *Resisting Reality: Social Construction and Social Critique* (New York: Oxford UP, 2012).

[8] Siebers, *Disability Theory*; Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept".

[9] Siebers, "Disability Experience on Trial"; Tobin Siebers, *Disability Theory*; Scully, *Disability Bioethics: Moral Bodies, Moral Differences*; Mills, *The Future of Reproduction: Bioethics and Biopolitics*; Haslanger, *Resisting Reality: Social Construction and Social Critique.*

cial.[10] Our disregard for the historicity of our values, Prinz writes, gives us a "false sense of security" in them: "We take our moral outlook to be unimpeachable."[11] In other contexts, Prinz has drawn upon Nietzsche's "genealogical method" and the sentimentalism of David Hume in order to develop a historicist and relativist approach to morality that takes account of historical contingency and cultural variation in ways that, and to an extent that, heretofore normative ethical theories do not. Prinz's aim is to show that the genealogical method (as he refers to it) can be effectively used in order to inquire into the origins of human values. A genealogical investigation of human values, Prinz explains, confirms that moral convictions are products of social history and accident, rather than derived from intuition, revelation, or deductive reasoning from normative principles.[12] Although philosophers who investigate where moral beliefs and values originate are usually said to commit the genetic fallacy according to which the origins of morality are irrelevant, Prinz argues that genealogy — as a method to investigate origins — can enable us to discern when a given value originated in circumstances that are ignoble and therefore is especially suitable for reassessment. Genealogy, he states, is "an under-utilized tool for moral critique."[13]

Ian Hacking, too, has addressed the resistance to historical approaches in philosophy.[14] Philosophers who attend to the context of discovery, rather than the context of justification, Hacking writes, are said to commit the genetic fallacy, according to which it is erroneous "to expect that the content of an idea, or the credibility of a proposition, can in any way be illuminated by our routes to it." Hacking, who pithily notes that he regards the charge of "genetic fallacy" as "insubstantial name-calling,"[15] explains his counter-positivist use of genealogy in this way:

> Plenty of philosophical problems surround concepts such as "normal" (said of human behavior, characteristics, or customs) or "chance." Or, to pursue the Foucauldian chain: "Mad," "criminal," "diseased," "perverse." I believe that specific details of the origin and transformation of these concepts is important to understanding them and for understanding what makes them "problematic." I do not see […] my investigations of chance or abuse as solving the problem of free will or of the respective rights of state, parents, [and] children. I certainly do not have the ludicrous self-indulgent conception that the problems go away when I am through. But I can show why these matters are problematic, whereas before we knew only that they were problematic. Sometimes one can hope to make a concept more problematic than before, for example, "information and control." And of course to use history in this way for the understanding of philosophical problems is not to resign one's right to use it in other ways.[16]

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[10] Prinz, *The Emotional Construction of Morals.*

[11] Ibid., 217.

[12] Ibid., 235.

[13] Ibid., 217, 235, 243.

[14] Ian Hacking, "Two Kinds of 'New Historicism' for Philosophers", in *Historical Ontology* (Cambridge, MA: Harvard UP, 2002), 63.

[15] Ibid.,

[16] Ibid., 71-72.

Following Prinz's and Hacking's cues, I want to argue that a feminist philosophy of disability that employs Foucault's technique of genealogy (as well as other elements of his work) avoids the ahistorical, teleological, and transcultural notions that beleaguer much theoretical work done in disability studies. A feminist philosophy of disability that draws on Foucault's historicist and relativist insights can better account for cultural differences and historical contingency than can disability theory that unquestioningly assumes disabled subjectivities, identities, and experiences to be self-evident, transhistorical, and foundational; that is, a feminist philosophy of disability that uses Foucault's genealogical technique will assume that the notions of (for instance) disabled subjectivity, disabled identity, and the disabled body that currently circulate in disability theory are culturally specific and historically contingent, as are the very concepts of subjectivity, identity, materiality, and body themselves. None of these notions should be regarded as universal, as a fact-of-the-matter, or as sacrosanct. Each of them is a product of social history and thus is open to reassessment and transformation.

Although, in what follows, I draw attention to the fact that some feminist philosophers and disability theorists conceive of the two perceived problems with Foucault's approach in similar ways and advocate comparable alternatives to resolve them, for the most part I set aside charges that feminists have directed at Foucault (and poststructuralism), that is, I largely leave to one side how the two putative problems in Foucault's work have been formulated with respect to his alleged masculinist biases and supposed failure to account for sexual difference in his analyses of force relations. I zero in on how the perceived problems are formulated in the terms of the most popular criticisms of Foucault's work that circulate amongst disability theorists, although I nonetheless maintain that my argumentative claims and other remarks in the article certainly cast doubt on these and other ways that feminist philosophers and theorists have criticised him. For instance, I contend that a number of my arguments in the article (including in the previous paragraphs) implicitly respond to the claim that some feminist philosophers (among others) have made about Foucault's genealogical approach according to which it does not provide oppositional thinkers and activists with an adequate "normative" platform with which to engage in social critique and, therefore, ought not to be endorsed.[17]

In any case, the argument that I elaborate in what follows proceeds in this way: First, I provide explanations and illustrations of Foucault's ideas about genealogy, subjectivity, and subjection (among others) that enable me to address criticisms of his work from within disability theory, as well as to articulate my own historicist and relativist position for a feminist philosophy of disability that is inspired by his insights. Next, I examine one influential critique within disability studies of the poststructuralist (and hence, Foucault's) account of subjectivity, experience, and identity in order to show how this critique misconstrues and misrepresents poststructuralism in general and Foucault's approach to subjectivity, experience, and identity in particular. In this context, I point out the epistemic limits that uncriti-

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[17] Fraser, *Unruly Practices;* Haslanger, *Resisting Reality: Social Construction and Social Critique.*

cal acceptance of current ways of thinking about subjective experience and identity imposes on disability theory. In turn, I consider various other ways in which disability theorists have argued that the account of the body that Foucault's work and poststructuralism more generally provide is inadequate and inappropriate for disability theory. The historicist and relativist approach to disability that I aim to advance eschews the assumption on which a number of these critiques implicitly, and in some cases explicitly, rely according to which there exists a prediscursive material body that disability theory can accurately represent. Thus, I assert that work on impairment and disability that I have elaborated in a number of other contexts offers the best formula for a feminist philosophy of disability that is circumspect about its own historicity. I close my discussion by suggesting that the historicist and relativist feminist philosophy of disability that I have, by that point, sketched has far-reaching implications for the claims that moral and political philosophers, cognitive scientists, and bioethicists (among others) advance about disability, as well as for current discussions within philosophy about the field's homogeneity, including discussions about the virtual exclusion of disabled philosophers (and disabled philosophers of disability, especially) from the ranks of professional philosophy.

Histories of the Present

Foucault variously referred to his genealogies as "histories of the present" and "historical ontologies of ourselves." His genealogies are concerned with questions about the conditions of possibility for who we are now, that is, questions about *how* our current ways of thinking and acting came into being. They are not concerned with questions about *why* we think and act as we do. This distinctive orientation is crucial, for the latter type of question — that is, "why" questions — usually seeks answers about why we think and act as we do by appealing to a discourse that takes subjectivity as a given, that is, assumes subjectivity from the outset. Phenomenology and psychoanalysis were, for Foucault, exemplars of such "transcendental," ahistorical discourse. By contrast, the genealogist asks (as did Foucault): Of what is given to us as universal, necessary, and obligatory, how much is occupied by the singular, the contingent, the product of arbitrary constraints?[18] A critical ontology of ourselves, Foucault explained, must not be considered as a theory, doctrine, or permanent body of knowledge, but rather as a "limit-attitude," that is, an ethos, a philosophical life in which the critique of what we are is at the same time the historical analysis of the limits imposed on us.[19] Indeed, the questions with which genealogy concerns itself — that is, "how" questions — aim to identify how historically-contingent practices, encounters, events, and accidents have enabled the emergence of current modes of thinking and acting and the limits that they impose. As McWhorter explains it, genealogies help us "to make sense of how

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[18] Michel Foucault, "Nietzsche, Genealogy, History", in Donald F. Bouchard (ed.) *Language, Counter-memory, Practice: Selected Essays and Interviews by Michel Foucault* (Ithaca: Cornell University Press, 1977); see also, Tremain, "On the Government of Disability".

[19] Michel Foucault, "What is Enlightenment?" in Paul Rabinow (ed.), *Ethics, Subjectivity, and Truth* (New York: New Press, 1997), 319.

we are now, in this historical moment, by looking at how we got here and how this, here, now, is historically possible."[20] Subjectivities — that is, specific types of identity and active and affective possibility — are, in other words, secondary phenomena whose historical emergence and descent genealogy is especially designed to trace. Subjectivities are productions of force relations that can be analysed. A genealogical analysis of subjectivities aims to reveal the networks of power relations in which subjects find themselves, reveals the formations and transformations of these force relations, their strengths, and their vulnerabilities.

Hence, genealogies of disabled subjectivity and the experience of disability as a phenomenon would be subversive. Genealogy, Foucault wrote, is "the union of erudite knowledge and local memories which allows us to establish a historical knowledge of struggles and to make use of this knowledge tactically today."[21] Genealogies, he pointed out, are not positivistic returns to a form of science that more accurately represents phenomena. Genealogies are, rather, *antisciences*. What characterises genealogies is not that they reject knowledge, or appeal to, or even celebrate, some immediate experience that knowledge has yet to capture. "That," Foucault stressed, "is not what they are about." Rather, genealogies, he explained, "are about the insurrection of knowledges. […] [A]n insurrection against the centralizing power effects that are bound up with the institutionalization and workings of any scientific discourse organized in a society such as ours."[22] Genealogy is an "attempt to desubjugate historical knowledges […] to enable them to oppose and struggle against the coercion of a unitary, formal, and scientific theoretical discourse."[23] Thus, genealogies require the excavation and articulation of subjugated knowledges, knowledges that "have been disqualified as inadequate to their task or insufficiently elaborated: naïve knowledges, located low down on the hierarchy, beneath the required level of cognition or scientificity."[24] Foucault maintained that criticism performs its work by uncovering and restoring these subjugated, unqualified, and even directly disqualified knowledges (such as the knowledge of the psychiatrised individual, of the delinquent, and of the nurse). Historical ontologies (genealogies) exhume these phenomena, that is, exhume these subjugated knowledges, exhume these obsolete and even archaic discourses, events, and institutional practices, in order that the historically-contingent character of the self-understandings and self-perceptions that we hold in the present can be discerned.

