



Herculine Barbin and the omission of biopolitics from Judith Butler's gender genealogy

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Abstract

This article argues that Judith Butler's neglect of biopolitics in her reading of Michel Foucault's work on sexuality leads her to propose a genealogy of gender ontology rather than conduct a genealogy of gender itself. Sex was not an effect of a cultural system for Foucault, but an apparatus of biopower that emerged in the eighteenth century for the administration of life. Butler, however, is interested in uncovering how something we call or identify as gender manifests itself in different times and contexts, rather than asking what relations of power made necessary the emergence of gender as a discourse. After examining the theoretical configurations underpinning Butler's engagement with Foucault's *Herculine Barbin*, I suggest a more biopolitically informed reading of how the material body becomes captured by the discourses of sexuality and sex. Finally, the article sets out preliminary questions with which a more strictly Foucauldian genealogy of gender might be conducted.

Keywords

Desire, gender theory, genealogy, hermaphroditism, Judith Butler, Michel Foucault, sex, sexuality

While Michel Foucault's genealogy of sexuality has prominently influenced gender theory since the late 1980s, biopolitics has been given less theoretical importance in the formulation of theories of gender. Most notably, Judith Butler's gender theory projects Foucault's historically contingent understanding of the sexuality discourse onto the category of 'gender' as a historically constructed manifestation of identity. The shift from discourse to identity, however, is incompatible with Foucault's

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insights on biopolitics. I argue that the evasion of biopolitics in Butler's gender theory has significant consequences for the theoretical and methodological presuppositions of her gender theory. Crucially, she posits the compulsory heterosexuality of kinship, rather than biopower, as the moderator of the machine of sex, leading her to put forward a 'genealogy of gender ontology' (Butler, 1999a: 43) rather than a genealogy of gender itself. In *Gender Trouble* (1999a), Butler's engagement with Foucault's *Will to Knowledge* (1981) is matched only by her reliance on *Herculine Barbin* (1978), which she uses to construct her argument about the interpellatory and psychic quality of sexual subjectivity. In fact, her attention to the text in length surpasses her discussion of *Will to Knowledge*. Her engagement with *Herculine Barbin* is crucial for substantiating her position on the ontological status of 'gender [as] an identity tenuously constituted in time' (Butler, 1999a: 179) rather than as an apparatus of biopower underpinned by biopolitical tactics and strategies. I suggest that, read biopolitically, *Herculine Barbin* avails itself as an assemblage of powerful discourses of sex deployed to establish the truth about an ambiguously sexed subject. If also we retain the biopolitical thrust of Foucault's history of sexuality in our theorisation of gender, I argue, we would produce a substantially different genealogy of gender from that proposed by Butler, one ordered by strategic rationalities seeking to govern life.

For Foucault, sexuality was not a universally distinguishable identity or social construction, but an apparatus of biopower that sought to penetrate the body and its faculties in order to consolidate power over life. 'Sex', he wrote, 'was a means of access both to the life of the body and the life of the species' (1981: 146). For him, sex emerged specifically in the nineteenth century as the fundamental connection between body and population through which life could be managed.

A central claim of Butler's gender theory is that we can deconstruct gender, in other words, the 'discursive production of the plausibility of that binary relation' (1999a: 43) of the two sexes in any time or place. This de-historicised interpretation of gender is partially due to her reversal of what she presents as the causal logic of sex/gender theory, where gender is treated as 'the cultural interpretation of sex' (Butler, 1999a: 11). For Butler, gender is the means through which one 'come[s] into being' as a sexed subject (1999a: 13). But, as Samuel A. Chambers observes, if we read Foucault strictly, it 'would be wrong to take gender as an effect of sex [as] sex is neither cause nor effect; rather, it is an essential component of the discourse of sexuality' (Chambers, 2007: 62). There is therefore a tension between phenomenology (gender as being a sex) and genealogy (gender as an apparatus of power) in Butler's theory.

Scholars have noted how Butler's work is, in significant ways, phenomenologically and psychoanalytically inspired and hence often in tension with the genealogical components of her philosophical framework. Moya Lloyd (2008: 104) and Sari Roman-Lagerspetz (2009) have demonstrated how, in retaining elements of psychoanalysis and Hegelian dialectics, Butler abstains from historicising desire.

