

# Educating Jouy

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*The feminist charge that Michel Foucault's work in general and his history of sexuality in particular are masculinist, sexist, and reflect male biases vexes feminist philosophers of disability who believe his claims about (for instance) the constitution of subjects, genealogy, governmentality, discipline, and regimes of truths imbue their feminist analyses of disability and ableism with complexity and richness, as well as inspire theoretical sophistication and intellectual rigor in the fields of philosophy of disability and disability studies more generally. No aspect of Foucault's corpus has been more consistently subjected to the charges of masculinism and male bias than his example of the nineteenth-century farmhand Charles Jouy who, at about forty years of age, engaged in sexual activity with a girl, Sophie Adam, was reported to authorities, and subsequently was incarcerated in Maréville for the rest of his days. My central aim in this paper is to interrupt the momentum of the accepted feminist interpretation of the Jouy case by advancing a feminist perspective on Jouy's identity and the incidents involving Jouy and Adam that takes seriously insights derived from philosophy of disability and critical disability theory and history.*

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## INTRODUCTION

No one aspect of Foucault's *oeuvre* has been more consistently and vehemently subjected to the charges of masculinism and male bias than his reference to the nineteenth-century farmhand Charles Jouy, who, at the age of about forty, engaged in sexual activity with a girl, Sophie Adam, was reported to juridical authorities, in turn was handed over to medical and psychiatric experts, and subsequently was incarcerated in Maréville (the location of the main insane asylum of the Nancy region at the time) for the remainder of his life. In the first volume of *The History of Sexuality* Foucault described the encounters between Jouy and Adam and their aftermath in this way:

One day in 1867, a farm hand from the village of Lapcourt, who was somewhat simple-minded ... obtained a few caresses from a little girl, just as he had done before and seen done by the village urchins

around him; for, at the edge of the wood, or in the ditch by the road leading to Saint-Nicolas, they would play the familiar game called “curdled milk.” ... What is the significant thing about this story? The pettiness of it all; the fact that this everyday occurrence in the life of village sexuality, these inconsequential bucolic pleasures, could become, from a certain time, the object not only of a collective intolerance but of a judicial action, a medical intervention, a careful clinical examination, and an entire theoretical elaboration. (Foucault 1978, 31)

Feminists have been virtually unanimous in their condemnation of Foucault’s “sexist” interpretation and flippant treatment of the incidents involving Jouy and Adam; that is, they largely agree with one another about the following: (1) insofar as these sexual encounters took place between a female child and a male adult, they involved a fundamentally coercive and threatening power differential whereby the male adult occupied a position of dominance and control relative to the girl; (2) the incidents comprised the sexual abuse and rape of a female child by a male adult; and furthermore (3) Foucault’s “casual” use of the incidents and their consequences in order to mark the consolidation of a new regime of sexuality evinces an arrogant “male and adult” insensitivity to the impact that sexual abuse and rape have in the lives of girls and women. My central aim in this paper is to interrupt the momentum of the aforementioned accepted feminist interpretation of the Jouy case and Foucault’s use of it (hereafter referred to as the AFI) by advancing a feminist perspective on Jouy’s identity and the incidents involving Jouy and Adam that takes seriously insights derived from philosophy of disability and critical disability theory and history. When Foucault’s treatment of the Jouy case is carefully considered through the lenses of feminist philosophy of disability and critical disability theory and history, the AFI unravels and should be recognized as textually unsubstantiated, theoretically misguided, and politically limited (and limiting).

#### THE AFI

Linda Alcoff (1996) has articulated the most impassioned critique of Foucault’s presentation of the case of Jouy. Drawing on her own experiences as a victim of rape in childhood, Alcoff designed her discussion of the Jouy case and Foucault’s use of it to enable a broader critique of his “incorrect, politically dangerous” position on sex with minors, which position on “pedophilia,” she maintains, actually puts into relief the problematic character of the relations among power, discourse, knowledge, and pleasure in his more comprehensive work on sexuality (101). Because of the formative effects that Alcoff’s broader critique has had on more recent feminist thinking about the Jouy case, a number of claims can be identified that these somewhat divergent feminist considerations of the case share. Taken together, these claims comprise the AFI.

Alcoff, who refers to the case of Jouy as a case of “child molesting,” claims that there are two reasons why Foucault included it in the introduction to his history of sexuality: first, to suggest that, historically, the designation “pedophile” was the paradigm category of “dangerous individuals,” and second, to mark the moment in the history of sexuality when sex was brought under the jurisdiction of expert discourses in the human sciences, that is, when previously mundane behaviors and acts, extracted orally in and through the confessional, became “the business of the law,” and the sexuality of children came into view as an urgent problem (Alcoff 1996, 102–103). Alcoff emphasizes that Foucault used the Jouy case in order to show that the medical and legal responses to the sexual activity between Jouy and Adam were peculiar and inappropriate, exceeded its significance, and were generated through and by discursive structures of domination. To substantiate this claim, she points out that Foucault underscored (what he regarded as) the exaggerated character of these responses to the sexual activity between Jouy and Adam by describing the “expert” medical examinations, done to identify signs of degenerescence, that Jouy was forced to undergo—including measurement of his “brainpan,” inspection of his anatomy, and study of his facial bone structure—and the invasive and detailed psychiatric questioning about his “thoughts, inclinations, habits, sensations, and opinions” (Foucault 1978, 31) to which he was subjected. This account has led Alcoff to contend that although Foucault was concerned to stress that the farmhand Jouy was eventually incarcerated for the rest of his days, he was evidently unconcerned about the aftermath of the incidents for the young girl Adam (Alcoff 1996, 106).