The use to which McWhorter puts Foucault's genealogical technique in her work on racism and sexual oppression demonstrates both the subversive potential that the technique

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[20] Ladelle McWhorter and Shelley Tremain, "Normalization and Its Discontents: An Interview with Ladelle McWhorter", *Upping the Anti: A Journal of Theory and Practice,* vol. 11 (2010).

[21] Michel Foucault, "Two Lectures", in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977 (*New York: Pantheon Books, 1980), 83.

[22] Michel Foucault, "7 January, 1976", In Mauro Bertani and Alessandro Fontana (eds.), and David Macey (trans.), *"Society Must Be Defended": Lectures at the Collège de France*, *1975-76* (New York: Picador, 2003), 9.

[23] Ibid.

[24] Foucault, "Two Lectures", 82.

offers a feminist philosophy of disability and how the technique can add theoretical complexity and political sophistication to current understandings of the relation between disability and other apparatuses (*dispositifs*) of power.[25] McWhorter's genealogy of modern racism renders evident the artifactual and interactive character of current ableist, racist, sexist, anti-semitic, and homophobic practices by unearthing their conjoined descent through the practices that precipitated them and the power relations through which they have been mutually constitutive and reinforcing. More exactly, McWhorter does so by following the descent of the notion of one race, *the* Race, constituted by and through mechanisms and strategies of biopower — the convergence of disciplinary normalisation and population management in vast networks of production and social control — from the early eighteenth century to the present and the inextricable linkage between that heritage and the emergence of sexuality in biopolitical and eugenic discourses on the family and on the scientific management of sexualised populations.[26] In order to chart this heritage of modern racism, she weaves together insights drawn from erudite academic and archival material, articles in the popular press, and the subjugated knowledges of community organizers, neighbors, and activists.

Because McWhorter adopts Foucault's thesis that modern racism is "racism against the abnormal" — as he referred to this *dispositif* (apparatus) — racism, in McWhorter's analysis, is much more comprehensive than other contemporary academic or popular conceptions assume it to be. For Foucault, the networks of power that comprise what in the present day is aptly called racism aim to eliminate, contain, manage, or exploit abnormality in ways that threaten, harm, and oppress the people who come to be classified as abnormal. Modern racism is a set of power relations that produces effects referred to as "anti-semitism" and "white supremacy;" however, what is at issue in modern racist regimes of power is not religion, culture, or skin color *per se*, but rather, whether one is normal or abnormal. Within modern racist regimes of power, that is, non-white skin and non-Christian religious and cultural affiliation are marked as abnormal, but so too are low IQ-test score, epileptic seizures, intersex, and same-sex coupling. Modern racism, McWhorter explains, is neither identical with, nor exhausted by, attitudes and actions that harm people of color or Jewish people, as is generally supposed; although modern racism encompasses these phenomena, it also exceeds them.[27] Indeed, McWhorter shows that modern racism is racism on whose genealogy can be directly mapped many of the biopolitical, cultural, medical, and institutional practices that disability studies scholars have identified as constitutive elements in the history of ableism. Thus, McWhorter's genealogy of modern racism demonstrates how the technique of genealogy can be used to show that disability is historically,

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[25] Ladelle McWhorter, *Racism and Sexual Oppression in Anglo-America: A Genealogy* (Bloomington and Indianapolis: Indiana UP, 2009).

[26] Ibid., 12-13, 139-40.

[27] Ibid., 34.

conceptually, politically, and socially inseparable from other legacies of oppression in ways that few disability theorists have thought before.[28]

Subjectivity and Subjection

McWhorter's earlier genealogical work on sexual normalisation further elaborated Foucault's own genealogy of sexuality, which affirmed the existence of various forms of sexual subjectivity, while showing how the very phenomenon of sexual subjectivity — that is, sexual subjectivity as a *dispostif* (apparatus) — arose within a specific historical context, out of disparate administrative and bureaucratic projects, was produced through certain institutional and individual preoccupations, in coordination with the birth of the human sciences, and complemented particular socioeconomic shifts.[29] Although Foucault had held that sexual subjectivity — including gay subjectivity — is real, he nevertheless showed that sexual subjectivity is neither timeless nor unchanging, but rather has taken shape through the action of certain historical and political forces and would cease to exist without them, to be replaced by some other way in which to organise the social and procreative world.[30] Foucault's refusal in this way to give epistemological or methodological priority to subjectivity derives in part from the influence on his thinking of historian of science Georges Canguilhem whose work led Foucault to have a strong sense of the discontinuities of scientific history and to understand that concepts play a historical role independently of any sort of phenomenological transcendental consciousness.[31] In short, Foucault's conception of the subject does not continue in the tradition of modern philosophy's *cogito*, which gives primacy to subjectivity. The subject, for Foucault, is not a sovereign or self-constituting point of origin from which knowledge and truth-claims emanate. The subject is instead a life-long effect of constitutive force relations, that is, an effect of force relations continuously constituted and reconstituted through concrete and institutional practices and discourses over the course of its life-time.

Foucault observed that modern force relations are constitutive of the subject in a distinctively liberal fashion. As he explained it, a characteristic and troubling property of the practice of government in the West has been the tendency toward a form of political sovereignty "of all and of each" — *omnes et singulatim* — the effects of which are to totalise and individualise.[32] To be an individual, in the modern sense of the word, is to be linked to a

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[28] See Shelley Tremain, "Review of *The Faces of Intellectual Disability: Philosophical Reflections* by Licia Carlson and *Racism and Sexual Oppression in Anglo-America: A Genealogy* by Ladelle McWhorter", *Hypatia: A Journal of Feminist Philosophy*, vol. 27, no. 2 (2012), 440-445.

[29] Ladelle McWhorter, *Bodies & Pleasures: Foucault and the Politics of Sexual Normalization* (Bloomington and Indianapolis: Indiana UP, 1999).

[30] Ibid., 30.

[31] See Gary Gutting, "Foucault", in Edward N. Zalta (eds.) *Stanford Encyclopedia of Philosophy* ([2003] 2008), accessed on February 23, 2014. Available at: http://plato.stanford.edu/entries/foucault/

[32] Michel Foucault, "The Subject and Power", in Hubert L. Dreyfus and Paul Rabinow (eds.), *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: Chicago UP, 1982, 2nd ed.), Appendix, 208-226; Michel Foucault, "*Omnes et Singulatim*: Toward a Criticism of Political Reason", in Paul Rabinow and Ni-

totality. Under modern governmental strategies, totalisation and individualisation do not exclude one another, but rather operate as related processes. In the interview "The Subject and Power," Foucault described the relations between these processes by outlining the shift in his work from a concentration on dividing practices and other modes of objectivisation of the subject to the question of self-subjectification.[33] Disability studies scholars who focus exclusively on the second axis of the matrix of subjectification, that is, "the second part" of Foucault's inquiry into the constitution of the subject — in particular, the first volume of *The History of Sexuality* and *Discipline and Punish* — in order to critique his work, commonly fail to take this shift into account. Significantly, Foucault explained the rationale for the shift of emphasis in his studies of subjectivity in this way: "[the current technique of power] applies itself to immediate everyday life which categorizes the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth on him which he must recognize and which others must recognize in him. It is a form of power which makes individuals subjects."[34] Notice that Foucault is not a determinist about power. Power relations do not determine the constitution of the subject. Rather, subject formation, for Foucault, does involve "agency" and may involve conflict and acts of resistance.[35] Without paying due attention to Foucault's claims about modes of self-subjectification, therefore, disability theorists cannot adequately appreciate his approach to the constitution of the subject, including how indispensable the double bind of totalisation and individualisation is to an understanding of the constitution of the subject by and through force relations. Were disability theorists who criticise Foucault's approach to the subject to give greater attention to his claims about modes of self-subjectification, they would likely recognise the transformative promise that these claims hold out for work on disabled identity.

In his work on governmentality, Foucault aimed to show how the double bind of individualisation and totalisation, which characterises the modern nation-state, is the mechanism through which the nexus between force relations and freedom is produced.[36] Indeed, the power of the modern (neo)liberal state to produce an ever-expanding and increasingly totalising web of social control of subjects is inextricably intertwined with, and dependent upon, its capacity to generate a growing array of progressively finer specifications of the

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kolas Rose (eds.), *The Essential Foucault: Selections from Essential Works of Foucault, 1954-1984* (New York: The New Press, 1994) 180-201; see also Colin Gordon, "Governmental Rationality: An Introduction", in Graham Burchell, Colin Gordon, and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991), 3.

[33] Foucault, "The Subject and Power", 208.

[34] Ibid., 212.

[35] See Karen Barad, *Meeting the Universe Halfway: Quantum Physics and the Entanglement of Matter and Meaning* (Durham and London: Duke UP, 2007), 213.

[36] Michel Foucault, "Governmentality", in Paul Rabinow and Nikolas Rose (eds.), *The Essential Foucault: Selections from Essential Works of Foucault, 1954-1984* (New York: The New Press, 1994), 229-245; see also Maarten Simon, and Jan Masschellein, "Inclusive Education for Exclusive Pupils: A Critical Analysis of the Government of the Exceptional" in Shelley Tremain (eds.) *Foucault and the Government of Disability* (Ann Arbor: University of Michigan, 2005), 209-10.

individuality of subjects: by performatively differentiating and distinguishing them from each other, ranking and hierarchising them, and categorising and classifying them, all in accordance with a set of normalising and homogenising criteria, effectively producing them as identifiable and recognisable kinds of subjects, while simultaneously rendering them interchangeable. To put the point another way, the more individualising is the nature of the state's identification of us, the farther is the reach of its normalising and totalising disciplinary apparatus in the administration of our lives.[37]

Given the inexorable bind between the individual and the totality in modern liberal states, Foucault argued that analyses of subjection should not attempt to identify some centralised and overarching font of subjecting power, but rather "should try to grasp subjection in its material instance as a constitution of subjects."[38] In another, earlier context, Foucault had remarked that in his work he had been trying to render evident the "constant articulation of power on knowledge and of knowledge on power," especially with respect to the experiences of the subject. Power — that is, its exercise — he argued, perpetually creates knowledge and knowledge constantly induces effects of power.[39] Foucault was especially concerned to show how the emergence of the human sciences over the last two centuries has been entwined in the problems and practices of biopower and the social management (government) of subjects. Thus, Foucault's remarks on biopower, the subject, and government in his later work direct theorists to discern the multifarious ways that "subjects are gradually, progressively, really and materially constituted through a multiplicity of organisms, forces, energies, desires, thoughts, [and so on]."[40] Indeed, although Foucault's work is commonly characterised as centrally concerned with power, he stated in a number of his writings that inquiry into the complicated constitution of subjects (how humans are made subject) was the crux of his theoretical endeavors. He was concerned to show that despite the fact that modern governmental force relations appear to regulate political life in purely negative — that is, repressive — terms by prohibiting and controlling the subject, their logic is far more byzantine than traditional conceptions of juridical power represent: modern force relations actually govern subjects by guiding, influencing, and limiting their actions in ways that accord with the exercise of their agency and freedom. That is, Foucault main-

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[37] Tremain, "On the Government of Disability"; also see John Rajchman, *Truth and Eros: Foucault, Lacan, and the Question of Ethics* (New York: Routledge, 1991), 104. My discussion in this context and indeed throughout this article should suggest some of the ways in which Miranda Fricker fails to capture Foucault's ideas about power (among others). In particular, Fricker's remark according to which Foucault does not understand power as a capacity that can operate when no one is present to ensure its operation fails to account for his ideas of government as the "the conduct of conduct", normalization, discipline and disciplinary constraints, and panopticism (the latter of which I do not explicitly discuss). See Miranda Fricker, *Epistemic Injustice: Power & the Ethics of Knowing* (Oxford: Oxford University Press, 2007), 10, 12-13.

