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Bodies and Pleasures in the Happy Limbo of a Non-identity: Foucault against Butler on Herculine Barbin

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ABSTRACT: This paper aims to establish a theoretical dialogue between Judith Butler and Michel Foucault on the notions of body and pleasure through an analysis of their texts on the autobiography of Herculine Barbin. Butler claims that Foucault's introductory essay to *Herculine Barbin* is somewhat inconsistent with his theoretical standpoint on sex and sexuality. While appreciating his constructionist approach, she doubts that Foucault ever succeeds in getting rid of a utopian vision of sexuality. However, her discussion seems to face another theoretical deadlock because of her insistence on law and desire. With much stress on the impossibility of love of Alexina, her own reading ends up with some fatalism under the law of prohibition. On the other hand, Foucault reads the memoirs as a record of encounter of an otherwise anonymous person with the emerging modern apparatus of power. Re-reading his essay in this line, we can find a way of thinking that is neither an idealistic identity-free body nor a fatalistic subject of desire.

KEYWORDS: Michel Foucault, Judith Butler, Herculine Barbin, sexuality, gender

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1. *Herculine Barbin* in Contexts: Her Life and Relation to Foucault's Theory of Sexuality

1. 1 The Life of Herculine Barbin: Encounter with the Modern Medical Gaze

"Do we *truly* need a *true* sex?" With this famous question, Michel Foucault started an essay that first appeared in 1980 as an introduction to the English edition of *Herculine Barbin dite Alexina B.*¹ In the same year, he published its French modified version as "Le vrai sexe (The True Sex)" in the journal *Arcadie*, now included in *Dits et écrits*.² There, Foucault stresses that this "true sex" question only makes sense in societies where a certain social norm demands each of us to have only one sex: male or female.³ Moreover, it was only in the late nineteenth century that this social requirement started to dominate Western societies. Those examined and determined to be "hermaphrodites"⁴ suffered enormous pressures under this new social order.

Liberalization and urbanization during the time of industrial revolution gave greater freedom to those socially considered blurring the sexual boundary. Hermaphrodites were seen as a menace toward the seemingly well-established male-female distinction as the word itself sounded—as if they had two sexes in one body. Homosexuals or feminist activists were also sometimes called "hermaphrodites" as they were seen to make troubles in the dividing line of sexes. On the other hand, that situation created an opportunity for medicine to intervene. Alice Dreger affirms that the clinical/medical gaze showed more interest on those "biologically" diagnosed as "hermaphrodites" while medicine took great efforts to allocate "one true" sex to them.⁵ Foucault kept that context in mind in editing *Herculine Barbin dite Alexina B.*

The book, published in France in 1978 by Editions Gallimard⁶, includes several texts and some biographical information. The main part is *My Memoirs (Mes souvenirs)* written by Adélaïde-Herculine Barbin (1838–1868), who grew up as a girl with DSD conditions⁷.

¹ "Introduction," in *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-century French Hermaphrodite*, ed. Michel Foucault, trans. Richard McDougall (New York: Pantheon Books, 1980), vii–xvii.

² Michel Foucault, *Le vrai sexe*, in *Dits et écrits*, vol. 3, Paris: Gallimard, 1994, 237–53.

³ Recent scientific studies have shown that human sexual differences do exist and that they have a strong influence on sexual identification of each individual. These argumentations are fully consistent with criticism against the social norm that forces us to behave according to the socially allocated sex under the current male-dominant, heterosexist social order. See Anne Fausto-Sterling, *Sex/Gender: Biology in A Social World* (New York: Routledge, 2012). Vernon Rosario sums up that view: "sex/gender/sexuality as a biological, psychological, and cultural phenomenon that is rich, diverse, and indefinitely complex, resistant to all simplistic reductionism, whether biological or discursive." (Vernon D. Rosario, "Quantum Sex: Intersex and the Molecular Deconstruction of Sex," *GLQ: A Journal of Lesbian and Gay Studies* 15, no. 2 (2009): 280).

The other texts included are two medical treatises, and several or administrative documents on her legal status (birth certificate, teacher's registration, etc.). In 1874, *Mes Souvenirs* appeared in public for the first time as a part of the book by Dr. Auguste Ambroise Tardieu, a Parisian medico-legal expert. According to Dreger, this autobiography is the only text with some volume written by a "hermaphrodite" in that period.⁸ This fact made her "case" popular among doctors then. Foucault evaluated the text as being "not unique, but it is rare enough," written by "one of those individuals whom medicine and the law in the nineteenth century