Similarly, by maintaining structuralist arguments about the social and economic, Anna Marie Smith (2008: 83) shows how Butler can ‘forgo any consideration of the historical specificity’ of institutional initiatives. Going against the grain of the usual understanding of performativity as a poststructuralist theory, Diana Coole (2008: 25) suggests that the concept itself is actually ‘dialectical and existential-phenomenological’, dependent as it is on the need to presuppose the interpellatory quality of the social field in which things come into existence. *Contra* Foucault, Butler’s view of power is strategically disinterested and contingent upon the rules of the dialectical production of meaning that serves to satisfy the subject’s desire for recognition.

Sexuality, according to Foucault, is a contextually specific apparatus of biopower tied to a host of disciplinary and regulatory technologies. Foucault writes that ‘it is precisely this idea of sex *in itself* that we cannot accept without examination’ (1981: 152, emphasis in original), but with this he does not mean that it could be explained through the idea of gender. Sex for Foucault is not an effect of social norms, but ‘a complex *idea* that was formed inside the deployment of sexuality’ (1981: 152, emphasis mine). Foucault specifically does ‘not envisage a “history of mentalities” that would take account of bodies only through the manner in which they have been perceived and given meaning and value’, as Butler does, but rather his aim is to give ‘a “history of bodies” and the manner in which what is most material and most vital in them has been invested’ (1981: 152) with biopower. Butler, by contrast, examined how gender becomes that which it is called as a discourse of *identity*, as a way of ‘existing one’s body’ (1985: 510), rather than as a discourse *itself*. Butler de-historicises gender as a form of existing in and experiencing the world, whereby we can discursively trace subjectivation as it appears as different kinds of this or that form of identity, this or that mode of existing. This article argues that Butler does not do to gender what Foucault did to sexuality, that is, to subject it the status of an apparatus fundamentally entwined with the biopolitical.

To be fair, Butler’s ‘creative avoidance and misreading of [Foucault’s] work’ (Chambers, 2007: 48) is intentional, and so before we engage with Butler in this discussion, we must acknowledge that Butler’s theory of gender is founded on a different strategic premise. Butler’s theory of gender does not take its departure from a critique of biopolitics, but from a critique of sex/gender theory and the feminist subject of ‘woman’. Nonetheless, the neglect of biopolitics is, as I argue in what follows, an oversight that has important consequences for her reading of sexuality/sex that in turn effects her theorisation of gender.

The evasion of biopolitics

At the beginning of *Gender Trouble*, Butler names gender, rather than biopower, as ‘the very apparatus of production whereby the sexes themselves are established’ (1999a: 11). This has major implications for how Butler conceives of gender genealogically. Butler’s gender genealogy is not the gender equivalent of

Foucault's history of sexuality. In her exegesis of Foucault's history of sexuality, Butler evades an explicit engagement with the question of biopolitics. Sex is

- (a) produced in the service of the social regulation and control of sexuality and
- (b) conceals and artificially unifies a variety of disparate and unrelated sexual functions and then (c) postures within discourse as a *cause*, an interior essence which both produces and renders intelligible all manner of sensation, pleasure, and desire as sexual-specific. (Butler, 1999a: 120–121, emphasis in original)

Rather than referring back to biopolitics to account for the forces that underpin sexuality/sex, Butler's reading of the *Will to Knowledge* refers back generally to the dominating operation of power relations. She writes that Foucault 'proposes "sexuality" as an open and complex historical system of discourse and power that produces the misnomer of "sex" as a part of a strategy to conceal and, hence, to perpetuate power-relations' (Butler, 1999a: 121). When she introduces gender into this equation, gender is not a question of biopolitics, but of the power of the norms that produce gender. Butler therefore is not interested in the biopolitical genealogy that gives rise to the discourse of *gender*, but in the genealogy of the ontology of the 'binary gender system' (1999a: 10, emphasis mine). By contrast with Foucault's genealogy of biopower, in Butler's genealogy of gender ontology the actual mode of power relations is historically inconsequential. As Butler scrupulously explains, 'the "being" of gender is *an effect*, an object of genealogical investigation that maps out the political parameters of its construction in the mode of ontology' (1999a: 43, emphasis in original). Of interest is therefore not a genealogy of gender as such, but rather a critical account of the ways in which that which we *call* gender, that is, the discursive production of binary sex, manifests itself.