Indeed, Alcoff claims that Foucault’s account of the incidents between Jouy and Adam and their aftermath seems designed to elicit sympathy for Jouy. In a rather breathtaking flourish, she asserts that Foucault’s narrative encourages the view that adults who engage in sexual activity with children are (in his words) “half-wits,” who are motivated by sexual needs that they cannot satisfy with their peers, and moreover, that the children who participate in these acts do so willingly, that they are not coerced and may even initiate the acts themselves. She asserts, furthermore, that Foucault’s narrative replicates and reinforces most of this culture’s mistaken beliefs about the nature and character of sexual practices between adults and children. Foucault’s readiness to make these assumptions about the incidents between Jouy and Adam manifests, in Alcoff’s words, “typical male and adult patterns of epistemic arrogance,” for, as she puts it, he “lacked sufficient evidence to warrant his claims about the girl’s participation in or feeling about” the incident (Alcoff 1996, 108). She points out that Foucault rejected the view that sexual relations between adults and children are always harmful for the children involved; furthermore, he argued against legal interventions in adult–child sexual relations and against the “consensus” position of psychiatry that such relations, in whatever form they take, will, inevitably, produce trauma for children and, invariably, indicate pathological problems in the adult. Noting that Foucault mentioned that Jouy “decently” gave Adam “a few penies” after one encounter, Alcoff asks: If these sexual relations were reciprocally desired and pleasurable for both Jouy and Adam, then why was money exchanged to ensure the girl’s participation? “Whose point of view is silently assumed when one

determines that the prostituting of small girls is a petty and trivial event?" (100, 108). Alcoff readily acknowledges that, to be sure, children can have a variety of sexual feelings and that some children may even act on them; she emphasizes, however, that adult-child sex is, nevertheless, wrong because children occupy different social positions than adults and are more vulnerable than adults, regardless of whether they have acted on their sexual feelings. Indeed, this "ubiquitous inequality" will always structure the interpretation by adults of children's behavior and expression. As she explains:

It is obvious that children are disempowered relative to adults in both discursive and extradiscursive ways. Their discourse is subordinate and subjugated, and their actions are constrained within systems of possibility set out beforehand without their participation.... Their position vis-à-vis adults can therefore be characterized by its dependency, vulnerability, and relative powerlessness.... This results not simply from the fact that children are usually smaller and physically weaker but because they are economically dependent on adults for their livelihood, and for a thousand other things. (122–23)

The influence of Alcoff's critique of the Jouy case (and Foucault's use of it)—that is, her introduction of the claims that have come to comprise the basis of the AFI—is evident in Jana Sawicki's discussion of the case in an online review of *Abnormal*, the 2003 English translation of a lecture course Foucault gave at the Collège de France in 1974–75. Sawicki explains that she devoted a large portion of her review to Foucault's treatment of the case of the "proto-sex offender Jouy" in his March 19 lecture of the course for two reasons: first, because the more condensed example of the case that Foucault used in *The History of Sexuality*, volume 1 had led some feminists to be skeptical about the value of his history of sexuality, and second, because the case played a central role in Foucault's thinking about sex during this period of his work. She points out that although Foucault professedly used the case of Jouy in the first volume of his history of sexuality as an example of "the spread of social control over sex as an omnipresent and constant danger," feminists have reacted skeptically to this use of the case, which they believe exemplifies, as she puts it, "a gender-blind insensitivity to the real danger that Jouy's pleasures may have posed for [Adam]" (Sawicki 2005).

Sawicki writes that in the 1974–75 lectures, which were situated between the publication of *Discipline and Punish* and *The History of Sexuality*, volume 1, Foucault offered more detailed analysis of themes central to the books than he did in the books themselves. In these lectures, Sawicki remarks, "Foucault claims that the abnormal individual represents a synthesis of three figures (only two of which receive treatment in these lectures): the monster, the onanist and the incorrigible individual, each of which is the correlate of different sciences and each of which has a distinct history." Forms of abnormality, which came into view with the spread of disciplinary techniques, offered an inexhaustible domain of intervention to psychiatry whose original function, Sawicki states, was to oversee public hygiene and protect society from illness. In its early stage, she writes, psychiatry occasionally intervened in legal

settings to assess the degree of madness in rare and monstrous crimes; however, the emergence in the second half of the nineteenth century of the abnormal individual, whose actions are subject to involuntary and spontaneous natural impulse, enabled these psychiatrists to explain the motiveless crime that the theory of delirium of earlier alienists had been unable to explain. In the same historical context in which this transformation in the medico-legal realm took place, she explains, abnormality was also sexualized. The adolescent masturbator became the basis for the expansion of medical control within the family insofar as seemingly endless causal power to produce illness was attributed to the act of masturbation. In other words, childhood sexuality became accorded tremendous potential for pathology (Sawicki 2005).