⁴ A series of terms "hermaphroditism," "hermaphrodites" are now obsolete and avoided, as intersex movements that started in North America in the 1990s have successfully questioned the validity of medical interventions on people with atypical genitalia (especially young children) in order to defend their human rights. Disorders of sexual development or DSD is now the most frequently used expression. Its consensus definition in the medical field is "congenital conditions in which development of chromosomal, gonadal, or anatomic sex is atypical" (Peter A. Lee, Christopher P. Houk, S. Faisal Ahmed, and Leuan A. Hughes., and in collaboration with the participants in the International Consensus Conference on Intersex organized by the Lawson Wilkins Pediatric Endocrine Society and the European Society for Paediatric Endocrinology, "Consensus statement on the management of intersex disorders," *Pediatrics* 118, no. 2 (2006): e488). While the word "intersex" is still used, its meaning has been a focus of debate. See Alice D. Dreger and April M. HERNEDON, "Progress and Politics in the Intersex Rights Movement: Feminist Theory in Action," *GLQ: A Journal of Lesbian and Gay Studies* 15, no. 2 (2009): 199–224. While Éric Fassin briefly reviews the relationship between intersex movements and gender studies in his *postface* to 2014 French re-edition of *Herculine Barbin*, he fails to mention these developments. See Éric Fassin, "Postface: Le vrai genre," in *Herculine Barbin dite Alexina B.*, ed. Michel Foucault (Paris: Gallimard, 2014), 237–43. In this paper, "hermaphroditism" and "hermaphrodites" only belong to the historical context in the late nineteenth century in France.

⁵ Alice D. Dreger, *Hermaphrodites and the Medical Invention of Sex* (Cambridge, Mass.: Harvard University Press, 1998), chapter 1.

⁶ *Herculine Barbin dite Alexina B.*, ed. Michel Foucault (Paris: Gallimard, 1978).

⁷ Armand Marie Leroi suggests that Herculine Barbin was with 5 α -Reductase-2 Deficiency. His opinion is based on Alexina's accounts (especially signs of androgenizing in puberty and no men-suration), Dr. Goujon's text, and the attached images to it. See Armand Marie Leroi, *Mutants: On Genetic Variety and the Human Body* (New York: Penguin, 2003), chapter 7. A baby with this disorder has X-Y chromosomes but lacks an enzyme that transforms testosterone to dihydrotes-tosterone. Thus, it is born with male-type internal and female-type external sex organs. When the doctors and people around the baby are not aware of it, as it often happens, the baby is raised as a girl. According to a case report study, among those grown up as girls (like Alexina) in reaching their puberty and making a choice of their social sex, some choose male and others female, and the former option is more likely. However, there existed no research for evaluation on the deter-mining factors of their choices. See Peggy T. Cohen-Kettenis, "Gender Change in 46, XY Persons with 5 α -Reductase-2 Deficiency and 17 β -Hydroxysteroid Dehydrogenase-3 Deficiency." *Archives of Sexual Behavior* 34, no. 4 (2005): 399–410.

⁸ Dreger, *Hermaphrodites*, 23–30.

relentlessly questioned about their genuine sexual identity”.

Adélaïde-Herculine Barbin was born to a poor family in Saint-Jean-d'Angély of Northeast France on November 8, 1838.⁹ Alexina, as called by people around her, spent some years in a facility for impoverished children before receiving a charity scholarship at an Ursuline convent boarding school in Chavagne, where she stayed until 1853. After working for a local bourgeois family as a residential housemaid, she joined the normal school of Le Château d'Oléron. In 1856, one year after getting the teaching license, Alexina found a job of assistant teacher at a boarding school run by a wealthy family and started to live with them.

She or Camille, as she called herself in her autobiography, soon made passionate friendship with “Sara”, the youngest sister in the family as well as her colleague. In the middle of the nineteenth century in France, two women at puberty or before marriage sometimes built up a closer bond, and their behaviors were not strongly condemned unless regarded as sinful. However, the relationship of Alexina and Sara was so obvious that some of their young students got abashed with it.

While their bond got stronger, Alexina suffered a chronic pain in the abdomen with an unknown cause. Sara, very anxious about her health, suggested her seeking a medical advice, which Alexina categorically refused at first, but was finally persuaded into. Later, the local physician who came to examine her body told that hers was different from other women's. Some uncomfortableness about her own body and some religious sense of guilt took her to the cathedral church at La Rochelle, where she made a confession. It was spring 1860. The bishop there showed compassion and advised her to seek some medical advice with an established doctor, Dr. Chesnet, whose thorough examination found testis in her. With this sign of being male at that time (it was gonads that decided the sex of an individual), Alexina was medically determined to be male.

In June of the same year, she came back to her hometown and changed her legal sex to male with the new first name “Abel.” The circulated rumor got the owner family furious. They fired Alexina and separated her from Sara. Losing all hopes, Alexina/Abel left alone for Paris at the age of twenty-one. There she seemed to live a solitary life without any contact to her former lover. In February 1868, at the age of twenty-nine, she found dead of carbon monoxide poisoning in an apartment in the Sixth Arrondissement, leaving the memoirs on the desk. Her slightest hope of getting married to Sara with her new legally male status, which Alexina expressed in her writing, never realized. Soon after late Alexina became famous in Paris. “Alexina's fame was,” Dreger points out, “[...] attributable only in part to unusual anatomy. It was rather more due to his availability as a specimen and a

⁹ In his interview with Éric Fassin, Daniel Defert recalled visiting with Foucault the places mentioned in Alexina's memoirs to make sure her itinerary. See Fassin, “Postface,” 222–5.