Butler's genealogy of gender ontology first, therefore, is a genealogy of the existence of the subject as a gendered subject and second, investigates the modes by which this existence manifests itself. Third, it examines this manifestation in relation to a nature/culture binary that posits sex as authentic or natural (Butler, 1999a: 43). Butler criticises what she perceives as the supposition in earlier gender theory that the cultural (gender) is an effect of the natural (sex) in order to argue that the natural (sex) is an effect of the cultural (gender). Since Butler's trouble with the nature/culture split is that it preserves the truth of biological sex, Butler's solution is to determine the natural *as* cultural. She resolves the problem of the natural by subsuming it under the cultural. The binary relation of sex is the construction of 'certain cultural configurations of gender' (Butler, 1999a: 43). While Foucault would not dispute the argument that 'gender' is constructed, analysing it in terms of the cultural is genealogically problematic. Foucault's analyses do not analytically differentiate between 'nature' and 'culture', for, as *The Order of Things* (1994) argues, both nature and society are ordered by scientific knowledge production. Following the example of Georges Canguilhem, Foucault drops the dualistic distinction of nature–culture. Rosi Braidotti suggests that he does so 'in favour of

the discourse of biopower: the political reflection on the subject as an embodied organism, and bio-cultural entity *par excellence*' (1994: 45). This is plausible if we conceive of biopower as not just a discursive but a highly material form of power that emerged in the eighteenth century and operates by subjecting matter to the strategies of biopolitics to order and regulate life. The development of the life sciences led to the discovery of organic structures and thus new ways in which to order the world. Biopower 'subordinates characters to one another; it links them to function; it arranges them in accordance with an architecture' (Foucault, 1994: 231) – that of the organism is discovered, classified and regulated. The control over sex therefore is not cultural for Foucault, but biopolitical. It is not determined by cultural norms, but by the strategy to gain control over life. The nature/culture split is revealed to be nothing less than an apparatus of biopower – as a grid by which it is 'possible to know [man]' (Foucault, 1994: 326). Nature/culture, for Foucault, belongs to the anthropocentric analytic of man that splits its attempt to rationalise what man is into two mutually supporting and delimiting levels: one is 'the pre-critical analysis of what man is in his essence' (nature) which determines the second (culture), 'the analytic of everything that can, in general, be presented to man's experience' (1994: 341). Thus, in a biopolitical critique of gender, the nature/culture split is no longer sustainable.

The circumvention of the biopolitical inevitably leaves a gap in the explanatory framework of Butler's gender theory. If biopolitics does not explain the phenomenon of sex, what does? Butler, inspired by Gayle Rubin, turns to psychoanalysis and Claude Lévi-Strauss' theory of kinship. Having opted to prioritise the cultural over the natural, she argues that the cultural configurations that produce gender norms are structures of kinship. Foucault's framework of biopower is therefore replaced by kinship – structuralist and phenomenological elements with which it is in tension. Her conjecture is that sexuality is produced by the self-reproducing heterosexual social structure of familial relations. The 'gender-instituting prohibitions' (Butler, 1999a: 49) of kinship are centred on the notion of law, the 'ontological status' of which Butler seeks to uncover. She concludes that the law that constructs gender is the juridical law of the incest taboo that works to 'prohibit incestuous desires and to construct certain gendered subjectivities through the mechanism of compulsory identification' (Butler, 1999a: 96). 'Gender identity', Butler writes, 'is defined by the objects towards which desire is directed' (1999a: 211). Here we return to the problem of Butler's failure to historicise desire and her taking after Hegel by formulating it as lack. The incest taboo, she claims, instigates and maintains heterosexuality by forbidding the love of the mother and encouraging identification with the father: 'one becomes a male sexual subject by abandoning the mother and identifying with the father' (Butler, 1999a: 211). The incest taboo regulates 'the institution of compulsory and naturalized heterosexuality' where gender as a binary relation of a masculine term differentiated from a feminine term is 'accomplished through the practices of heterosexual desire' (Butler, 1999a: 30–31). Butler does not engage with the passages in *Will to Knowledge* in which Foucault rejects the idea of sexuality as desire and analyses how

psychoanalytic and anthropological knowledge, along with other human sciences, become entangled with biopower to produce the sexual human subject. Nonetheless, for Butler, it is a necessary move in order to resolve the analytical ambivalence left by her conglomeration of genealogy with phenomenology that evicts biopolitics from the critical inquiry of gender.