Once Sawicki has outlined what she perceives to be the general structure of Foucault's approach in the 1974–75 lecture course, she introduces her discussion of the Jouy case. Like Alcoff, Sawicki is troubled that Foucault minimizes the serious nature of the sexual activity between Jouy and Adam and the impact these incidents would have had on the latter. She points out, for instance, that although Jouy was a man of forty (albeit, she notes, "one whom adult women couldn't take seriously"), Foucault nevertheless concluded: "We have here a village infantile sexuality of the open air, the side of the road, and the undergrowth that legal medicine is cheerfully psychiatrizing" (Foucault 2003, 295, in Sawicki 2005). Like Alcoff, furthermore, Sawicki draws attention to the remarks Foucault made about the Jouy case in the *The History of Sexuality*, volume 1 in order to ask: Were these sexual exchanges really "inconsequential" and "petty," let alone pleasurable for Adam, as Foucault would have us believe? Sawicki asserts that the discussion of the Jouy case in *Abnormal* is instructive insofar as it captures the historical transformation from a criminal psychiatry oriented toward the identification of a transient psychological illness to a criminal psychiatry oriented toward the identification of a permanent, congenital condition of abnormality, an arrested development that, in Jouy's case, was manifested in his inability to control his sexual tendencies, which permanently deformed sexual instincts were themselves signified externally on and by his deformed anatomy. She argues, nevertheless, that Foucault's tendency to dismiss the incidents as "inconsequential," taken together with both his suggestion that Jouy may have been the victim of Adam (implied by his repeated references to the fact that Adam had previous sexual liaisons with adolescent boys on the edge of the field) and his suggestion that she appeared not to mind (she didn't report the incidents to anyone), "smacks of masculinist incredulity about the seriousness and reality of rape." Should we conclude from Foucault's insensitivity to the actual gravity of rape that the incidents between Jouy and Adam were genuinely innocent? Should we believe that the sexual lives of adolescents were perfectly acceptable before the introduction of the corrective and protective measures of the new form of knowledge/power that Foucault identified? Was Jouy harmless? Sawicki asks. Sawicki contends that in fact Foucault's use of the Jouy case actually prevents us from asking these questions. As she explains it, the genealogical function of the case is, for Foucault, to highlight a transformation in the discursive practices about abnormality, a transformation that marks the emergence of an intensification of the interest in infantile sexuality and abnormal sexual tendencies and of policing

sexual behavior; in other words, Foucault's use of the Jouy case is part of a "history of the present" (to use his terminology) in which he historicized our preoccupation in the present with the development—that is, the psycho-sexual development—of children. Thus, Sawicki argues, to appeal to present-day concerns about Adam's choices, about the effect on her development of the exchange of sexual caresses for money, or the fact that she may even have been raped, would beg one of the questions that Foucault raises (Sawicki 2005).

Indeed, Sawicki asserts that Foucault's account implies that there was one victim of the incidents between Jouy and Adam and that victim was Jouy. Adam's fate is not an issue at all for Foucault, Sawicki writes, though he does, she observes, mention that members of the village recommended that Adam be sent to a house of correction for her "bad behavior." Johanna Oksala, who agrees with Sawicki that Jouy is the only victim in Foucault's story, has remarked that whereas the consequences for Jouy of the sexual interactions with Adam demonstrate that in the late nineteenth century the adult experience of pedophilia was effectively medicalized as a structural abnormality, the confinement of Adam to a house of correction for her indecent behavior until she came of age suggests that a corresponding psychiatrization of the child's experience of pedophilia was not yet conceivable (Oksala 2011). In any case, Sawicki, like Alcoff, contends that Foucault's failure to address Adam's fate, in combination with his suspicion that she was, in some sense, not even rapeable, undermines the critical effect of his discourse on abnormality. Sawicki grants that these "bucolic" pleasures may have been more pleasurable, or less damaging, in an earlier era, that is, before they became the intense focus of this particular normalizing power/knowledge; she argues, however, that the purpose of genealogy is not to endorse the past, but rather to interrogate the present. Nor, I would add, is the purpose of genealogy to eliminate the specificity of the past by generalizing the specificity of the present.

#### AGAINST THE AFI

Recall that Alcoff claims that Foucault used the Jouy case in his history of sexuality in part to indicate that the designation "pedophile" was the paradigm category of "dangerous individuals." Recall also that Sawicki describes Jouy in similar, though more general, terms, as the "proto-sex offender," and suggestively asks whether we should regard him as "harmless." As my remarks in the previous paragraph show, furthermore, Oksala (like Alcoff) describes Jouy's experience of the sexual activity with Adams in terms of "pedophilia," a consequence of which was its medicalization as a structural abnormality. To show why we ought not to accept the claims according to which Jouy was a "pedophile" and the sexual activity between Jouy and Adam represented "pedophilia" to the experts who examined him or to Foucault, I shall first consider the etymology of the relevant terms, namely, *pedophile* and *pedophilia*.