¹⁰ Dreger, *Hermaphrodites*, 51

spectacle.¹⁰ In her case, the fact that she committed suicide in the center of Paris leaving scandalous memoirs was a crucial factor for getting attention from physicians and the public.

1. 2 *Herculine Barbin* in Foucault's Theoretical Context

In 1978, Editions Gallimard published *Herculine Barbin dite Alexina B.* as the first volume of the new series *La vie parallèle*. Though it suddenly ended with only two titles (the other one is *Le Cercle amoureux d'Henry Legrand* published in 1979), it is famous for the introductory essay Foucault wrote in 1979, "Lives of Infamous Men," where he referred to the lives of the ordinary people whose freedom or even lives taken away by the modern administrative apparatus. While it brought "dishonor" to them, the apparatus turned them into "particles" which gleamed for an only brief moment under the "light" of power.¹¹ The power intervened trivial matters of "nobody" people with various knowledge such as medical, legal, biological, or psychiatric one. However, this knowledge always left some sort of document while erasing the captured people's real lives. We could access their daily lives only through archived materials formulated in this way, where their brief encounter with modern power documented otherwise unknown lives.

This is how the life of Herculine Barbin has remained until today. With her writing accounts included in his book, Auguste Tardieu wanted to discuss "Medico-legal issues" as the title of his treatise indicated. On the other hand, what mattered for Goujon was to be the first forensic researcher of her body. Local papers that reported the change in her legal status seemed to pay little attention to the feelings of her and people around her. However, the work of putting these texts in one volume helped to see the particular power-knowledge settings during those years. Foucault was once said to perplex Éditions Gallimard about the publication of *Pierre Rivière* by claiming that such a fascinating text, even by an unknown author, did not require an introduction. Thus, the same thing perhaps went with *Herculine Barbin*, as it had not included his essay until its new edition of 2014.

For Foucault, the study of the history of hermaphroditism belongs to the extensive research project of "history of sexuality," an overview of which he gave in the first volume of *The History of Sexuality*.¹² As we know, however, Foucault soon abandoned this

¹¹ See Michel Foucault, "Lives of Infamous Men," in *Power*, Essential Works of Michel Foucault 1954–1984, Vol. 3, ed. James D. Faubion, trans. Robert Hurley (New York: New Press, 2000), 157–75. Since his early years, Foucault had shown keen interest in the system of *Lettres de cachet* during the *Ancien Régime* period. The system allowed people to appeal directly to the King for incarceration of somebody who they considered to be in "infamy." His research of the archived materials disposed in *Archives de Bastille* greatly helped him to develop his theory of power that power comes "below" because *Lettres de cachet* functioned as if people actually "seduced" the administrative power to intervene their ordinary lives. See his own summary for this system, "Truth and Juridical Forms," in *Power*, 65–7.

initial project of a six-volume study, to which the book of 1976 was supposed to serve as a general introduction. *Herculine Barbin* originally belonged to that project and was related to the research on hermaphroditism in his 1974–75 Collège de France lectures *Abnormals*. Foucault here argued that hermaphrodites became a privileged figure of “new monstrosity” from the end of the eighteenth to the early nineteenth century; he situated the phenomenon in a broader context of the representations of and social control against sexual monsters and “abnormals.”¹³

2. Life and Sex in Law: Butler’s Criticism against Foucault

While Alexina’s *My Memoirs* has a strong connection to the modern Western social norm around the abnormals discussed in *The History of Sexuality Volume 1*, Judith Butler suspects that Foucault’s introduction to the former has some inconsistency with the central thesis of the latter. According to her, this contradiction mainly comes from two assertions: 1) that bodies and pleasures are opposed to sex and desire and 2) that the former is the locus of resistance. Specifically she points out a famous phrase in his 1976 book: “the rallying point for the counterattack against the deployment of sexuality ought not to be sex-desire, but bodies and pleasures.”¹⁴ According to Butler, Foucault understands the sexuality as “an open and complex historical system of discourse and power.”¹⁵ This suggests that both sexualities and sexual identities are constructed in relation to “law” that governs institutions. Thus, Butler says, we cannot presuppose a situation where “there is no identity.” However, does such a deadlock in Foucault’s remarks on Alexina really exist? Before discussing this, we have to identify the context of her claims.

¹² Michel Foucault, *The History of Sexuality Volume 1: An Introduction*, trans Robert Hurley (New York: Pantheon Books, 1978).

¹³ Michel Foucault, *Abnormal: Lectures at the Collège de France, 1974–1975*, trans. Graham Burchell (New York: Picador, 2003), 65–74. We might view this move as a transition from “monstrosity of nature” of the seventeenth century to “monstrosity of modes of behaviors” of the eighteenth century. While hermaphrodites had been seen as “monsters” for their “anti-natural” characteristic of having sexual organs of two sexes in one body, in the eighteenth century, they were identified with “malformed” body parts or genitals. The discussion of their “monstrosity” was around their “anti-natural” behaviors caused by their bodily sex. This behaviorist-moralist view has a certain relationship with specific pathological conditions allocated to homosexuality in the late nineteenth century: “a kind of interior androgyny, a hermaphroditism of the soul” (Foucault, *The History of Sexuality Volume 1*, 43). Such expressions let us see how “one true sex” scheme shares an underlying morality with this new conception of “sexual abnormals.”