The desires of *Herculine Barbin*

Nowhere are Butler's aforementioned moves more apparent than in her reading of *Herculine Barbin*. I here not only demonstrate how Butler drops biopolitics from a collection of texts that are saturated with biopower, but also elaborate why Butler's conception of desire as lack or negation is so much in conflict with Foucauldian biopolitics, so much so that it becomes impossible to grasp the biopolitical strategies therein. Some of Butler's longest passages on Foucault in *Gender Trouble* are not based on *Will to Knowledge*, but on what, as McWhorter (1999: 200) has observed, is often considered to be a more marginal work of Foucault, *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*.¹ Foucault published *Herculine Barbin* in 1978, two years after *Will to Knowledge*. Its contents are arranged around the memoirs of a hermaphrodite who, having been brought up as a girl, was reclassified as a man as a young adult and committed suicide at the age of thirty. It also includes a dossier of medical and press reports on the case, as well as a piece of fiction based on Barbin's life. Foucault, having gathered and organised these documents, authored only an eleven-page Introduction for the English edition published in 1980.² Butler is right to consider the Introduction 'short but significant' (1999a: 120). For Butler, its importance lies in its distinctive discussion of desire (as lack) and the production of sexuality. In *Herculine Barbin*, she argues, Foucault supposes there to be a prediscursive sexuality unhampered by 'sex' (Butler, 1999a: 123). This contradicts the analysis of *Will to Knowledge* which Butler reads dialectically: there is no subjectivisation without iteration and no discourse without recognition. Butler proceeds to read Foucault 'against himself' (1999a: 124) – the Foucault that accepts the possibility of prediscursive sexuality versus the Foucault that does not. But are the accounts of *Herculine Barbin* and *Will to Knowledge* really so different in terms of desire? For Butler the claim is valuable because she uses it to fortify her dialectic of sex/gender. Her question is already phenomenological – can there be a prediscursive sexuality? – rather than genealogical – in what ways does sexuality become deployed as a strategy of power? She asks if sexuality is possible without the subjectivising power of recognition or not, rather than how sexuality is folded into the tentacles of biopower. Her question presumes the Hegelian dialectic of recognition as the means by which sexuality, and hence gender, comes into being.

Butler's perception that *Herculine Barbin* deviates from *Will to Knowledge* is founded on its presentation of a relationship between sex and desire that does not align with Butler's psychoanalytical framework of compulsory heterosexuality, which is the structural foundation of gender interpellation. Butler argues that the

genealogy of sex/sexuality in *Will to Knowledge* ‘implicitly subscribes’ (1999a: 31) to the psychoanalytics of compulsory heterosexuality. *Herculine Barbin* poses a real challenge to this assertion, since, for Butler, Foucault’s Introduction seems to be suggesting that the truth of sex is not determined by sexual desire. I posit that the problem is in Butler’s conception of desire as existing only because of its initiation as sexual in the sexual structure of the incest taboo. Consequently Butler only has two avenues open to her: to drop the dialectic of sex/gender altogether or to dialecticise *Herculine Barbin*.

In her initial reading of *Herculine Barbin* in 1985, Butler found it lacking an explanation for why heterosexuality became so hegemonic (indicative of a long-standing disinterest in biopolitics). To understand ‘the societal urge and strategy to discover and define anatomy within binary terms’ (Butler, 1985: 514–515), she suggests we follow Gayle Rubin’s lead and consider the psychoanalytic construction of kinship structures in the formation of gender identity. To render Rubin’s structuralist and psychoanalytical reading sufficiently compatible with the genealogical *Will to Knowledge*, Butler terms the archaeological analysis of *Herculine Barbin* a ‘phenomenology’ and its Nietzschean genealogical critique ‘existential’. By abruptly naming Friedrich Nietzsche an existentialist in the same vein as Beauvoir without elaboration, Butler also dialecticises him. Nietzsche, Butler writes, ‘revealed how values which appear natural can be reduced to their contingent cultural origins’ (1985: 515). In other words, Nietzsche, the forefather of modern anti-Hegelian Western philosophy, is also rendered a structuralist who reduced the contingency of phenomena to a dialectical relation determined by a cultural base. Foucault and Nietzsche are construed as existentialists interested in how the subject comes to *exist* in a cultural setting, and especially in how it *appears* to others through discourse. In order to explain how this occurs over time she evacuates the power of biopolitical strategy and replaces it with structures of kinship. She invests Foucault with the existentialism, structuralist and psychoanalytic traditions whose ontological authority he fervently contested.³ And so, through her psychoanalytical reinterpretation of *Will to Knowledge* where sex is produced by relations of kinship, *Herculine Barbin* becomes a text about sex as a discursive effect of compulsory heterosexuality, rather than as an apparatus of the biopolitical strategies of power over life.