In the introduction to his history of sexuality, Foucault pointed out that in the nineteenth century certain sexual acts became characterized as perversions. Within the same historical moment, as his work showed, sexuality came to be regarded as

the key to the subject's identity. In other words, perverse acts (perversions) came to be regarded as the manifestation of a perverse sexuality performed by a certain type of subject, namely, a pervert. Since perverse acts (perversions) were regarded as the products of a certain type of subject (namely, perverts), the identification of perversions (perverse acts) required the identification of these subjects, these perverts, who performed them. Indeed, the identification of perversions, it was believed, would enable an understanding of the pervert himself and hence enable an understanding of the motivation to commit perverse acts. Chloë Taylor, in her provocative discussion of the Jouy case and the criminology of rape, explains that "just as the offender became a delinquent, so the sexual agent became a pervert, an individual with a determining sexuality, a being whose very existence was defined by sexual acts that he desired or performed, and whose existence, like that of the delinquent, was constituted as an object of scientific knowledge" (Taylor 2009, 8). The experts who investigated the Jouy case did not regard the acts in which Jouy had engaged to be the result of his social position or circumstances, but rather as the inevitable consequences of his being, body, and self. As Taylor explains it, Jouy provided these doctors and scientists with the opportunity to gain a clinical understanding of the nature of "pedophiles" in general. In Foucault's terms, Taylor writes, Jouy was individualized—as a "pedophile"—by power in the process of their interrogations of him. He had not been a pedophile before he began to confess; however, he took on this identity, she notes, because scientists viewed him in this way and made him speak in these terms. Taylor remarks that although we in the modern West did not invent sadism, sex with children, or any of the other acts identified as perversions, we have constituted these acts as identities; that is, we have *invented* pedophiles, rapists, and other sexual identities (8–9).

Foucault was, as Taylor suggests, a nominalist about kinds of people. Foucault held that people do not come naturally—that is, universally and transhistorically—sorted into kinds in accordance with ontologically pre-existing categories such as race, gender, sexuality, and disability, or ontologically predetermined characteristics such as size and color. Rather, kinds of people come into being because we make them that way, by and through the practices that we use to describe them and in which they are inserted. Ian Hacking has noted, furthermore, that the practices constitutive of the subject have "looping effects" (Hacking 1995, 351–383): people become aware of how they are perceived and classified, and this in turn changes their self-perceptions and self-understandings. This theme of the constitution and self-constitution of subjects runs throughout Foucault's writing. In fact, although many people misconstrue Foucault's work, understanding it to be centrally concerned with power, he himself regarded inquiry into the constitution of subjects (how subjects are made up) as the crux of his theoretical endeavors. In some places, he described his genealogical approach to the constitution of subjects as "an historical ontology of ourselves." As a kind of genealogy, historical ontologies excavate subjugated knowledges, social discourses, and institutional practices of the past in order to discern how these knowledges and practices have molded the self-understandings and self-perceptions we hold in the present. Indeed, in one respect, Foucault's historical ontologies of deviants

such as the modern prisoner, the homosexual, and the pervert represent theoretical elaborations of his nominalist stance. When we take into account the important role that the constitutive effects of biopower's classifications of deviance (in particular) played in Foucault's thinking, that is, when these aspects of Foucault's nominalism are taken into account and applied to the case of Jouy, the AFI begins to unravel.

The term *paedophilia erotica* was coined in 1886 (close to twenty years after Jouy was apprehended) by the Viennese psychiatrist Richard von Krafft-Ebing in a typology of psycho-sexual perversion that he used in *Psychopathia Sexualis* (the leading medico-legal textual authority on sexual pathology at the time). A "cerebral neurosis," *pedophilia* was, according to Krafft-Ebing, a rare form of "paraeesthesia," that is, a form of "misdirected sexual desire" (Krafft-Ebing 1886/2011). The Oxford English Dictionary (O.E.D.) defines *paedophilia* as "[a]n abnormal, esp[ecially]. sexual, love of young children" and attributes the first recorded usage of the word in the English language to psychiatrist Havelock Ellis in 1906. The O.E.D. also indicates that the first recorded use of the word *paedophile* occurred forty-five years later, that is, in 1951 (O.E.D., 1256).<sup>1</sup> In the following year, 1952, "pedophilia" was included in the first edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). Foucault, whose archival erudition is exemplary, would have been well acquainted with the etymologies of these terms. For the nominalist Foucault, therefore, the scientists who examined Jouy could not have treated him as a case of "pedophilia," nor could they have gotten Jouy to identify himself as a "pedophile" (Taylor). For the nominalist Foucault, when Jouy was apprehended in 1867, pedophiles did not exist, nor was "pedophilia" yet a way to describe the sexual relations that Jouy engaged in with Adam. Hence, it is therefore not at all likely that Foucault would have used the case of Jouy to advance claims about the "pedophile" as the paradigmatic (or proto-typical) "dangerous individual" (Alcoff) or claims about how the experience of "pedophilia" became medicalized as a structural abnormality (Oksala).

Proponents of the AFI might argue, however, that although the term *pedophile* did not enter the psychiatric lexicon until the mid-twentieth century, adults who desire and engage in sexual activity with minors existed before this time: that before this time, there were adults with a pathological sexual desire for children that characteristically led them to use their positions of relative social dominance and personal power to coerce or force children to engage in sexual relations with them. Indeed, they might challenge my position by pointing out that Foucault's own work in *The Use of Pleasure* (1985), especially, attests to this historical fact. In other words, proponents of the AFI might argue that even before the term *pedophiles* was used to designate the "kind" of adults who desire and engage in sexual relations with children, there were pedophiles (adults who desire and engage in sexual relations with children), and furthermore, that insofar as the adult Jouy used his position of adult male dominance relative to the girl-child Adam to repeatedly coerce her to masturbate him, used his physical power over her to rape her, and subsequently used his access to financial means in order to appease her for what he had done, he was a pedophile. In short, one could argue that Jouy's behaviors and actions with regard to Adam were the paradigmatic behaviors and actions of someone who, only eighty-



four years later, would be recognized as a pedophile, even if, at the time that the behaviors and actions took place, there was no word to designate him (and his behaviors and actions) as such. I shall now show why one ought not to accept these arguments, regardless of whether one refuses Foucault's nominalism in this way or endorses it.