¹⁴ Foucault, *The History of Sexuality Volume 1*, 157.

¹⁵ Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York: Routledge, 1990), 121.

2. 1 Debate on “Idea of Emancipation”

In *Gender Trouble*, Butler discusses Foucault’s “Introduction” in two separated parts. In chapter one, she compares Foucault’s view on the relationship between gender, sex, and desire with a psychoanalytical conception of law. In the second section of chapter three, “Foucault, Alexina, Politics of sexual discontinuities,” she extensively discusses Foucault’s “Introduction.” In the former, Butler appreciates Foucault’s contribution to gender studies as he inverts a common conception of sex as the cause of sexuality. Based on the reversed cause-effect, she claims that gender is “a unity of experience, of sex, gender, and desire,” adding that it is constructed in such a binary way under the presupposition of heterosexual settings in order to strengthen its categorization.

The institution of a compulsory and naturalized heterosexuality requires and regulates gender as a binary relation in which the masculine term is differentiated from a feminine term, and this differentiation is accomplished through the practices of heterosexual desire. The act of differentiating the two oppositional moments of the binary results in a consolidation of each term, the respective internal coherence of sex, gender, and desire.¹⁶

Butler also argues that Foucault’s introduction to *Herculine Barbin* is a critique of “ontology of substance” with “ontology of accidental attributes.” While the former sees the relationship between gender, sex and desire as substantial, relating sex to identity in a substantializing way, the latter reveals identity as a culturally controlled order, hierarchical principals, or a kind of fiction.

Foucault advocates this ontology of accidental attributes because, according to Butler, Alexina cannot be classified under the binary system of gender thus causes a trouble.¹⁷ However, Butler understands gender not as names or attributes but as something being constructed. Gender or sexual identity is not a matter of one-time naming or designation, but of its repetitive construction to get it “appropriate”. Besides the relationship of gender, sex, and desire presumes and fortifies compulsory heterosexual orders through repetitive practices.

Arguing from this viewpoint, Butler’s assessment of Foucault’s essay goes on to suggest that here we find “the cause of emancipation,” which he is said to have firmly rejected in *The History of Sexuality Volume 1*. Below is the essence of her claim repeated a couple of times in chapter three:

Although he argues in *The History of Sexuality* that sexuality is coextensive with power, he fails to recognize the concrete relations of power that both construct and condemn Herculine’s sexu-

¹⁶ Butler, *Gender Trouble*, 30–31.

¹⁷ Butler, *Gender Trouble*, 31.

ality. Indeed, he appears to romanticize h/er world of pleasures as the “happy limbo of a non-identity”, a world that exceeds the categories of sex and of identity.¹⁸

“The cause of emancipation” stands for a theoretical position that sees a world of pleasures beyond law in a broader sense, or beyond a world where one is required to stick to the allocated identity. For Butler, Foucault in *The History of Sexuality Volume 1* certainly sees sexuality as an apparatus of power and excludes any conception of sexuality as something before or after law.¹⁹ Yet, it does not mean that he does not deny the power of law itself. Even though we reject the conception of law that sets sex as the *cause* of sexuality, its power remains our main concern because sex is a category produced by the apparatus of power and that being allocated to one sex is both being subjected to social regulations and having a law that sustains them.²⁰ In other words, we cannot conceive sex, gender, and sexuality without law of *prohibition* because it is the law of sexual difference that establishes homosexual desires as well as their subjects by banning or punishing them at the same time. This theoretical framework puts same-sex or homosexual desires and subjects over same-sex bodily pleasures. That is why Butler is critical to Foucault’s claim for Alexina’s non-identity.

2. 2 Prohibitions and Pleasures

Butler advances her critical reading on Foucault along this question of law by coupling two words: emancipation and pleasures.

The sexual world in which Herculine resides, according to Foucault, is one in which bodily pleasures do not immediately signify “sex” as their primary cause and ultimate meaning (...). On the one hand, Foucault wants to argue that there is no “sex” in itself which is not produced by complex interactions of discourse and power, and yet there does seem to be a “multiplicity of pleasures” *in itself* which is not the effect of any specific discourse/power exchange.²¹

The pleasures felt in a world without identity go beyond a sex under social regulations and law. They always elude any capture by apparatus of power. Butler suspects that if Foucault’s way of reading Alexina’s autobiography supports this kind of assumption, it will

¹⁸ Butler, *Gender Trouble*, 120.

¹⁹ This legal conception of sexuality denotes at least two different things. A sexuality-before-law approach is a version of Freudian-Marxist psychoanalytic social theory with the supposed bisexual nature of infantile sexuality. As for a sexuality-after-law approach, we can think of anti-natural subversive practices of sexuality.

²⁰ Butler, *Gender Trouble*, 122.

²¹ Butler, *Gender Trouble*, 123.