[38] Foucault, "Two Lectures", 97.

[39] Michel Foucault, "Truth and Power", in Colin Gordon (ed.), *Power/Knowledge: Selected Interviews and Other Writings, 1972–1977* (New York: Pantheon Books, 1980), 52.

[40] Foucault, "Two Lectures", 97.

tained that the most effective exercise of modern power relations consists in guiding the possible conduct of free and autonomous subjects and influencing the possible outcomes of their actions by putting in place the possible courses of action from which they may choose. In short, relations of governmental power enable subjects to act in order to constrain them. By virtue of their subjection to governmental force relations, subjects are in effect formed, defined, and reproduced in accordance with the requirements of them. Furthermore, the production of these practices, these *limits* of possible conduct from which subjects choose their acts and hence are self-constituting, goes hand-in-hand with concealment of them, allowing the naturalisation and legitimation of the discursive formation in which they circulate.[41] In an interview that contains some of the most explicit and straightforward explanations of his ideas about the constitution of the subject, Foucault put it like this:

> I don't think that we should consider the "modern state" as an entity which was developed above individuals, ignoring what they are and even their very existence, but on the contrary as a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form, and submitted to a set of very specific patterns.[42]

In Foucault's terms, to be a subject is to be simultaneously subject to external control and dependence, on one side, and tied to one's own identity by a conscience or self-knowledge, on the other side. Thus, although Foucault claimed that subjectivity is a secondary phenomenon, that the subject is an effect of the nexus of power-knowledge, he did not deny that the individuation of its agency and the lived character of its experiences (for example) are real. On the contrary, he acknowledged that these aspects of subjects are very real constituents of and for them, as much of his later work shows. Nevertheless, he endeavored to underscore that such constituents of the subject are contingent and historically specific, not inherent to them, nor historically continuous. Furthermore, subjectivity itself, that is, subjectivity as a property that the subject possesses, was, for Foucault, neither eternal, nor fixed, nor are the concepts of freewill and autonomy (among others) — concepts on which the very modern idea of subjectivity relies — inherent and immutable. Indeed, Foucault's genealogical work on the subject aimed to show that none of these concepts is a historical constant, although the dominant interpretive frameworks of history, philosophy, and theology (among others) represent them as such. Instead, each of these putatively inherent and foundational properties or attributes of the subject has come into being through certain historically-contingent practices, accidents, events, and interests. Thus, each of them has its own history of which it is the task of the genealogist to chart.[43] In this regard, Foucault followed Nietzsche's naturalistic meta-ethics, explaining the relation between interpretive

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[41] See Judith Butler, *Gender Trouble* (New York: Routledge, 1999, 10th anniversary ed.).
[42] Foucault, "The Subject and Power", 214.
[43] Foucault, "Nietzsche, Genealogy, History", 153.

frameworks, genealogy (as a practice), and the constitution of the human being/subject in this way:

> If interpretation were the slow exposure of the meaning hidden in an origin, then only metaphysics could interpret the development of humanity. But if interpretation is the violent or surreptitious appropriation of a system of rules, which in itself has no essential meaning, in order to impose a direction, to bend it to a new will, to force its participation in a different game, and to subject it to secondary rules, then, the development of humanity is a series of interpretations. The role of genealogy is to record its history: the history of morals, ideals, and metaphysical concepts, the history of the concept of liberty or of the ascetic life; as the stand for the emergence of different interpretations, they must be made to appear as events on the stage of historical process.[44]

One Influential Critical Response

In my introductory remarks, I noted that Foucault's ideas about subjectivity, subjection, and the constitution of the subject comprise one aspect of his work that a number of disability theorists (and some feminist thinkers) have criticised. Tobin Siebers, in particular, has been quite critical of Foucault's ideas about the subject, experience, identity, and subjection (among other things). In "Disability Experience on Trial," Siebers[45] objects to the argument that feminist poststructuralist historian Joan W. Scott[46] — who draws on Foucault — makes about the shortcomings of historical inquiry that relies upon experience as evidence and, in turn, extends the conclusions that he extrapolates from these objections to criticise a position on minority identities that he claims is characteristic of poststructuralism in general. To be sure, Siebers — who aligns himself with both the new realist and new materialist movements — does not explicitly or directly attribute to Foucault the problems that he perceives in Scott's argument; however, insofar as Siebers claims that there seems to be "uniformity" on such matters amongst theorists "in the poststructuralist tradition,"[47] it is fair to say that the general remarks about poststructuralism that he makes in the article are meant to apply to Foucault, if not especially to him, given his notoriety as one of its initiators, despite the fact that he himself eschewed the designation of "poststructuralist."

Siebers, as the provocative title of his influential article might suggest, sets out to show why the articulation of disability experience is an important and valuable enterprise for disability studies scholars (and minority scholars more generally) whose pursuit the claims of Scott and poststructuralism threaten to confine and restrain.[48] In contrast to what Scott and poststructuralism assume, Siebers asserts, disability experience has the potential to both augment social critique and advance emancipatory political goals. He argues, furthermore, that insofar as Scott in particular and poststructuralism in general do not

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[44] Ibid., 151-52.

[45] Siebers, "Disability Experience on Trial", 291-305.

[46] Joan W. Scott, "The Evidence of Experience", *Critical Inquiry* vol. 17, no. 4 (1991), 773-797.

[47] Siebers, "Disability Experience on Trial", 305, en6.

[48] Ibid.

acknowledge, and indeed dismiss, the importance and value of "experience as evidence," their claims have limited potential as tools with which to enlarge and enrich the social critiques of disabled people (and other minority groups) and to advance their emancipatory political goals. Scott, he says, "attacks" feminists and cultural historians who argue that history must be rewritten on the basis of the experiences of women, people of color, and victims of class discrimination, accusing them of falling prey to foundationalism. Noting that Scott states that "It is not individuals who have experience, but subjects who are constituted through experience,"[49] Siebers sardonically remarks that, apparently, individual experience cannot serve as an origin of explanation or authoritative evidence because it is socially constructed, that is, experience is threatened as a basis for knowledge-claims by virtue of its social construction.[50] For Scott, Siebers claims, even when experience is used to create alternative histories or to correct prevailing misinterpretations, it becomes, if given the status of evidence, "merely another brick in the foundationalist discourse of history."[51] Write Siebers, although Scott and others in the poststructuralist camp argue that experiences of minority identity "have no critical value," he hopes that knowledge gained from disability experience renews the incentive to reclaim and re-theorise experiences of minority identity.[52] He recommends, therefore, that disability theorists and other minority thinkers take up realist accounts of minority identity, rather than poststructuralism. Unlike poststructuralism, which "discounts" the knowledge-claims of minority identities, insofar as it assumes that identities are little more than socially constructed fictions, realism, Siebers asserts, recognises both the social construction of identities and that identities constitute epistemologies about the world in which we live. Siebers avers that although poststructuralism has always held that "the more radical and absolute the critique, the greater is its potential for emancipation," the proof for acceptance of this dictum seems less and less apparent. Does the desire for absolute critique always work in the interest of politically progressive goals? Is the banishment of experience actually radical? Or is it reactionary?[53]

Thus far, no disability theorist has explicitly challenged the arguments that Siebers directs at Scott in his paper; that is, disability theorists seem for all intents and purposes to have implicitly accepted the criticisms that Siebers makes about Scott (and poststructuralism, more generally), according to which she (and poststructuralist approaches) dismisses the critical value of subjective experience, given its social construction. Anything other than acceptance of Siebers's views in this context seems to be out of the question. After all, what could be more vital to the recognition and elevation of the histories, perspectives, interests, and emancipatory goals of disabled people and members of other historically marginalised and stigmatised populations than the articulation, documentation, and acceptance (as evidence) of their personal accounts and narratives? These stories have been hidden from his-

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[49] Scott, "The Evidence of Experience", 779.
[50] Siebers, "Disability Experience on Trial", 294.
[51] Scott, "The Evidence of Experience", 779.
[52] Siebers, "Disability Experience on Trial", 292-93.
[53] Ibid., 293; see also, Alcoff, *Visible Identities: Race, Gender, and the Self.*

tory and continue to be ignored or discredited, which obfuscation and dismissal reinforces and reproduces the narrow picture of (among other things) the human that is produced and disseminated by and within mainstream society. What disability theorist would deny that, and why?

My argument is that there is very good reason to dissent from Siebers's criticisms of Scott and poststructuralism in this context and, furthermore, doing so does not require that one take the position according to which minority identities "have no critical value," nor that they are "little more than socially constructed fictions," both of which claims Siebers attributes to Scott (and to poststructuralists in general), but which she herself does not in fact seem to assume. I submit that in addition to the fact that Siebers seems to misunderstand the philosophical underpinnings of realism, he misconstrues Scott's position (and poststructuralism more generally), providing an uncharitable, very selective, and textually-unsubstantiated exegesis of Scott's claims, in particular, and of poststructuralist assumptions, in general, as he did in his 2008 book with respect to Foucault.[54] Siebers ignores the double bind — "twin politics" — of the subject for Foucault and poststructuralists such as Scott, that is, ignores that the constitution of subject involves self-subjectification, self-creation, and, potentially, self-transformation, focusing exclusively on Foucault's work on how force relations, discourses, and so on act upon subjects.[55] Contra Siebers, Scott's position is that experience, although it offers an important element for critique, should not be regarded as self-evident, as the "bedrock of evidence" on which explanation is built, nor as "uncontestable evidence" from which explanation is derived, but rather should be regarded as a starting point for questions about (for instance): the constructed nature of experience; how one is constructed as a minority subject in the first place; how that difference is established by and through discursive practices; how it operates; and how it constitutes subjects who understand and act in the world in the way in which they do.[56] As Scott explains:

> [W]e know [minority identities] exist, but not how they have been constructed; we know their existence offers a critique of normative practices, but not the extent of the critique. Making visible the experience of a different group exposes the existence of repressive mechanisms, but not their inner workings or logics; we know that difference exists, but we don't understand it as relationally constituted. For that we need to attend to the historical processes that, through discourse, position subjects and produce their experiences. It is not individuals who have experience, but subjects who are constituted through experience.[57]

Notice that, contra Siebers, Scott's claim is not that experience, by virtue of its social construction, has no epistemic value, but rather that there is no Cartesian *cogito* or ready-made subject that encounters, confronts, and experiences the world. The subjects who have experiences come into being by and through the experiences themselves; that is, the constitution

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[54] See Siebers, *Disability Theory*, especially 54-59.