Why did Foucault use the Jouy case in *The History of Sexuality*, volume 1, and *Abnormal*? There will be no single answer to this question because Foucault used the Jouy case in the March 19 lecture for a different purpose than he did subsequently in *The History of Sexuality*, volume 1, though, ultimately, in both contexts, he aimed to articulate the techniques and mechanisms of a racism of normalization (see McWhorter 2009; Tremain 2012). Remarks that Françoise Ewald and Alessandro Fontana make in the foreword to *Abnormal*, according to which the lectures should not be read as preliminary sketches of the books, but rather have "their own status," lend credence to my identification of a discrepancy in the uses to which Foucault put the Jouy case (Ewald and Fontana 2003, xiii). That this discrepancy has gone unnoticed and unappreciated by proponents of the AFI is one of the chief reasons why they have misunderstood and hence misrepresented Jouy and his relationship with Adam.

By the time that the English translation of the 1974–75 Collège de France lectures appeared in print (in 2003) under the title *Abnormal*, English-language readers of Foucault were already familiar with the example of the Jouy case that he had used in the first volume of *The History of Sexuality* (published more than a decade earlier) to show the expanding control of sexuality and the intensification of interest in childhood sexuality. By the time *Abnormal* appeared in 2003, furthermore, many feminist philosophers and theorists had also already read Alcoff's scathing feminist critique of Foucault's first published use of the case, including her identification of Jouy as a "pedophile" and "dangerous." This set of circumstances established the milieu for the misapprehension of the case that conditions the AFI and feminist reception of Foucault's work more generally, for Sawicki, Oksala, and other proponents of the AFI assume that Foucault used the case as an example in the lectures in order to make claims about the widening juridical and medical control over sexuality and the discovery and proliferation of perversions by and through the human sciences, as he (subsequently) did in the first volume of his history of sexuality. Sawicki understands Foucault's 1974–75 lectures to have detailed a historical transformation *within forensic psychiatry*, that is, a transformation from a forensic psychiatry whose object of inquiry was a transient psychological illness that resulted in rare and monstrous crimes (such as the crime of Henrietta Cornier who had decapitated her neighbor's infant) to a forensic psychiatry whose object was a permanent, congenital condition of abnormality (pedophilia) that gives rise to actions that are involuntary and spontaneous, exemplified in Jouy's inability to control his sexual tendencies. In other words, Foucault used the Jouy case to show how the congenital abnormality that came to be regarded as characteristic of the "sex offender" was psychiatrized. As Sawicki puts it in her review: Jouy was the proto-sex offender. Oksala too thinks that Foucault used Jouy's case to demonstrate the medicalization, in the second half of the nineteenth century, of pedophilia as a structural abnormality.

At the outset of the 1974–75 course, Foucault stated that his goal for the course was to study “the emergence of the power of normalization, the way in which it has been formed, the way in which it has established itself without ever resting on a single institution but [rather] by establishing interactions between different institutions, and the way in which it has extended its sovereignty in our society” (Foucault 2003, 26). Psychiatry’s identification of abnormalities was one (but only one) means through which normalization could be enacted and enforced. Hence, Sawicki and Oksala are correct insofar as they recognize that in the March 19 lecture Foucault used the Jouy case to illustrate psychiatry’s “discovery” of a permanent abnormality; however, the nineteenth-century psychiatric discovery that Foucault used the case to illustrate was not pedophilia, as they claim, but rather imbecility. Recall that in her review of *Abnormal*, Sawicki states that in his 1974–75 lectures Foucault claimed that “the abnormal individual represents a synthesis of three figures (*only two of which receive treatment in these lectures*): the monster, the onanist and *the incorrigible individual*” (Sawicki 2005, emphasis added). This remark by Sawicki, which at first glance seems to be an equivalent paraphrase of the statement that Foucault makes at the beginning of the March 19 lecture, notably evinces the way that she (and also Oksala) misunderstands the form of abnormality that he introduces in the lecture. For at the beginning of the day’s lecture, Foucault actually said something quite different with regard to the third of the three figures and the shape that the lecture itself would take. What he actually said is this:

I began [the course] by promising a genealogy of the abnormal individual on the basis of three characters: the great monster, the little masturbator, and *the recalcitrant child*. The third figure is missing from my genealogy and I hope you will forgive me for this. *You will see its outline appear in today’s exposition*. I have not had time for its genealogy, so *we leave it in outline*. (Foucault 2003, 291, emphasis added)

He then explained his use of the Jouy case in this way: “By *looking at a particular case, today I want to show the quite precisely compound and mixed figure of the monster, the little masturbator, and, at the same time, the recalcitrant individual, or anyway, the individual who cannot be integrated within the normative system of education*” (Foucault 2003, 291, emphasis added). Later in the lecture, Foucault remarked that “with someone like Charles Jouy, who has been subjected to this kind of psychiatrization, the three elements or three characters are brought together: the little masturbator, the great monster, and then the individual who rejects all discipline” (306).