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be inconsistent with the basic line in *The History of Sexuality Volume 1*. Hence, Butler sees things differently: law of *prohibition* that governs female mono-sexual environments was the eventual cause of Alexina's death, admitting that women's world of the female boarding school was the paradoxical guarantee of multiple pleasures. She suggests starting with law and power around sex, not with bodies and pleasures.²²

In her reading Alexina's autobiography in reference to psychoanalytical *prohibition*, Butler focuses on the possibility and impossibility of female intimate relationships. On the one hand, Alexina, whose thought always swung between melancholy and narcissism, deplored her misfortune while boasting how she had been so attractive to other women, claiming to her superiority to any man in that point. On the other hand, her love was tolerated only within the religious female bonds like a pseudo-extended family. Thus, its existence depends on the fragile balance between the religious, institutional imperative of sisterhood and love, and the order of prohibition: "Never cross the line."

H/er sexuality is not outside the law, but is the ambivalent production of the law, one in which the very notion of prohibition spans the psychoanalytic and institutional terrains. H/er confessions, as well as h/er desires, are subjection and defiance at once. In other words, the love prohibited by death or abandonment, or both, is a love that takes prohibition to be its condition and its aim.²³

The law that brings about gender compels each one of us to be a man or a woman under the asymmetric relation where masculinity prevails. Thus, Butler argues, Alexina's sexuality is the logical production by such law: she will never be a "natural, free" subject in relation to such law as long as the subject "is not outside the law, but is the ambivalent production of the law."²⁴

If we are to stick to Foucauldian sexuality theory, can we read Alexina's memoirs only as a kind of testimony that she was always subjugated to the law of sexuality? Butler admits the possibility of asking a question: "How free is that play?"²⁵ Because it does not seem to get along with her perspective of "law," we could doubt if there could be some theoretical difficulty in her criticism against bodies and pleasures, which founds her strong argumentation for law. In 1999, Butler revisits the point in an article and this will help us to see her discussion differently.

²² Butler, *Gender Trouble*, 127.

²³ Butler, *Gender Trouble*, 134.

²⁴ Butler, *Gender Trouble*, 134.

²⁵ Butler, *Gender Trouble*, 129.

2.3 A Subject of Desire that Precedes Bodies and Pleasures

In the final part of *The History of Sexuality Volume 1*, Foucault remarks that bodies and pleasures are the likely places of resistance against power. For Butler, this raises a hope for the possibility of such bodies and pleasures as these:

pleasures that were diffuse, possibly nameless, intense and intensifying, pleasures that took the entire body as the surface and depth of its operation.²⁶

This kind of wishful thinking, according to Butler, has had a strong impact well beyond mere theoretical implication. Foucault's remark has a practical effect on activism: separation of bodies and pleasures from sexual differences means that sexual differences and desire are secondary to sex. That vision makes it difficult to organize not only feminism but also other movements of various sexual minorities including homosexuals. Too much relativist view of sexuality would undermine the basis of sexual minority activism.²⁷

For Butler, this bodies-pleasures pair reflects a view of the body "idealized as a principle of necessary and permanent disruption."²⁸ According to her, when Foucault claims that a body with a sex is always the rallying point of counter-attack due to the workings of discourse and power, he imagines that this body has a capacity to escape from them. In addition, the resistance or emancipation enabled by that body relates to the element of time whether they are to appear or they already appeared. It is when, Butler says, the sex-desire precedes bodies-pleasures:

Thus, the very 'sex-desire' that bodies and pleasures are said to refute is precisely what bodies and pleasures must *presuppose*. And 'sex-desire' must be presupposed in order for 'bodies and pleasures' to become the name for an historical time of sexuality that is decisively beyond sexuality in its regulatory sense.²⁹

Foucault sees bodies and pleasures as the rallying point, and not as any historically determined point. Butler does admit it. However, as long as the discussion concerns about "the question of whether there can be an emancipatory vision after the critique of emancipation,"³⁰ time matters in bodies and pleasures. She explains this point with reference to "subject of desire," expression found in the introduction of *The Use of Pleasure*. Foucault

²⁶ Judith Butler, "Revisiting Bodies and Pleasures," *Theory, Culture & Society* 16, no. 2 (1999): 11.

²⁷ Butler, "Revisiting," 11–2.

²⁸ Butler, "Revisiting," 14.

²⁹ Butler, "Revisiting," 17.

³⁰ Butler, "Revisiting," 18.

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indeed says that the objective of his modified project of history of sexuality was to study the process of our self-recognition as “subject of desire,” not “subject of sexuality.” However, “pleasures” discussed in the second volume of *History of the Sexuality* does not have much in common with the psychoanalytic or Hegelian term of “desire.” It functions as a research hypothesis to see how two grand themes of self and pleasures interacted with each other from ancient Greece to late Antiquity.

In spite of this, at the end of the article, we find some discussion about the relationship between subject, desire, and pleasures, which tells us the reason why Butler maintains a theoretical position against bodies-pleasures.