[55] See also Scully, *Disability Bioethics: Moral Bodies, Moral Differences.*

[56] Scott, "The Evidence of Experience", 777.

[57] Ibid., 779.

of the subject takes place hand-in-hand with the experiencing itself. Indeed, notice, furthermore, that Scott, contra Siebers, acknowledges that the existence and experiences of minority identities afford us a means with which to critique extant practices and uncover repressive mechanisms of force relations. Since subjectivities are secondary phenomena, however, we do not and cannot know in advance the extent of the critique that the experiences of minority identity offer; that is, we do not and should not assume that we know from the outset of our investigations of minority identities what their existence and experience of them can tell us about (for instance) how they came into being and why, nor what interests or whose interests their lived existence serves, nor whether, instead, this information will tell us things about the existence and experience of minority identity that we never would have otherwise imagined. Notice, then, that on this understanding of experience our investigations into minority identities and the experiences that, in part, constitute them are not conceived as finite, teleological, or, as Siebers puts it, "absolute" projects, but rather as perpetual, incremental, and ongoing practices.

Scott recommends that we assume something like Teresa de Lauretis's redefinition of experience in order to engage in this sort of open-ended critical undertaking. De Lauretis defines experience as the process by which subjectivity is constructed and through which one places oneself in social reality, or is placed in it, and thus perceives and comprehends as subjective material, economic, and interpersonal relations that are in fact social, and in a larger perspective, historical.[58] On such a redefinition, experience becomes that for which explanation is sought and about which knowledge will be produced, rather than the origin or authoritative evidence that grounds what is already known. When we think of experience in this way, we historicise it, as well as historicise the identities to whose constitution experience contributes. Indeed, an historicist examination of experience critically scrutinises all of the explanatory categories associated with it that are ordinarily taken for granted as self-evident, prediscursive, transparent, and foundational, including subjectivity, identity, agency, nature, body, and biology, as well as categories, such as race, gender, class, disability, and sexuality whose social construction is more readily recognisable.[59]

Historicised understandings of experience are critical ontologies of ourselves whose aims include the identification of both the historically-contingent limits of who we are now and the epistemic limits that uncritically thinking of experience and identity in accepted ways can impose upon us. Hence, these historicised understandings of experience — that is, these critical ontologies of our minority identities — do indeed rely in part, but only in part, on the insights drawn from subjugated knowledges, such as the recovered knowledges of the incarcerated lunatic and ridiculed hunchback and the subjugated epistemologies of the disenfranchised cripple, empowered disability activist, and politicised autistic student. Historicised understandings of experience also require that we consider how these subjugated knowledges themselves are products of, and conditioned by, the historical *a pri-*

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[58] Teresa De Lauretis, *Alice Doesn't: Feminism, Semiotics, Cinema* (Bloomington and Indianapolis: Indiana UP, 1984), 159, quoted in Scott, "The Evidence of Experience", 782.

[59] See Scott, "The Evidence of Experience", 779-96.

ori of the epoch within which they were constituted. Foucault, writing under the pseudonym "Maurice Florence,"[60] defended the historicist conception of experience and demotion of the subject in this way:

> Refusing the philosophical recourse to a constituent subject does not amount to acting as if the subject did not exist, making an abstraction of it on behalf of a pure objectivity. This refusal has the aim of eliciting the processes that are peculiar to an experience in which the subject and object "are formed and transformed" in relation to and in terms of one another. The discourses of mental illness, delinquency, or sexuality say what the subject is only in a certain, quite particular game of truth; but these games are not imposed on the subject from the outside according to a necessary causality or structural determination. They open up a field of experience in which the subject and the object are both constituted only under certain simultaneous conditions, but in which they are constantly modified in relation to each other, and so they modify this field of experience itself.[61]

The impetus for this sort of historicised understanding of experience is not, as Siebers claims, "the desire for absolute critique," but rather the desire to show that our current subjective experience is not a decontextualised and inherent property or manifestation of our (minority) identities; that our current identities are not the self-evident, inevitable, and predetermined outcomes of our past subjective experiences and identities; and that our current subjective experiences of minority identities are not necessary predictors of the future. In short, a historicised understanding of the experience of disability and disabled identity can demonstrate that these phenomena are the products of arbitrary and contingent constraints (including self-imposed constraints), rather than natural, prediscursive, prior to culture, or biologically determined. In this way, historicised understandings of the disabled subject, minority identity, and experience open up conceptual avenues for resistance and productive possibilities of personal and social transformation that should animate a feminist philosophy of disability.[62]

An Interlude

I want to turn now to consider the second aforementioned charge that disability theorists — some of whom have taken up one or both of the new materialist and realist theoretical approaches — variously direct at Foucault (and poststructuralism more generally), namely, that his work offers an inadequate account of corporeal reality and materiality that amounts to a form of linguistic idealism or at least confers too much significance upon language and discourse or language and representations. Although the motivational assumptions of these

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[60] Maurice Florence [Foucault], "Foucault". in Paul Rabinow and Nikolas Rose (eds.), *The Essential Foucault: Selections from Essential Works of Foucault, 1954-1984* (New York: The New Press, 1994), 1-5.

[61] Ibid., 3-4.

[62] See Shelley Tremain, "Educating Jouy", *Hypatia: A Journal of Feminist Philosophy* vol. 28, no. 4, (2013), 801-817.

disability theorists differ, they agree with each other insofar as they reject the idea that the body is merely a social construction of language and representation ("a fiction"), an idea that they (unanimously) attribute to Foucault and poststructuralism more generally.[63] The broad argument that disability theorists who criticise Foucault in this way make can be summed up thusly: (1) Foucault eliminated the fundamental materiality of the body in ways that are idealist, that is, his claims imply that everything is a linguistic construction or representation; (2) contra Foucault, disabled people's corporeality and experience of it cannot be reduced to the level of mere linguistic constructions and representations, nor do "signs" precede the embodied experiences of disabled people; (3) disabled people's bodies and, more exactly, their bodily differences, make a real lived difference for disabled people who encounter architectural barriers, systemic prejudice and bias, and lack of opportunities on a daily basis due to prevalent restrictive and uninformed beliefs about what a body should do, what form it should take, how it should appear, how it feels, what can be learned from it, and so on; (4) disabled people, by virtue of their corporeal differences from normative bodies, could produce a wealth of knowledge about embodiment (including about its variations, fluctuations, and inconsistencies) were their insights not suppressed, discounted, and ignored due to the persistence of these very norms; and (5) since a central — if not *the* central — purpose of disability theory should be to take into account and elaborate the moral, political, social, and epistemological differences that the bodily differences between disabled and nondisabled people make, Foucault's work (and the work of other poststructuralists) is inadequate, if not counter-productive, for disability theory because it undermines the authoritative status of disabled people's knowledge about their own bodies and experiences.[64]

My aim in what follows is to show why neither this broad argument, nor the distinct articulations of it that I consider below, ought to be accepted. I take a somewhat circuitous route in order to do so. Just as a number of disability theorists have persistently charged Foucault with neglect of the body and its materiality, so, too, have some feminist philosophers and other feminist theorists criticised him in this way. In fact, some of these feminist philosophers and theorists have directly influenced and even precipitated the recent emergence, or rather resurgence, of materialist approaches in disability theory, as well as other approaches — such as phenomenology — that give primacy to the body. Feminist philosophers and theorists who critique Foucault's approach to the body and materiality have argued that his neglect of the body is of a piece with the long history of somatophobia in the tradition of Western philosophy, despite the fact that Foucault himself distinguished his analytical tool (genealogy) from "the philosopher's method" because of the latter's refusal to acknowledge the body.[65] If we wish to develop a feminist philosophy of disability that employs genealogy, we must, therefore, take into account this legacy in Western philoso-

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[63] See, for instance, Siebers, *Disability Theory*, 54-59.

[64] Siebers, "Disability Experience on Trial"; Siebers, *Disability Theory*; Scully, *Disability Bioethics: Moral Bodies, Moral Differences*; Hughes, "What Can a Foucauldian Analysis Contribute to Disability Theory".

[65] See Foucault, "Nietzsche, Genealogy, History",

phy, for it may indicate how the conceptions of materiality and embodiment that many disability theorists hold in the present reinstate that history.

Binary Thinking in (Eurocentric) Western Intellectual History

Since the Enlightenment, dominant strains of the various sub-fields of Western philosophy have assumed as their fundamental premise that in order for a given entity, state of affairs, or relation to be worthy of philosophical investigation, it must be universal, objective, and immutable. Thus, Western ethics, metaphysics, philosophy of language, and political philosophy have concerned themselves with an ostensibly universal subject who allegedly transcends the vagaries of contingency and subjectivity through an unyielding faculty of reason, pledges allegiance to no tribe, is born of no mother, and can be found nowhere, but nevertheless is every man existing everywhere. Over the past several decades, feminist philosophers (among others) have endeavored to show that sexism and other systemic relations of power have generated and conditioned many of the foundational claims of Western philosophy and that the allegedly universal and unencumbered subject of the Western philosophical tradition has always been situated, reflecting the assumptions, biases, and perspective of that social positioning. In addition, feminist philosophers (and others) have endeavored to demonstrate that the set of cultural, theoretical, discursive, and institutional practices that comprise this philosophical tradition have, in their own ways, contributed to the constitution of the social and political categories (such as sex and race) into which subjects in the West have been divided.