In short, Jouy, as an “imbecile,” is the culmination of Foucault’s genealogy of the abnormal individual, for he is the archetypal abnormal individual: the composite of the monster, whose actions are spontaneous (“rise up”) and involuntary; the masturbating child, whose infantile sexuality reflects his arrested development; and the recalcitrant child/individual, who cannot be taught right from wrong, or at least not in the standard way. Foucault argued that it was only by establishing that Jouy remained extremely close to and almost fused with his own childhood and the child with whom he had relationships that he could be psychiatrized. In order for Jouy to

be psychiatrized, that is, it was necessary to show that he and Adam were of the same grain, *at the same level*. Their profound identity gave psychiatry its hold on Jouy: he could be psychiatrized because he shared with Adam the features of childhood and infancy. For childhood, as a historical stage of development and a general frame of behavior, had become the principal instrument of psychiatrization, the principle for the generalization of psychiatry (Foucault 2003, 304). With the (adult) child Jouy, but not the child Adam, psychiatry was afforded the opportunity to study how imbecility and idiocy halted or slowed an individual's progression along a continuum of normal development, whereby the given imbecile or idiot remained captive to infantile, amoral instincts. Imbecility and idiocy represented a cessation or delay of development, that is, a *quantitative* difference from normality, though, in various historical moments and in various ways, "imbeciles" and "idiots" have also been perceived as creatures apart from the rest of us, *qualitatively* different, creatures of a different kind.

In the January 16 lecture of the 1973–74 course that Foucault taught at the Collège de France (later published in English as *Psychiatric Power*), he had offered a detailed account of the emergence and vicissitudes of imbecility (and its sibling, idiocy); as I have indicated, in the March 19 lecture of the 1974–75 course, however, he offered only a sketch ("outline") of the imbecile, citing examples of the psychiatric and physical examinations that Jouy was forced to undergo, which examples he believed would enable one to recognize the new way in which certain behavior came to be understood as pathological and on what organic bases. For throughout the nineteenth (and twentieth) century, imbeciles, idiots, and other mental defectives were subjected to an array of strategies of classification, observation, and registration that effectively constituted and materialized their impairments through: the elaboration of scientifically structured norms that emerged within (what I have dubbed) "the diagnostic style of reasoning" (Tremain 2010, 593), the accentuation of the imbecile's, idiot's, or other mental defective's life, and a stress on the potential danger that the person posed to the general population (Verstraete 2005, 130–31; on the constitution and materialization of impairment, see Tremain 2001, 2006, 2010). Among the strategies that Jouy and his fellow mentally defective inmates were forced to endure was cranial measurement, for the early and mid-nineteenth century was, in France at least, the heyday of phrenology whose proponents regarded the brain as the sum of different organs, each of which corresponded with independent intellectual, moral, and affective faculties. They believed, furthermore, that the form, size, and length of the skull represented its encephalic development. One branch of phrenology, craniology, which was widely applied in the domain of criminal justice, held that the results of a geometric investigation of the skull could predict a given person's moral character. The theory of phrenology also provided support for emerging claims according to which idiots and imbeciles could be educated: the presupposition of independent and autonomous faculties in the human mind provided a way to circumvent the thesis of incurability that underpinned the work of two of France's leading alienist psychiatrists, Philippe Pinel and Jean-Etienne Esquirol, who were experts in the treatment of imbecility and idiocy: although education could not create a normal person, nor create new faculties, it could be used as a

tool to improve a situation, to strengthen a person's existing strategies (Verstraete 2005, 130–31).

Information gathered from anatomical investigations complemented the findings of cranial examinations. "There is the way in which adult genital organs are described," Foucault said in the March 19 lecture, in turn citing H. Bonnet and J. Bulard, two of the scientists who examined Jouy: "Despite the very small size [of the accused: M.F.] and his marked arrested physical development, his [genital: M.F.] organs are normally developed like those of an ordinary man. This phenomenon is found in imbeciles" (Bonnet and Bulard 1868, 9–12, cited in Foucault 2003, 300). The interrogations that Jouy was forced to undergo also confirmed the knowledge about imbeciles that the experts who examined him claimed to already possess. As Foucault wrote, in the report on their analysis of Jouy, Bonnet and Bulard make a number of statements such as: He is not wicked ... and is even "gentle," but "the moral sense has failed" (300). In the report, Bonnet and Bulard remarked, furthermore, that:

He does not have sufficient mental self-possession to resist by himself certain tendencies that he may ... regret later, without this however allowing us to conclude that he will not start again.... These bad instincts ... are due to his arrested development and we know that sometimes their irresistibility is greater in imbeciles and degenerates.... Fundamentally affected by arrested development, lacking the benefit of an education ... he does not possess what is needed to counterbalance the tendency to evil and to resist successfully the tyranny of the senses. (Bonnet and Bulard 1868, 9–12, cited in Foucault 2003, 300)

This expert psychiatric report confirmed what B chet, the village doctor and first medical expert to examine Jouy upon his arrest, had already concluded. In a letter he attached to his report on the matter to the investigating magistrate, B chet was reluctant to assign guilt to Jouy, pointing out that Jouy's "moral sense ... is insufficient to resist animal instincts" and that he was a "dimwitted person who can be forgiven because of his abstruseness" (B chet, in Bonnet and Bulard 1868, 5–6, cited in Foucault 2003, 296). Indeed, Foucault pointed out that after word spread about the findings of the psychiatric experts' report, Jouy was acquitted of any crime and "the entire population of Loupcourt, the name of the village, keenly desired that little Sophie Adam [be] confined in a house of correction until she came of age" (296; cf. 319n9). When this account of the expert reports is taken together with this detail about Adam's confinement, we can begin to glimpse a picture of Jouy and his relationships with Adam very different from that with which proponents of the AFI have presented us thus far.