We also lose the chance to understand how pleasures are staged through the workings of a desire that is the desire of a subject, and how a subject is both constituted by power and a nodal point in the rearticulation and transformation of power (...). Its [= desire's] opacity, however, is the mark of the constraints by which our pleasures are produced, afflicted, enhanced and proliferated. And pleasure might then be understood once again in relation to pain, and both in relation to desire and the problem of recognition (...).³¹

For Butler, pleasures bring about a relationship of an individual with the others through a series of notions like pain, desire, and recognition enacted in a stage called “subject of desire.” The bodies-pleasures couple is some “idyllic” place or regressive coupling supposed to have existed before the apparatus of power captures them.

3. The Limbo of Non-identity

In Butler's opposition of bodies-pleasures to law-desire, the latter pair belongs to the present, making us subjects while the former looks towards the past or the future as the moments of emancipation. Such utopian discourse will never realize as it imagines an impossible world of a non-identity free from law of sexuality. Interestingly, her reading of Alexina's memoirs also seems to face another impossibility because, according to Butler, Alexina's love developed around law of prohibition and the law always intervened and finally ended her life. If this is the case, will her writings be understood as a tragedy? In order to answer this question, we will go back to Foucault's text by focusing our attention on what Butler denies: bodies-pleasures and a world of a non-identity.

³¹ Butler, “Revisiting,” 20.

3. 1 The Only One “True Sex”

Foucault depicts obsession of modern Western societies on “true sex” as follows:

They have obstinately brought into play this question of a “true sex” in an order of things where one might have imagined that all that counted was the reality of the body and the intensity of its pleasures.³²

This sentence summarizes the whole question discussed in his text. First, the pair of bodies and pleasures comes to our attention. We can point out the word “sex” in this context designates both social sex (or gender, though Foucault had never used the word) and biological sex or genitals. One’s social sex is biologically *and* socially determined. We are then supposed to live with this sex allocated upon birth to the end of life. On the other hand, sexual desire is connected with “natural” or heterosexual orientation and behaviors, which are determined by external genitals. At the same time, the intensity of pleasures during sexual intercourse is the object of moral scrutiny, in one way or another, in relation to the “holy” cause of sexual reproduction. Social sex, which plays an essential role in one’s life, has to be identical with the one that the forms of external genitals (and gonads) tell. This reflects a typical conception of genital-oriented determination of sex—the reproductive-heterosexist norms about sex have a great influence on human behaviors. In fact, it was under these norms that they examined and determined Alexina as male, and forced her to change her legal sex.

However, Foucault points out that this idea was a modern invention. In pre-modern periods, though the punishment of hermaphrodites sometimes occurred for their bodily characters, they were seen as those with genitals of both sexes and could choose their social sex after they reached adulthood.³³ It was in the eighteenth century that things started to change. As the modern state reinforced its ruling power, medicine, biology, juridical institutions, and administrative mechanisms functioned together to deny the freedom to choose one’s own social sex.

Henceforth, everybody was to have one and only one sex. Everybody was to have his or her primary, profound, determined and determining sexual identity.³⁴

What medicines found in the body of a hermaphrodite was neither genitals of both

³² Foucault, “Introduction,” vii.

³³ About social settings around hermaphrodites in early modern France, see Lorraine Daston and Katharine Park, “The Hermaphrodite and the Orders of Nature: Sexual Ambiguity in Early Modern France,” *GLQ: A Journal of Lesbian and Gay Studies* 1, no. 4 (1995): 419–38.

³⁴ Foucault, “Introduction,” viii.

sexes, nor a predominant genital of either sex. They tried to locate a “true” genital hiding behind the confusing appearance. The obsolete term, “pseudo-hermaphroditism,” suggested that sex was—or more or less still is—the question of true or false. While Foucault rightfully recognizes that people have since challenged and modified such reductionist views, he suspects that this idea of “only one true sex” has been deeply rooted in modern societies. For example, some still see homosexuality as an “error” inconsistent with the “natural reality” that bodies tell us, and thus as a narcissistic “fiction”; the true sex conception seems to be still working there. In other words, when the idea is widely accepted that each and every one of us has to have one’s one true sex and “sexual” identity according to one’s determined sex, it acquires a new, imperative role that teaches each individual its own inner “truth”: sexual identity defines what an individual really is. We live in a world that says, “At the bottom of sex, there is truth.”³⁵ Here, Foucault obviously aims his criticisms at psychoanalysis, or “hermeneutics of a desiring man.” However, at the same time what he keeps in mind is something beyond any particular field of knowledge—general situations where sex and identity are treated in terms of true or false under the “true sex” paradigm.

3. 2 Enigma of “the Happy Limbo of a Non-Identity”

Foucault locates Alexina’s accounts in the context where biology and medicine intervened private lives of ordinary people by demanding their sexual identification being consistent with genitals. He then points out that there is some obscurity about the personality of real Alexina. Her writing style, old-fashioned and sometimes pompous, is, Foucault says, less original than typical to girls at that time. On the other hand, Alexina’s obscurity seemed to be guaranteed by young women around her in any period of her life. Either as a student or as a teacher, she had lived among women. Even if they appeared to notice something different about her body, they never dared to find out her “truth.” Foucault talked about this with the expression “truth game.”