The identification of a set of interrelated dualisms that have historically structured (and continue to structure) Western intellectual thought has been at the heart of these feminist arguments. Some of the dualisms that feminists have identified are: nature-culture; reason-emotion; mind-body; objectivity-subjectivity; form-content; public-private; male-female; masculine-feminine; subject-object; impartiality-partiality, and fact-value. In the terms of this dichotomous thinking, feminists have argued, the former term of each respective pair is privileged and assumed to provide the form for the subordinate latter term (the content) of the given pair, whose very recognition is held to depend upon (indeed, *require)* the transparent and stable existence of that former term. On this dichotomous thinking, the significance of anything (including, and indeed especially, the latter term of a given pair) that threatens to undermine the transparent and stable existence and dominance of the former term of a given pair, or to reveal its artifactual character (and, hence, the artifactual character of the opposition itself), must be marginalised, obscured, or nullified. Thus, women are both depreciated and disqualified within the terms of the binary thinking that has conditioned Western philosophy, while men are elevated within it. Feminist theorists have pointed out, furthermore, that given the interrelations between the terms on each side of these dualisms, women have, since time immemorial, been tendentiously associated with the already depreciated body, emotions, the feminine, the private realm, partiality, and sub-

jectivity, while men have been associated with the venerated mind, reason, the masculine, the public realm, impartiality, and objectivity.[66]

So gripping has been binary thinking in Western intellectual thought that feminists themselves have inadvertently engaged in it, deriving the distinction between sex and gender that conditioned three decades of feminist scholarship from the opposition between nature and culture that was foundational to Claude Lévi-Strauss's structuralism. Although many feminists criticised the nature-culture distinction early on, identifying binary thinking as a dimension of the domination of entities and organisms that inhabit so-called "natural" categories (white women, people of color, non-human animals, and the non-human environment), their critiques did not extend to the sex-gender distinction derived from it: that device was too useful a tool with which to advance claims designed to explain why sexism and male supremacy seem to be universal and transhistorical in their existence, yet are radically diverse in their configurations across historical periods and cultures.[67] The distinction between sex and gender that Gayle Rubin articulated in 1975 through an appropriation of Lévi-Strauss's structuralist anthropology and Lacanian psychoanalysis has arguably been the most influential version of the sex-gender distinction in feminist discourse. By drawing on Lévi-Strauss's nature-culture distinction, Rubin cast "sex" as a natural (i.e., prediscursive) property (attribute) of human bodies and "gender" as the culturally-specific configuration of this property (attribute). As Rubin explained it, "Every society has a sex-gender system — a set of arrangements by which the biological raw material of human sex and procreation is shaped by human social intervention and satisfied in a conventional manner."[68] For Rubin, in other words, sex is a product of nature as gender is a product of culture.

The category of gender has in this way been historicised and relativised in most mainstream feminist theory at least since Rubin articulated her version of the feminist sex-gender distinction in the mid-1970s. In fact, due to the epistemic authority that feminists conferred upon the sex-gender distinction, the category of sex remained an inert fact-of-the-matter, conceived as prediscursive, prior to culture, and hence devoid of political import until the 1990s when, thanks to the groundbreaking work of Butler, Anne-Fausto-Sterling, Donna Haraway, Hazel Carby, and other feminist philosophers and theorists, sex too became an object of critical inquiry. These (and other) feminists have argued that the political and explanatory power of the category of gender depend precisely upon relativising and historicising the category of sex, as well as the categories of biology, body, race, and nature (among others). Each of these categories has, in its own way, been regarded as foundational to gender; yet, none of them is an objective entity with a transhistorical and transcultural

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[66] See Tremain, "On the Government of Disability".

[67] See Donna J. Haraway, "'Gender' For a Marxist Dictionary", in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991), 127-148; Tremain, "On the Government of Disability".

[68] Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex", in Rayna R. Reiter (ed.), *Toward an Anthropology of Women* (New York: Basic Books, 1975), 165.

existence.[69] In *Gender Trouble*, Butler argued that if the category of sex is itself a gendered category — that is, politically invested and naturalised, but not natural — then there really is no ontological distinction between sex and gender. As Butler explained it, the category of "sex" cannot be thought as prior to gender as the sex-gender distinction assumes, since gender is required in order to think "sex" at all.[70] In her now famous formulation, Butler argued that the stylised performance of gender is the means through which "sexed nature" (sex) is materialised as natural, as prior to culture, and as a politically-neutral surface on which culture acts.[71] In other words, Butler reversed the accepted feminist understanding of the relation of entailment between sex and gender, a reversal of causation that Foucault had already motivated in the first volume of his history of sexuality series.[72]

As I have noted, the association of the body with women and its subordination to the mind with which men have been associated, as well as the exclusion of both the body and women from political and public discourse, from the civic realm, and indeed from history, were central to early feminist critiques of dualistic thinking. Thus, feminist philosophers (and others) regarded the promotion and elevation of women as inextricably interwoven with the re-evaluation of the body and embodiment and have endeavored to bring the female body, in particular, to the center of critical discussion from the excluded social position it has hitherto occupied. They have done so by variously focussing their efforts on events and embodied experiences particular to the female body that had previously been omitted from philosophical and critical discourse, events and experiences such as menstruation, pregnancy, having breasts, and menopause. In other words, these early feminist efforts tended to assume sex and sexual difference as foundational and prediscursive, assumptions that Butler's work on gender performance was designed to undermine. Nevertheless, in recent years, a number of feminists have argued that Butler (and other poststructuralist feminists) places too much emphasis on gender, at the expense of attention to sexual difference, and (like Foucault) lends far too much significance to language and discourse as constitutive of corporeal reality. Feminists who argue in this way have in large part been responsible for the recent emergence of new materialist feminisms and feminist materialisms, as well as current feminist uses of phenomenology.

In a number of respects, the latest innovations in disability theory with respect to the (impaired) body mirror these conceptual shifts in feminist philosophical and other theoretical discourses on the (female) body. For so, too, a number of disability theorists have called for renewed attention to the category of impairment, which they construe as the prediscursive foundation of disability that disabled people universally possess. These disability theorists have variously done so as an antidote to both the exclusive focus that the British social model of disability (BSM) has given to the social advantages that accrue to disabled people

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[69] For instance, see Haraway, *Simians, Cyborgs, and Women: The Reinvention of Nature*

[70] Butler, *Gender Trouble,* 143.

[71] Ibid., 10-11.

[72] Michel Foucault, *The History of Sexuality*, vol. 1, An Introduction, translated by Robert Hurley (New York: Vintage, 1978), 154-56.

and the perceived excesses of Foucault and other poststructuralists who, they argue, render material reality as a mere fiction, that is, as merely a product of discourse and language. I shall first consider the arguments that some of these disability theorists have directed at the BSM and its proponents and in turn will consider the various arguments that some of them direct at Foucault.

Disability Theory's Own Binary

Throughout the last decades of the twentieth century, some disability theorists called for greater attention to be paid to impairment largely in reaction to the dominance of the BSM whose distinction between impairment and disability has installed its own version of the nature-culture distinction within disability theory. The authors of the BSM's key principles relied upon the assumptions of historical materialism in order to make their distinction between impairment and disability; thus, Michael Oliver (one of the first proponents of the BSM in academic contexts) wrote, for example, that the "cultural production of disability" is dependent on a variety of factors, including the type of economy in a given cultural context, the size of the economic surplus, and the values that influence the redistribution of this surplus. In more concrete terms, proponents of the BSM argued that disability is comprised of the innumerable aspects of social life that impose restrictions upon people with impairments, including personal prejudice, inaccessible public buildings, unusable public transportation systems, segregated education, exclusionary workplace arrangements, and so on.[73] Proponents of the BSM have held that the restricted opportunities that disabled people confront are not the inevitable consequences of their impairments, but rather are created by social and economic arrangements and conditions that can be transformed. As Oliver put it, "disablement is nothing to do with the body."[74] Indeed, the claim that there is no causal connection between impairment (construed as a neutral human characteristic) and disability (construed as a form of social oppression) has been hailed as the important innovation of the BSM.[75]

Some critics sympathetic to the BSM have argued, nevertheless, that due to its (almost) exclusive focus on structural and institutional factors that cause disability, the BSM neglects the lived experience of impairment — including the lived experience of pain — and the ways that impairment is shaped by and shapes other human "characteristics," such as gender, race, ethnicity, and sexuality, thus presenting an incomplete picture of disabled people's lives. For example, Eva Feder Kittay, in a set of remarks that conflates the categories of impairment and disability, as well as naturalises and re-medicalises impairment (and hence depoliticises it), has recently argued that "[w]hile the social model has been useful

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[73] See Michael Oliver, *The Politics of Disablement* (London: Macmillan Education, 1990); Michael Oliver, *Understanding disability: From theory to practice* (London: Macmillan, 1996).

[74] Oliver, *Understanding Disability: From Theory to Practice,* 35.

[75] Tremain, "On the Government of Disability"; Tremain, "Foucault, Governmentality, and Critical Disability Theory: An Introduction"; Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

in all sorts of ways, the distinction between the two models is too simplistic." As Kittay explains it, "There are aspects of disability that no one really wants that are part of the impairment, like pain, caused by impairment itself."[76] In Carol Thomas's materialist-feminist effort to repair the BSM, she introduced the term *impairment effects* to refer to the dimensions of living with impairment that she and other sympathetic critics of the BSM argued that it ignores. Some disability studies scholars have claimed that Thomas's material-feminist approach to disability also eschews the foundational status that the BSM confers upon to the category of impairment. Thomas had written that a materialist perspective on impairment would explain how pathologised, morphological, anatomical, and genetic differences, bodily variations defined in Western medical discourses as "impairments," are shaped and changed temporally and spatially through the dynamic interrelationship between human bodies and social and physical environments.[77] In addition, Thomas agreed with U.K. disability theorist and activist Paul Abberley[78] that what is assigned to the category of impairment is neither transhistorical nor universal in character, but rather "historically and spatially specific:" "what *is* and what *counts as* impairment is always socially located, situated in time and place."[79]

  With these remarks Thomas implied that the category of impairment is transhistorical and transcultural, recuperating the ahistorical foundationalism of the BSM that, to some disability theorists at least, she had seemed to avoid. An historicist and relativist feminist philosophy of disability that uses genealogy would, by contrast, investigate the epistemological and ontological status that the category of impairment has achieved, that is, would investigate how the belief has taken hold that impairment is a transhistorical and transcultural property or characteristic of the subject that exists prior to culture, is prediscursive, and indeed is somehow part of the fabric of the universe. In other contexts, I have elaborat-

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[76] In an argument that is well-known in the literature of philosophy of disability and disability theory, I have collapsed the distinction between the categories of impairment and disability, though in a way that politicises both impairment and disability, rather than in a way that serves to naturalise, i.e., de-politicise, both impairment and disability, as Kittay does with these remarks (and elsewhere). See Eva Feder Kittay, quoted in Elizabeth Picciuto, "They Don't Want an Autism Cure", *The Daily Beast,* Feb. 25, 2015. Accessed on: April 27, 2015. Available at: http://www.thedailybeast.com/articles/2015/02/25/they-don-t-want-an-autism-cure.html. For additional critiques of the BSM that are nevertheless sympathetic to it, see Sally French, "Disability, Impairment, or Something in Between?" in John Swain, Vic Finkelstein, Sally French, and Michael Oliver (eds.), *Disabling Barriers, Enabling Environments* (London: Sage Publications, 1993, 1st ed.), 17-25; Liz Crow, "Including All of Our Lives: Renewing the Social Model of Disability", in Jenny Morris (ed.), *Encounters with Strangers: Feminism and Disability* (London, U.K.: Women's Press, 1996), 206-22; Jenny Morris, "Introduction" in *Encounters with Strangers: Feminism and Disability* (London: Women's Press, 1996); Bill Hughes, and Kevin Patterson, **"**The Social Model of Disability and the Disappearing Body: Towards a Sociology of Impairment", *Disability & Society*, vol. 12 (1997), 325-40; Thomas, *Female Forms: Experiencing and Understanding Disability*.