It is true that the medical and psychiatric experts who examined Jouy noted that he had bad instincts and a tendency to evil. As Foucault indicated in his January 16 lecture of the 1973–74 course, however, these sorts of associations between mental defect and danger or badness were, initially at least, economically driven, as was the generalization of psychiatric power itself. Prolonged or life-long confinement was

prohibitively expensive. A 1838 law that defined the terms and conditions of confinement and assistance to poor inmates, according to which the financial responsibility for the cost of board and lodging in the confinement of an individual fell to local communities, applied to the confinement of imbeciles and idiots. For years, local authorities hesitated to confine people identified as mentally deficient due to the financial burden that doing so imposed on their collective purses. In order for the council of a *département*, a prefecture, or a town hall to accept and support someone's confinement, Foucault explained, the local doctor had to guarantee to the authority in question that the person was not only an idiot unable to provide for his or her own needs and had no family that could do so, but was dangerous, that is, would commit arson, masturbate in public, rape, murder, or commit some other violent act (Foucault 2006, 219–20). Doctors complained that they were required to give false reports in order to get care and assistance for individuals, to exaggerate the gravity of a situation, and depict the idiot or mental defective as someone who was dangerous. In short, danger became a vital element to enabling that the procedures of confinement and assistance be put in place. Though at one time the association between idiocy (and imbecility) and danger was essentially a paternalistic trope used to ensure that certain members of the public received care and assistance, a medical literature nevertheless gradually developed that increasingly took itself seriously, stigmatizing the imbecile or idiot and actually making him or her into someone who was dangerous, or more often into someone who was *potentially* dangerous (219–20; Davidson 2003, xxiii). This association between idiocy (or imbecility) and danger, which enabled the expansion of psychiatric power and which, to this day, continues to fuel discrimination against certain disabled people, looms large in feminist discussions of the Jouy case, that is, in the AFI.

Most proponents of the AFI assume that the meanings attributed to and associated with sexual practices (such as mutual masturbation) and sex crimes (such as rape), as well as how these events are experienced, are transhistorical and transcultural. In her discussion of sex crimes, however, Taylor traces the changing character of rape in the West in order to show that the current understanding of rape as one of the most heinous of crimes is historically and culturally specific. In the Renaissance, Taylor writes, "Rape was common, permissible, and even socially useful so long as the woman raped was either the man's future or present bride or poor, and so long as no transgression of blood (incest; rape 'up' the social scale) or excessive bloodshed was involved" (Taylor 2009, 11). My argument is that the ways in which masturbation is perceived, understood, and experienced, too, are discursively constituted and historically shifting, and that this historical fact further undermines the AFI. That the masturbatory activity of children became a serious public health concern beginning in the nineteenth century and on into the early twentieth century, as Foucault showed in the first volume of *The History of Sexuality*, itself goes some distance toward demonstrating that social, political, and personal perceptions, understandings, and experiences of masturbation are neither historically continuous nor consistent. Although masturbation is no longer believed to cause degeneracy and insanity, as it once was, it continued to be a morally fraught, much-deliberated arena of human sexuality long after it ceased

to be regarded as a cause of real physical harm. As Thomas Laqueur has noted, the rhetoric of masturbation as either beneficial or harmful worked as a covert and overt mechanism to control sexual behavior throughout the twentieth century (Laqueur 2003, 16, cited in Gill 2012, 477). Like the beliefs about and experiences of rape, moreover, the beliefs about and understandings of masturbation often vary within the same historical moment, depending on the social station of the subject who engages in it. The regulatory apparatuses established to control and monitor the masturbation of certain populations offer a case in point.

The practice of masturbation is steadily regarded as indicative of “normal and healthy” sexual desire and thus is encouraged for members of the wider population; however, disabled people, prisoners, and other people living in institutions continue to be subjected to intense surveillance and other disciplinary practices in order to manage their masturbatory practices. That disabled people who variously pose challenges to standards of rationality, intelligence, and competence, and conventions of propriety and modesty—that is, disabled people “with cognitive impairments”—will masturbate in public and engage in mutual masturbation with multiple partners has been an especial concern for professionals who wish to train this sector of the disabled population in socially appropriate sexual practices or to discourage their sexual practices altogether. In the 1970s, for instance, professionals advocated the use of lemon juice to correct masturbation behavioral issues (rather than the electric shock therapy that had been used for this purpose in the past). In one such intervention, parents and teachers carried portable containers of lemon juice to squirt into a given disabled individual’s mouth if the individual masturbated in a public setting, or masturbated “excessively” (Gill 2012, 474). Indeed, masturbation training in sexology and sex education represents one of the few sanctioned approaches to the sexuality of disabled people with cognitive impairments. As Michael Gill explains, masturbation training for these disabled people teaches them how to masturbate in “safe, appropriate, and effective” ways (473). A range of such training materials are available, many of which promote sexuality for disabled people with cognitive impairments as non-reproductive, solitary, and heteronormative, whereby “effective” masturbation offers a release of tension and curbs “disruptive” behavior that otherwise threatens institutional routines and discipline. Some of the newest training and education materials available, however, are designed to teach these disabled people that they have the same rights to sexual pleasure and enjoyment—with both themselves and others—and the same rights to choose the orientation of their sexual expression and practices as do nondisabled people. Furthermore, progressive sex educators and trainers enable “safe” (non-injurious) and “effective” masturbation (masturbation to ejaculation or orgasm) for these disabled clients through a variety of techniques, including film, video, and life-size models of genitalia (473, 476–79; also see Desjardins 2012).