It seems that nobody in Alexina’s feminine milieu consented to play that difficult game of truth which the doctors later imposed on his indeterminate anatomy, until a discovery that everybody delayed for as long as possible was finally precipitated by two men, a priest and a doctor.³⁶

There is an episode of one stormy night in the dormitory in her autobiography³⁷. Student Alexina, surprised by the strong sound of thunder, happened to get naked as her robe stripped off and her body attracted attention from other girls (at least she wrote so), but

³⁵ Foucault, “Introduction,” xi.

³⁶ Foucault, “Introduction,” xii.

³⁷ “My memoirs,” in *Herculine Barbin*, 30–33

there was no indication that they cared about her sex. After leaving girls' school, no woman wanted to find out her "true sex." In these feminine environments—the school owner family she stayed with was a female household as well—, Foucault suggests, there were no chances for truth game that would try to find out anybody's sexual identities or "true sex." Nobody would like to join the game, or rather nobody were aware of its existence in such a world where they took it for granted that they were all women and were never demanded to choose to be either a man or a woman. True sex of others seemed to be out of their concerns.

For Alexina, alone in a Parisian apartment by looking back to the past, this atmosphere was felt something like "the happy limbo of a non-identity."³⁸ Foucault writes:

Falsely naive girls, old teachers who thought they were shrewd—they were all alike as blind as characters in a Greek fable when, uncomprehendingly, they saw this puny Achilles hidden in their boarding school. One has the impression (...) that everything took place in a world of feelings—enthusiasm, pleasure, sorrow, warmth, sweetness, bitterness—where the identity of the partners and above all the enigmatic character around whom everything centered, had no importance.³⁹

As Butler never accepts the situation where there "exists no identity," we have to find out what Foucault has to say in making such claims. In his works, the word "identity" has limited appearances. Besides, he mostly uses the word in the philosophical context as opposed to difference, and in other cases, it falls into the general use such as social status. This particular essay is rare in that the word frequently appears with its sociological or psychological connotations. Such use of the word corresponds with the only one occasion in *The History of Sexuality Volume 1*, where he discussed the truth of oneself being determined in relation to sex.⁴⁰ We can also point out Foucault's general reluctance to discuss the same-sex relationship around the question of "Who am I?" He prefers to view the question of homosexuality as that of friendship between men or women, which disturbs the heterosexual social norm by forming different lines of force. For him, homosexuality is a matter of constant invention of affective and passionate relationships; same-sex sexual acts themselves do not always constitute homosexuality.⁴¹

³⁸ Foucault, "Introduction," xii.

³⁹ Foucault, "Introduction," xii–xiii.

⁴⁰ See Foucault, *The History of Sexuality Volume 1*, 155–6. While the word "identity" appears several times in other parts of the book, the rest of the usages denotes "social status" or "the fact of being exactly the same."

⁴¹ See his "Friendship as a Way of Life," in *Ethics: Subjectivity and Truth*, Essential Works of Michel Foucault 1954–1984, Vol. 1, ed. Paul Rabinow, trans. Robert Hurley (New York: New Press, 1997), 135–40. Like this interview, he talked about homosexuality as a way of life in several occasions from the end of the 1970s.

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In this context, the expression “(sexual) identity,” is about the situation where someone in the modern Western world is supposed to be male or female, that is, to have only one true sex in the mixed environment. For example, just before “the happy limbo of a non-identity” appears, the word “identity” refers to social sex tied to one’s true sex.

Alexina wrote her memoirs about that life once her new identity had been discovered and established. Her “true” and “definitive” identity (...). It is not a man who is speaking, trying to recall his sensations and his life as they were at the time when he was not yet “himself.”⁴²

This “new identity” is the legal status that the administration attributed to her upon the result of medical examination: male sex, and the name “Abel.” However, as Foucault remarks, we do not find any convincing evidence that Alexina, now officially called Abel, did her writings by identifying herself with this new social register: she did not leave any palpable comments like “I wrote this as a man.” Foucault seems to try to approach the identity of the author as something that is neither male nor female (and not a “third sex,” which is undoubtedly inappropriate for our discussion as Alexina spent at least most of her life as being a woman and she felt herself being as such). Furthermore, he wondered if “she was still without a definite sex” even at the time of writing her memoirs.⁴³ Though we cannot confirm his speculation, the situations in Paris in her narrative leave us some hints. Alexina, somewhat naïve in her nature and with health problems, had faced enormous difficulties in making a living in the largest city as a complete stranger; neither her education nor her past career helped to find a job. It could be true that she suffered from living as a man after changing her legal sex. She was completely alone in a world where there are two sexes, either of which is allocated to everyone and then a sexed individual is supposed to behave as such. This world never tolerates the attitude of those who are not sure to which sex they belong.

We can compare these settings with the boarding school for girls where Alexina was able to live without any forced “choice” to be one sex because there supposed to be only women. In this sense, we understand “no identity” in “the happy limbo” not as a situation where one does not have any identity at all, but where one’s identity can be ambiguous or vague. Indeed, the fact that Alexina lived in female environments “without” any sexual identity is unthinkable. Foucault writes:

the intense monosexuality of religious and school life fosters the tender pleasures that sexual non-identity discovers and provokes when it goes astray in the midst of all those bodies that are similar to one another.⁴⁴

⁴² Foucault, “Introduction,” xiii.