[77] Thomas, *Female Forms: Experiencing and Understanding Disability,* 33.

[78] Paul Abberley, "Work, Utopia and Impairment", in Len Barton (ed.) *Disability and Society: Emerging Issues and Insights* (Harlow, U.K.: Longman, 1996), 61-79.

[79] Thomas, *Female Forms: Experiencing and Understanding Disability,* 132-33, emphasis in original.

ed an argument about the discursive constitution of impairment according to which the idea of impairment is historically specific and performative, providing the justification for the expansion and multiplication of disabling practices. Impairment is not a "natural" (i.e., biological), value-neutral, and objective human characteristic or aspect of human existence that certain people possess or embody, the signification and significance of which may vary from one historical era to the next and from one culture to another. Impairment is, rather, the naturalised and materialised outcome of a classification initially generated in certain culturally- and historically- specific medical, administrative, and juridical contexts to facilitate normalisation.[80] In other words, certain culturally- and historically-specific technologies of normalisation — and the discourses that embody them — have been complicit in the historical emergence of the category of impairment and contribute to its persistence. Before the articulation and elaboration of the classification in these contexts, by and through these technologies of normalisation, impairments did not exist.

Disability Theory on Foucault and Phenomenology

Disability theorists who assume aspects of phenomenology to argue that the BSM fails to account for the body and impairment also direct phenomenological arguments at Foucault in order to assert that he too fails to appropriately and adequately acknowledge embodiment (albeit these critiques differ in some important respects). In order to argue against the use of Foucault in disability studies, these authors have almost invariably drawn upon the work of Maurice Merleau-Ponty, which they take to be the philosophy of embodiment *par excellence*. Almost without exception, these authors appear to think that the mere fact that Foucault issued scathing criticisms of phenomenology is sufficient to demonstrate that his work ignores the lived body and embodiment. Seldom has adequate textual support been supplied to substantiate these charges. For example, in her efforts to show why Foucault's work has limited use for disability studies, Jackie Leach Scully notes disapprovingly that in Foucault's *Remarks on Marx* he described phenomenology as "unfolding the entire field of possibilities connected to daily experience."[81] Scully seems to think that this brief and rather cryptic remark shows both that Foucault eschewed phenomenology and that he denied the materiality and lived experience of the human body from which phenomenology putatively derives its impetus. Hence, she follows up her appeal to Foucault's remark by simply noting that he "didn't mean it as a compliment."[82] To be sure, Scully might also be familiar

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[80] This, then, is the argument (referred to in note 75) in which I collapse the distinction between impairment and disability in order to render the category of impairment as a political category. See Tremain, "On the Subject of Impairment"; Tremain, "Foucault, Governmentality, and Critical Disability Theory: An Introduction"; Shelley Tremain, "Reproductive Freedom, Self-Regulation, and the Government of Impairment In Utero", *Hypatia: A Journal of Feminist Philosophy,* vol. 21, no. 1 (2006), 35-53; Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

[81] Michel Foucault, *Remarks on Marx: Conversations with Duccio Trombadori*, translated by R.J. Goldstein and J. Cascaito (Brooklyn, NY: Semiotext(e), 1991), 31, quoted in Scully, *Disability Bioethics: Moral Bodies, Moral Differences*, 12.

[82] Scully, *Disability Bioethics: Moral Bodies, Moral Differences*, 12.

with the derisive remarks that Foucault made about phenomenology in *The Order of Things* and *The Archaeology of Knowledge*. Recall that (as I note above) phenomenology gives primacy to subjectivity which, by contrast, Foucault regarded as a secondary phenomenon. In the foreword to the English edition of *The Order of Things*, therefore, Foucault rejected phenomenology by arguing that it "places its own point of view at the origin of all historicity — which, in short, leads to a transcendental consciousness."[83] In *The Archaeology of Knowledge*, furthermore, he famously indicted phenomenology for its "transcendental narcissism."[84] Perhaps these remarks have prompted Scully (among others in disability studies) to conclude that Foucault scorned the existential phenomenology of Merleau-Ponty. Gary Gutting has argued, however, that Foucault directed the latter remark at Jean-Paul Sartre (not Merleau-Ponty) due to the centrality that Sartre gave to the subject. Other commentators have argued that Foucault's remarks in these contexts are almost certainly directed at the transcendental phenomenology of Edmund Husserl, not the existential phenomenology of Merleau-Ponty.[85] Indeed, Gutting, in an entry on Foucault in *The Stanford Encyclopaedia of Philosophy*, writes that Foucault was enthralled by the French avant-garde literature of authors such as Georges Bataille and Maurice Blanchot in which he found the experiential concreteness of existential phenomenology.[86]

Bill Hughes and Kevin Patterson, who drew heavily upon Merleau-Ponty in their 1997 phenomenological study of disability, acknowledge that an approach to disability that incorporates Foucault's insights would be a worthwhile way to map the constitution of impairment and examine how regimes of truth about disabled bodies have been central to government of them; they have claimed, nevertheless, that such an approach would entail the "theoretical elimination of the material, sensate, palpable body."[87] Scully, too, in the 2009 book that I have now cited, criticises Foucault in this way. For example, after citing the first edition of *Foucault and the Government of Disability*, Scully asserts that "Foucauldian poststructuralism's" […] "exclusive commitment to uncovering discourses carries the epistemological risk of missing the stubbornly prediscursive body. (Bodies *are* before they speak or are spoken about)."[88] She remarks that although attention to the normalising and naturalising representations of discourse about disability has been a powerful resource for disability studies, the concentration on discourses becomes problematic "when the idea that there

[83] Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, translated by Alan Sheridan (New York: Vintage Books, 1970), xiv.

[84] Michel Foucault, *The Archaeology of Knowledge and the Discourse of Language*, translated by Alan Sheridan (London: Tavistock Publications, 1972), 203.

[85] For example see Colin McQuillan, "Philosophical Archaeology in Kant, Foucault, and Agamben", *Parrhesia*, vol. 10 (2010), 39-49; Gutting, "Foucault"; cf. Johanna Oksala, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005).

[86] Gutting, "Foucault".

[87] Hughes, and Patterson, "The Social Model of Disability and the Disappearing Body: Towards a Sociology of Impairment", 330.

[88] Scully, *Disability Bioethics: Moral Bodies, Moral Differences,* 12, emphasis in original; see also Catherine Mills, *The Future of Reproduction: Bioethics and Biopolitics.*

is a biological substrate to embodiment slides out of sight entirely." If this were to happen, she cautions, there would be "nothing to stop theory from becoming untethered from materiality, forgetting that bodies have real constraints (including anatomical and biochemical ones) that limit their redescription or transformation."[89] Absent a biological substrate on which to hang disability, disability theory would, apparently, float free-form in the realm of linguistic idealism.

I want to point out that the arguments that Hughes and Patterson and Scully articulate in these contexts seem to ignore what Foucault said about the body in the first volume of *The History of Sexuality*, the point of which, he remarks, is

> to show how deployments of power are directly connected to the body—to bodies, functions, physiological processes, sensations, and pleasures; far from the body [being] effaced, *what is needed is to make it visible* through an analysis in which the biological and the historical […] are bound together in an increasingly complex fashion in accordance with the development of the modern technologies of power that take life as their objective.[90]

Foucault was concerned to historicise the body, rather than to eliminate it. Just as Prinz argues that each of our moral values has a history,[91] so too Foucault argued that conceptions of our bodies, their materiality, their biology, and the significance that we give to these phenomena are bound with the historical conditions of possibility for their constitution. As the aforementioned passage from the introductory volume of the history of sexuality series indicates, furthermore, the charge that Hughes and Patterson and Scully direct at Foucault according to which he denied or obscured the sensuous, material character of the body variously begs the question, for the materiality of the body *per se* and of impairment in particular are precisely what disability theory should examine, rather than straightforwardly assume to be the basis from which inquiry should proceed. The idea that there is an ahistorical and prediscursive materiality of the body — that is, the very idea of a natural, material human body that exists apart from, and prior to, history and linguistic and social practices and policies, a body that can be immediately and transparently experienced — is itself the product of a certain historically-specific discourse about the human being. An historicist and relativist approach to the impaired and disabled body that considers both its materiality and the experience of its materiality as the effects of certain historically-specific material conditions, including the contingent force relations immanent to these conditions, can identify, resist, and transform the ways in which these phenomena have material-*ised* it, that is, can identify, resist, and transform the way that these conditions and their force relations have materialised the impaired and disabled body as a certain kind of body and, in addition, have materialised impairment and disability as certain kinds of difference. To put the point another way, the impaired and disabled body (and its materiality) cannot be dissoci-

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[89] Scully, *Disability Bioethics: Moral Differences, Moral Bodies*, 7.