How should we understand the sexual activity, including the masturbation, in which Jouy engaged with Adam? Proponents of the AFI depict the incidents between Jouy and Adam as sexual abuse and assault, the impact of which would have been traumatic for Adam. Given the historically shifting constitution of the character of sexual practices and sex crimes, however, this is by no means self-evidently true.

Alcoff has argued, furthermore, that “it is obvious” that adults occupy positions of social, personal, economic, and institutional power over children and that this asymmetrical relation conditions their interactions, including supposedly consensual sexual interactions between them. With respect to Jouy and Adam, however, the textual evidence suggests otherwise. As Foucault and the medical and psychiatric experts who examined Jouy described him, Jouy was about forty years old, poor, marginal, underpaid, without friends or family, small in stature, gentle, a slow learner, illiterate, and homeless: he slept in stables. He was removed from school, the other boys at school had excluded him from their games and activities, and the older village girls and women his own age mocked him. Indeed, by all accounts, Jouy is the predecessor of the (post)modern-day isolated, disenfranchised, and unwanted disabled person. I submit, therefore, that when Jouy asked Adam to masturbate him, as he had seen her do with other boys with whom she played the game of “curdled milk,” and as he himself had done with her in the past (as Foucault recounts in *The History of Sexuality*, volume 1), he did so in order to secure a sense of belonging and recognition, in order to be included in the game. On one occasion, after the deed was done, Adam and her friend laughingly boasted about the incident to an adult who responded by saying: “Oh, you little horrors!” (Foucault 2003, 294). As Foucault explained, the psychiatrists who examined Jouy noted that this game was “part of the social landscape” of the village and was tolerated, regularly played by children in the region “whose bad tendencies [were] not [sufficiently: M.F.] restrained” (295, 319n9). Thus, I think we might ask this question: On the occasions on which Adam masturbated Jouy, that is, played the game of “curdled milk” with him, was she in fact *teaching* him how to masturbate “effectively”? On the occasion for which Jouy was apprehended, after he and Adam seem to have engaged in intercourse, he gave her four *sous* and she ran to the local fair to buy a bag of almonds. Both Alcoff and Sawicki express disdain that Foucault referred to this act as a “decent” gesture on Jouy’s part. Foucault’s stance on the incident, Sawicki retorts, “smacks of masculinist incredulity to the seriousness and reality of rape” (Sawicki 2005). Alcoff and Sawicki agree that, given her age, Adam could not have had sufficient agency to give full-fledged consent to the sex, regardless of whether she had negotiated this payment. Notwithstanding the fact that neither Foucault’s text nor the reports of the medical and psychiatric experts actually stated whether Adam was seven years of age or fourteen years of age, I want to suggest, to the contrary, that the exchange of money might indicate either that Jouy gave Adam remuneration for her instruction or, more disturbingly, that she had exploited his gentle nature and vulnerability.

Proponents of the AFI have reprimanded Foucault for his failure to attend to Adam’s experience of the incidents, while concentrating almost exclusively on the outcomes of them for Jouy. This failure, they argue, exemplifies the masculinist bias that underpins his work on the history of sexuality more generally. My argument is that the failure of proponents of the AFI to offer a more complex analysis of the case of Jouy than they have thus far demonstrates that even feminists who have done a great deal of work on the ways that gender variously intersects with race, class, ethnicity, and sexuality can succumb to universalistic assumptions about gendered power



relations, assumptions that, in this instance, preclude examination of the ways that the constitution and materialization of impairment and production of disability that occurred in the midst of, and even propelled, certain social, juridical, and medical events of the past have contributed to the shaping of discriminatory personal and public perceptions of, and beliefs about, disabled populations in the present. In short, the AFI (and the fact that it has gone unchallenged until now) is another example of feminist analysis that unquestioningly and uncritically assumes that male supremacy and sexism are the predominant (if not sole) forms of power operative in social interactions and exchanges between women/girls and men/boys, and does so by concealing the complicated character of power, that is, obscuring axes of power with which (binary) gender has historically colluded and been entwined, leaving these circuits of power unexamined and enabling them to persist, reconfigure, intensify, and expand.

#### NOTES

Michael Gill generously allowed me to read his paper on disabled people and masturbation in advance of its publication, and Penny Richards helpfully directed me to Pieter Verstraete's article. Ladelle McWhorter read a draft of the paper. An abridged version of this article was presented in a symposium at the 2013 meeting of the Pacific APA. Linda Martín Alcoff and Jana Sawicki were the commentators in the session.

1. *Oxford English Dictionary*, 2nd ed., s.v. "pedophile"

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