⁴³ Foucault, “Introduction,” xiii.

These lines suggest that the very possibility of her pleasures were always tied to some ambiguity of her identity only resided in the girls' boarding school, or monosexual settings where she could live without being questioned about her "true" sex.

4. The World of Discretion, World of a Non-identity

We might ask if these environments are somewhat merely "pre-modern" ones and that Foucault sees bodies and pleasures in such a nostalgic way. To answer this is also to ask about how he understands the question of "emancipation" in relation to bodies and pleasures. Further study of the term "true sex" will help.

"The happy limbo" was a place that accepted some helplessness and passions Alexina had felt. The word "discretion (discretion)" that Foucault only included in the French edition of the text gives a clue to explain the proper role that this happy limbo played. He argues that the religious usage of the word conveys the double meaning.

The discretion distinguishes as far as it should. It has to be "indiscreet" as it has to search the most secret part of the conscience. However, by the same word, the directors of conscience designate the capacity of keeping the moderation: to know how far not to go, to remain silent on what one should not to talk about, to let the benefit of the shadow lie over what would become dangerous if it is to be under the daylight.⁴⁵

The word "discretion" seems to be at stake in this truth game. Girls' boarding schools as religious institutions are places of being discreet where the particular rule dominates. While they require the girls to examine their conscience and not to miss any tiny thing, they warn the same girls not to be too curious about the things around them. The maintenance of the balance between "saying anything" and "not saying about something" seems to be crucial there.

The boarding school for girls where Alexina stayed is not a place of active "resistance" where people can bring trouble to the established gender order through their bodies. Rather it protected her from the gaze of men about whom she was always watchful as if they looked for a chance to intervene and destroy her life. It might well be because of their voyeurism, but maybe she also felt them as someone out of the boundary of discretion. Indeed, Foucault gives some reasons for her cautiousness by designating "two men, a priest and a doctor" as her possible enemies.⁴⁶

⁴⁴ Foucault, "Introduction," xiv.

⁴⁵ Foucault, "Le vrai sexe," 120. (My translation.)

⁴⁶ Foucault, "Introduction," xii.

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In France, since the early nineteenth century, modern medicine including psychiatry has intervened legal or administrative decisions especially in the field of abnormality. It intervened the world of religious discretion as it targeted body and mind as its proper objects in order to find the truth of them. In this biopolitical situation, Christianity, the origin of religious discretion, could not keep their spiritual authority without relying on scientific truth. The episode between Alexina and the bishop she confessed with was an example of this. Firstly he suggested her getting examined by his friend doctor, and at the second time they met after her examination, his advice to her was change her legal status and live as a man as determined by the medical checkup. The religion that accepted “true sex” discourses failed to secure her the possibility of choosing her own sex as she wished.

While Butler claims that the law of prohibition made Alexina’s love “impossible,” Foucault does not take it as the necessary consequence. Her atypical body, under the true sex regime, had to have a stronger relationship with the modern apparatus of sexuality. This fact might have some connection with her passions, pains, and other feelings she had when looking back her life as a woman. However, she used her body, as other people did, in her own way to get pleasures in a world of discretion against any danger or desire that might reveal all the secrets around bodies. It is also not necessary to see her life as “resistance” based on “accidental attributes” as Butler says, nor to understand her life story as a critique of “metaphysics of substance.” The story could be read differently, as one not necessarily related to the question of resistance.

If what Butler calls Alexina’s “multiple pleasures” still existed in that boarding school world of discretion, this was essential for Alexina’s way of life to keep definitive distance away from medicalization of the body. While the discourse of sexual difference surrounded her body even in a monosexual world, her “bodies and pleasures” did not belong to a utopian place but an actually existed place in her real life. They were documented just because the life of Alexina, which should have been anonymous, made a momentary gleam in contact with power, which intervened and finally ended her life. It was indeed an accident, but Foucault does not read these stories of life in terms of resistance or emancipation. He wants to make it visible how the apparatus of power works and what her life was like in such conditions.

⁴⁷ The interview cited in note 41, Foucault mentions *Surpassing the Love of Men* written by Lilian Faderman in 1980 and goes on to say that the author, who tried to unearth homosexual relationships at first, perceived that “it was uninteresting whether relationships could be called ‘homosexual’ or not.” Foucault seems to claim that talking about loves and affections between women are more important than trying to identify these relationships with those of homosexuality. See Foucault, “Friendship as a Way of Life,” in *Ethics*, 138–9. He seems to avoid substantializing homosexuality based on sexual identity or sexual acts, insisting historical contingency of the situations around sexuality. This might raise a question about the possibility of homosexuality itself though it would surely go beyond the focus of this paper, thus needs our further considerations.

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For him, “non-identity” is the status by a paradoxical discretion that never asked who one was or never dared to do so.⁴⁷