[90] Foucault, *The History of Sexuality, vol 1, An Introduction,* 103-04. (emphasis added)

[91] Prinz, *The Emotional Construction of Morals.*

ated from, nor is it ontologically or temporally before, the historically-contingent discursive practices that have brought it into being — that is, brought it into being as that sort of thing.[92]

In short, the notion that there exists a prediscursive material body which itself is what constrains the redescription and transformation of disabled people's bodies is an idea that disability theorists ought to contest. Indeed, the material "constraints" (including anatomical and biochemical ones) that Scully cautions may go unrecognised were theory to become detached from materiality have themselves been brought into being *as constraints* on bodies only within the terms of a culturally- and historically-specific conception of the body, its materiality, longevity, biochemical composition, appearance, anatomical structure, and so on. Though a truth discourse may seem to innocently describe the phenomena of the human body (its material constraints, composition, vulnerabilities, and so on), it significantly contributes to the constitution of that body, its materiality, bodily constraints, corporeal vulnerabilities, and so on. In other words, the redescription and transformation of bodies are not determined by their putatively "prediscursive" material constraints *per se*; rather, the extent to which, in what ways, and even whether, redescription and transformation of material bodies can take place is always already circumscribed and delimited by the historically-contingent conception of the body (and the "style of reasoning" from which that conception emerged) which effectively brings into being the facts, laws, and norms about its material constraints, restrictions, strengths, and so on in the first place. The materiality of the body is not the antecedent *a priori* of the body's categorisation; rather, in this historical context, the materiality of the body is its regulative consequent. As Butler pointed out in an oft-quoted remark, "there is no reference to a pure body which is not at the same time a further formation of that body."[93] Scientific facts about the human body (of the sort to which Scully appeals) are not beyond the reach of the genealogical approach to it that I recommend. Insofar as there is no reference to a pure body that is not itself constitutive of that body, scientific facts materialise the body that they are claimed to (merely) discover and represent. Indeed, the articulation of scientific accounts about the anatomy and biochemistry of human beings is an embedded and value-laden human enterprise that can be appropriately understood only if scientific discourses are understood as performative and intertwined with historically-contingent and shifting discourses in a complex matrix of force relations that generate institutional practices, asymmetries of social power, modes of subjectivity, experience, and identity, social policy decisions, instruments of medical knowledge, administrative models and classifications, intersubjective relations, and so on.

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[92] See Tremain, "On the Government of Disability"; see also Tremain, "Foucault, Governmentality, and Critical Disability Theory: An Introduction"; Tremain, "Reproductive Freedom, Self-Regulation, and the Government of Impairment In Utero"; Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

[93] Judith Butler, *Bodies That Matter: On the Discursive Limits of "Sex"* (New York: Routledge, 1993).

Another Interlude
Before I consider the claims of one feminist disability theorist who aligns herself with the new "materialist-feminism," let me point out, furthermore, that our self-perceptions and self-understandings, behavior, habits, and so on, as well as the possible courses of action from which we may choose are not independent of the descriptions available to us under which we may act; nor do the available descriptions occupy some vacuous discursive space. Rather, descriptions, ideas, and classifications work in a cultural matrix of institutions, practices, power relations, and material interactions between people and things. Concepts, classifications, and descriptions are never "merely" words and representations that precede what they come to represent, but rather are imbricated in (among other things) institutional practices, social policy, intersubjective relations, and medical instruments in ways that structure, that is, *limit*, the field of possible action for humans, including what possible self-perceptions, behavior, and habits are made available to them in any given historical moment. Indeed, I maintain that many criticisms of Foucault in disability studies according to which his approach offers an inadequate or inappropriate account of the subject, materiality, experience, and so on, result from misunderstandings about what the term *discourse* means. Discourse is not synonymous with language, as a number of disability theorists seem to think that it is. Discourses are not linguistic or signifying systems, or grammars, or speech acts, but rather are the culturally- relative and historically-specific material conditions that enable and constrain disciplinary knowledge practices such as speaking, writing, thinking, and analysing. As Karen Barad puts it, "these 'conditions' are immanent and historical rather than transcendental or phenomenological […] [T]hey are actual historically situated social conditions."[94] Discursive practices define what will count as a meaningful statement in a given context. Thus, discursive practices produce the subjects and objects of knowledge-practices, rather than merely describe them. In other contexts, I have shown how the materialisation of impairment in discourses that surround prenatal testing and screening practices and embryonic stem cell research, as well as by and through the technologies themselves, puts in place the productive limits of the field of possible actions — including the behavior of prospective parents, the self-perceptions of disabled people, the professional practices of clinicians, and the funding priorities of policy-makers — that are available to subjects in the present.[95]

One Example of Materialist Feminist Disability Theory
Rosemarie Garland-Thomson has in recent years recommended the term *misfit* to refer to what she claims is a new "feminist materialist disability concept."[96] As Garland-Thomson explains it, the idea of a misfit and the situation of misfitting "elaborate a materialist femi-

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[94] Karen Barad, "Posthumanist Performativity", in Stacy Alaimo and Susan Hekman (eds.) *Material Feminisms* (Bloomington & Indianapolis: Indiana UP, 2008), 137.

[95] Tremain, "Reproductive Freedom, Self-Regulation, and the Government of Impairment In Utero"; Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

[96] Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept".

nist understanding of disability by extending a consideration of how the particularities of embodiment interact with their environment in its broadest sense, to include both its spatial and temporal aspects."[97] "Material feminism," she asserts, "expands the idea of social construction of reality toward a materialist-discursive understanding of phenomena and matter."[98] Such a material feminism, Garland-Thomson writes, emphasises what Barad calls "interactive becoming,"[99] which is a kind of becoming that understands the fundamental units of being not as words and things or subjects and objects, but rather as dynamic phenomena produced through entangled and shifting forms of agency that are inherent in all materiality.[100] Referring to Barad's innovative work, Garland-Thomson states that this sort of materialist-discursive understanding is a "corrective move" that "shifts concepts such as Butlerian performativity toward the material and away from the linguistic-semiotic-interpretive turn in critical theory according to which everything tends to be understood as (in Barad's words) 'a matter of language or some other form of cultural representation'."[101] In other words, Garland-Thomson says, the concept of misfit reflects the shift of emphasis within feminist theory from the discursive to the material, whereby analytical focus centers on the co-constituting relationship between flesh and the environment.[102] In order to elaborate this materialist concept of misfit, she makes three arguments: (1) "the concept of misfit emphasizes the particularity of varying lived embodiments and avoids a theoretical generic disabled body that can dematerialize if social and architectural barriers no longer disable it;" (2) "the concept of misfit clarifies the current feminist critical conversation about universal vulnerability and dependence;" and (3) "the concept of misfitting as a spatial and perpetually temporal relationship confers agency and value on disabled subjects at risk of social devaluation by highlighting adaptability, resourcefulness, and subjugated knowledge as potential effects of misfitting."[103] In terms of misfitting, Garland-Thomson asserts, "the materiality that matters involves the encounter between bodies with particular shapes and capabilities and the particular shape and structure of the world."[104]

Garland-Thomson's term *misfit* has become a widely-cited addition to the toolbox of disability theory insofar as it seems to aptly capture the experiential reality and circumstances in which disabled people often find themselves. Introduction of the idea of misfit has sparked renewed interest in materialist approaches within philosophy of disability and disability studies, encouraging a number of other influential disability theorists to elaborate their own "post-poststructuralist" approaches. Nevertheless, it is not at all clear that Gar-

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[97] Ibid., 592.

[98] Ibid.

[99] Barad, "Posthuman Performativity", 146, quoted in Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept", 592.

[100] Ibid.,

[101] Barad, "Posthuman Performativity", 120, quoted in Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept", 592.

[102] Garland-Thomson, "Misfits: A Feminist Materiality Disability Concept", 594.

[103] Ibid., 592.

[104] Ibid., 594.

land-Thomson's claims about misfitting, nor that the work of disability theorists (such as Siebers and Scully) with which she associates these claims, "fit" in any recognisably coherent way with the assumptions that underlie Barad's material-discursive feminism; that is, although Garland Thomson aligns her recent work in feminist disability theory with Barad's material-discursive feminism, it is by no means evident that her feminist disability theory relies on the presuppositions that a feminist material-discursive conception of disability that draws upon Barad requires. In fact, the ontological commitments that Garland-Thomson makes in this context run counter to the material-discursive feminism that Barad articulates and are in fact incompatible with what a feminist material-discursive philosophy of disability would promote.

These problems, I want to point out, stem primarily from the fact that Garland-Thomson's materialist-feminist disability theory (like Thomas's) uses a binary distinction between impairment and disability that is analogous to Rubin's sex-gender distinction, as well as a binary distinction between the embodied self and "the world." These distinctions, which are in effect extensions of the structuralist nature-culture distinction, require precisely the sort of exclusionary foundationalism that Barad eschews; that is, Barad[105] repeatedly emphasises that her materialist-discursive feminism leaves no place for binary thinking or for prediscursive substrates (such as sex, impairment, and material body) that putatively provide epistemological and ontological foundations (for, respectively, gender, disability, and the environment). Despite Garland-Thomson's appeal to Barad's concept of material-discursivity, her remarks in this context effectively recuperate the materialism and binary thinking of the BSM, a materialism that leaves no place for the performative character of discursive practices, as Barad's material-discursive feminism clearly does. Indeed, on Garland-Thomson's understanding of Barad's material-discursive feminism, discursive practices seem to fall out of the equation; that is, Garland-Thomson does not seem to appreciate the performative character that Barad attributes to discursive practices, nor does she seem to understand the important role that the performative character of discursive practices plays in Barad's agential realism. Hence, I want to point out that, contra Garland-Thomson, the actual targets of Barad's critique with respect to the undue influence that language has had on critical theory are representationalism and correspondence theories of truth, not "Butlerian performativity" (as Garland-Thomsom refers to it). In "Posthumanist Performativity," Barad writes:

> A *performative* understanding of discursive practices challenges the representationalist belief in the power of words to represent pre-existing things. Performativity, properly construed, is not an invitation to turn everything into words; on the contrary, performativity is precisely a contestation of the excessive power granted to language to determine what is real. Hence, in ironic contrast to the misconception that would equate performativity with a form of linguistic monism that takes language to be the stuff of reality, performativity is actually a contestation of the unexamined habits of mind that grant language and other forms of representation more power in determining our ontologies than they deserve. The move toward performa-

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[105] See, for instance, Barad, *Meeting the Universe Halfway*, 133, 146-147, 150-51, 221.

tive alternatives to representationalism shifts the focus from questions of correspondence between descriptions and reality (e.g., do they mirror nature or culture?) to matters of practices/doings/actions.[106]

To be sure, Garland-Thomson allows that the binary thinking that structures the sex-gender and impairment-disability distinctions is problematic ("limited"). Rather than bite the bullet with respect to the foundationalism of these distinctions, however, she takes recourse in an appeal to consequentialist considerations in order to justify her endorsement and advancement of the impairment-disability distinction and its incorporation into her materialist-feminist disability theory, describing the distinction between impairment and disability as "theoretically groundbreaking" and the feminist sex-gender distinction that preceded the articulation of that distinction in disability theory and activism as "useful."[107] Such a theoretical move, while an expedient for the advancement of Garland-Thomson's argument, nevertheless renders the argument conceptually incoherent. In fact, my own claims about the materialisation and naturalisation of impairment by and through technologies and strategies of the apparatus of disability — claims that do not rely on the matter of a prediscursive substrate of impairment — are more compatible with a materialist-discursive feminism of the kind that Barad recommends than is the social constructivist conception of disability that Garland-Thomson has produced.[108]

Historicising and Relativisng Materialism

Nevertheless, when we adopt an historicist and relativist approach to the phenomena (including the materiality) of the body in general and the disabled body in particular, we can recognise that a materialist-discursive understanding is neither the fact-of-the-matter about bodies, nor true story, or more accurate description about them, but rather, another chapter in the history book of how this, here, now, was once possible. To put the point another way, the materiality of the body and, indeed, the very idea of materialism and recognition of materiality are historical artifacts. In short, the concept of a material body is an historically-specific production whose contextual and cultural significance is variously dependent upon an array of historically-contingent scientific, social-scientific, medical, legal, popular, and administrative discourses. Although in this historical and cultural context the body is thought primarily in developmental and material terms, in another historical and cultural context, in earlier contexts, in non-Western contexts, and, presumably, in subsequent historical contexts, it was, is, and will be thought quite differently, be investigated quite differently, be described quite differently, and so on. An historicist and relativist genealogical approach to the body shows that the concept of the body — the mechanical body in one his-

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[106] Barad, "Posthumanist Performativity, 121-22.

[107] Garland-Thomson, "Misfits: A Feminist Materialist Disability Concept", 591-92.

[108] See Tremain, "On the Government of Disability"; Tremain, "Foucault, Governmentality, and Critical Disability Theory: An Introduction"; Tremain, "Reproductive Freedom, Self-Regulation, and the Government of Impairment In Utero"; Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

torical moment; the normalised body in another moment; and the developmental body in yet another moment — has not been stable, not even over the last two centuries, nor have practices to observe, understand, manipulate, and control the body, nor subjective experiences of it, remained invariable. On the contrary, conceptions of the body and experiences of it have varied tremendously.[109] As McWhorter writes:

> Foucault the Nietzschean genealogist never says there is no body; he simply looks at the historical record to see how the concept "the body" has functioned in relation to the political, social, and economic forces in which it appeared. Nietzsche never found a time before evil; Foucault does not find a time before the body, but he does discover that the concept has altered a great deal over the centuries and has functioned very differently in different contexts. This fact [...] *tends* to upset the notion that the body exists somehow beneath language as a biological given, but it does not refute it. What it does do is undermine claims to definitive knowledge of the body by creating awareness—some might say a suspicion—that current claims are no more "untainted" by power relations than the claims of previous generations and that they, too, may pass away.[110]

Historically speaking, significant shifts and changes in perceptions and theories about the body go hand-in-hand with momentous shifts and changes in styles of reasoning.[111] Hacking has pointed out that styles of reasoning bring into being new types of objects, individuated with the style, which had not previously been noticeable among the things that exist.[112] In fact, each style of reasoning is the historically- and culturally-specific canon of objectivity about the phenomena — new types of objects, new types of evidence, new ways of being a candidate for truth and falsehood, new types of laws, and new types of possibilities — that the style itself brought into being as these types of things. As Hacking explains it,

> The truth of a sentence (of a kind introduced by a style of reasoning) is what we find out by reasoning using that style. Styles become standards of objectivity because they get at the truth. But a sentence of that kind is a candidate for truth or falsehood only in the context of the style. Thus styles are in a certain sense 'self-authenticating'.[113]

Hacking regards the apparent circularity of the idea of styles of reasoning as a virtue: it goes some distance to explain why styles of reasoning are stable and enduring, he says. Each style of reasoning has its own characteristic techniques of self-stabilisation and persists, in its own unique and peculiar way, because it has harnessed these self-stabilising

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[109] Ladelle McWhorter, "In Perpetual Disintegration", *Unpublished paper presented at Vanderbilt University Divinity School* (September 25, 2007), 4-5, 17.

[110] Ibid., 4-5; emphasis in McWhorter.

[111] Ian Hacking, "'Style' for Historians and Philosophers", *Studies in History and Philosophy of Science,* vol. 23, no. 1 (1992), 1; Ian Hacking, "'Style' for Historians and Philosophers", in *Historical Ontology* (Cambridge, MA: Harvard University Press, 2002), 178-199.

[112] Hacking, "'Style' for Historians and Philosophers", 10-11.

[113] Ibid., 13.

techniques. If we were to understand the self-authenticating character of styles of reasoning, he notes, we would have taken a step toward grasping the quasi-stability of science.[114]

In another context, I identified a style of reasoning that emerged in the late eighteenth century and that continues to have direct (and indirect) implications for the classification of certain people as abnormal and in need of repair and transformation.[115] In an argument about the historical emergence of the idea of impairment and its materialisation and naturalisation in embryonic stem cell research, I introduced the term *diagnostic style of reasoning* to name the style of reasoning whose clinical discourses created the modern body as a product of medical examination and disciplinary power. The concept of "medical police," which emerged in Germany in 1764, instituted a system for the observation of pathology and standardisation of medical knowledge and practice, as well as standardisation of medical education and instruction. This standardisation of medicine, which spread to all of Europe, was imperative, for beginning in the eighteenth century (the historical moment in which biopower began to emerge), human existence, human behavior, and the human body were brought into an increasingly dense and important network of medicalisation that allowed fewer and fewer things to escape its attention. Disease, for instance, came to be considered a political and economic problem for social collectivities that they sought to resolve as a matter of policy. Indeed, urban medicine from the mid-eighteenth century on was nothing more than an improvement on the politico-medical schema of the quarantine at the end of the Middle Ages in which medicine's power consisted in distributing individuals side-by-side, isolating them, individualising them, observing them, monitoring their state of health, checking to see whether they remained alive or were dead, and in this way maintaining society in a compartmentalised space, closely observable and controllable, by means of a painstaking record of all events that occurred. Gone were the bad old days when, in order to purify the common city space, the discovery of a case of leprosy would result in the diseased subject's immediate expulsion from that city space and exile to a gloomy place inhabited only by other polluted and defective individuals. Driven by the diagnostic style, the public hygiene schema that appeared, especially in France, from the second half of the eighteenth century onward replaced the previous religious model of medicine with a military model that depended on a meticulous diagnosis, analysis, and inspection of the city, that is, on a continuous surveillance and recording of it.[116]

A mechanism of biopower, the diagnostic style of reasoning introduced new modes of perceiving and understanding that have effectively brought the modern Western body and its materiality into being, that is, brought the modern Western body into being as that type of thing. The clinical and administrative discourses that were introduced by the diagnostic style have formulated, categorised, and delimited this body, in turn subjecting it to new laws, measurements, and causal relations that demarcated divisions between normal

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[114] Ibid., 14-16.

[115] Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".

[116] Michel Foucault, "The Birth of Social Medicine", in Paul Rabinow and Nikolas Rose (eds.), *The Essential Foucault: Selections from Essential Works of Foucault, 1954-1984* (New York: The New Press, 1994), 320-329.

and abnormal, sick and healthy, sane and insane in order to ensure the stability of the body's state of health, promote its longevity, and improve its productive success. Hence, the diagnostic style has created and caused to emerge new objects of knowledge and information with respect to this body — among which impairment, development, and materiality are only a few — new sentences about the body's functions, its characteristics, forces, elements, and capacities, and new evidence such as symptoms and bodily temperature with which to evaluate these candidates for truth and falsehood. Indeed, the new clinical discourse about the body articulated by and through this style of reasoning introduced new inescapable rituals into daily life, all of which were *performative* insofar as they became indispensable to the self-understandings and self-perceptions of the participants in this new discourse. When we adopt Hacking's insight that styles of reasoning are self-authenticating, we can understand how the belief took hold that the descriptions elaborated in the course of these examinations truly grasped and reflected reality, that is, we can understand how the diagnostic style — and the medical, juridical, and scientific authorities who have employed it — has become the arbiter of the truth and knowledge about the modern body which the style itself brought into being — including the new objects, sentences, laws, and evidence with respect to it — settling what it is to be objective about it.[117] Here, then, is how Hacking's idea of styles of reasoning can provide the robust epistemological defense of Foucault's genealogical approach to subjectivity and the body's materiality that a historicist and relativist feminist philosophy of disability that uses the approach requires.

Afterword

In this article, I recommended genealogy as a tool with which to elaborate an historicist and relativist approach to feminist philosophy of disability. In doing so, I situated genealogical work on disability squarely in debates about materialism vs. idealism, realism vs. nominalism, and freewill vs. determinism that have shaped intellectual thinking in the West and positioned the work in ongoing discussions that have conditioned (Western) academic feminism for more than two decades. This relativist and historicist stance on disability has broader implications for philosophical debates on the question of whether there are timeless, universal truths about morality in general and morality with respect to disability in particular or whether, instead, morality in general and with respect to disability in particular is culturally and historically relative and specific. If readers agree to accept my arguments that the epistemological and ontological status of disability (and its putative foundation, impairment) are historically and culturally relative and specific, then, they should also agree to accept —or at least, seriously entertain — the argument that morality with respect to disability too can be shaped by culture and history.[118] That is, anyone who accepts my arguments according to which people's non-moral (metaphysical, epistemological, etc.) beliefs about disability — beliefs that contribute to the production of moral beliefs and values about disability — can be shaped by cultural practices and historical events should proba-

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[117] See Tremain, "Biopower, Styles of Reasoning, and What's Still Missing From the Stem Cell Debates".
[118] Tremain, "Educating Jouy".

bly concede that the moral beliefs and values about disability themselves can be shaped by and, in fact, altered by cultural practices and historical events.[119] Indeed, this observation should be recognised as a challenge to many of the ways in which moral and political philosophers, cognitive scientists, and bioethicists (among others) currently understand disability and to the self-evidence that they confidently confer upon their epistemological, ontological, and ethical claims with respect to a number of highly-charged issues concerning disability, including euthanasia and physician-assisted suicide, enhancement technologies, prenatal testing and selective abortion, and sexual relationships between nondisabled people and cognitively disabled and non-verbal disabled people. Notice, furthermore, that the relativist and historicist approach to feminist philosophy of disability that I have elaborated also has implications for concrete practices within the profession of philosophy. In particular, insofar as the historicist and relativist approach that I have offered can better account for cultural, political, religious, national, generational, social, and moral differences (to name only several) than alternatives to it can, the approach suggests ways to move forward with interventions designed to improve the status of disabled philosophers and members of other underrepresented groups in the profession and discipline of philosophy, as well as ways to elevate the status of non-Western and Indigenous philosophies in the profession and discipline, in addition to the evident work that such an approach accomplishes at more abstract and theoretical levels.

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[119] See Jesse J. Prinz, "Culture and Cognitive Science", in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (*Winter 2011), Accessed on August 7, 2014. Available at:
http://plato.stanford.edu/archives/win2011/entries/culture-cogsci/