As mentioned, Foucault supplies readers with only a brief Introduction. It does not detail what will follow in the texts, but points out particular connections and discursive phenomena deemed pertinent to their analysis. He does not reveal the specifics of what can be read, but *how* it might be read. His suggested reading is not necessarily a reconstructive one, but a multifariously splintered one. For Foucault, the documents ‘allow us to see what a wake this little provincial chronicle, hardly even scandalous, managed to leave behind in the unhappy memory of its principal character, in the knowledge of the doctors who had to intervene, and in the imagination of a psychiatrist who went in his own manner towards his own madness’ (1980: xvii). Foucault at no point suggests that the account of any single author of the documents contained in *Barbin* can be taken as any more ‘true’

than the next: not those of Barbin, the doctors Chesnet or Goujon, the journalists of the press, nor the novelisation by psychiatrist Oscar Panizza, and not Foucault's. Each is a historically situated voice, and to single out one as a 'truth' would be counter to the critical objectives of genealogy. However, in order to uphold her argument on the prohibitive law of the incest taboo that adheres to the gendered construction of sexuality, Butler disregards Foucault's genealogical guidelines and prioritises Barbin's narrative as expressive of the psychic structures of subjection. Instead of reading the memoirs as an account of the becoming of self both in interaction and accordance with as well as in contradiction to those of the dossier, Butler singles it out as a discourse of something other than discourses of sex circulating amongst physicians, lawyers and hermaphrodites – as an account of Barbin's life experience as a hermaphrodite. For Butler, Barbin's memoirs of her youth as a woman are evidence of the socio-cultural construction of heterosexual desire through kinship that produces sex as an effect. The purpose of the psychoanalytic exploration of Barbin's youth is specifically to argue that, in the convent, Barbin did *not* live in a romanticised "'happy limbo of a non-identity'" (Butler, 1999a: 120) as Butler believes Foucault supposes she did. Rather, Butler purports that 'Herculine's sexual disposition is one of ambivalence from the outset, and . . . h/er sexuality recapitulates the ambivalent structure of its production' (1999a: 134). In other words, Butler argues that Foucault places Barbin's sexuality 'outside the law' (1999a: 134), a proposition that she refutes through the claim that sexuality arises only through the proliferation of psychically and institutionally enacted prohibitions.

Butler's phenomenological inclinations are reiterated in her acceptance that there is no sexuality before the law, whereby there can be no desire prior to the law. Barbin's own difficulties in separating 'the description of h/er primary sexual characteristics from h/er gender identity' (Butler, 1999a: 126) are evidence of the 'ambivalence produced by the juridical discourse of sex' (1999a: 127). Butler takes Barbin's recollections of early paternal abandonment and prohibited maternal love in the convent as confirmation of the centrality of the heterosexual matrix to the production of gender identity through the repressive law of the incest taboo. Barbin can have no desires outside the prohibitive laws of kinship, since, for Butler, it is impossible to consider desire except as lack. This is most apparent in the following passage, in which Butler explains the ambivalence of Barbin's sexual identity as a result of the ambivalent prohibitions of the heterosexual matrix:

At the beginning of the narrative, s/he offers two one-sentence paragraphs 'parallel' to one another which suggest a melancholic incorporation of the lost father, a postponement of the anger of abandonment through the structural instatement of that negativity into h/er identity and desire. Before s/he tells us that s/he h/erself was abandoned by h/er mother quickly . . . S/he establishes an identification through that deflection, one that later reappears as the joint plight of father and daughter cut off from the maternal caress. The deflections of desire are semantically compounded, as it were, as Herculine proceeds to fall in love with 'mother' after

'mother' and then falls in love with various mothers' 'daughters,' which scandalizes all manner of mother. (Butler, 1999a: 132–133)

Keeping with the theory of sex as an effect of gender, Butler reiterates that Barbin's indecipherably sexed body (nature) was not the cause of her desire (culture), but that her body was 'a sign of an irresolvable ambivalence produced by the juridical discourse on univocal sex' (1999a: 126–127). Butler argues that Barbin both undermines and is subjected to the laws of kinship, in that she is both subjected to its prohibitive production of (heterosexual) desire, but her ambiguous body constantly defies the ability of the law to 'naturalize itself in the symbolic structures of anatomy' (1999a: 135). 'H/er confessions, as well as her desires,' Butler writes, 'are subjection and defiance at once' (1999a: 134). Barbin is therefore trapped in a 'fatal' (Butler, 1999a: 127) dialectical web of power, where the defiantly ambiguous body was also produced by the ambivalent discourses that subject it to power.

Butler thus reads Foucault's notions of pleasure into Hegelian desire by equating one with the other. For Foucault, however, it is not desire but pleasure that is non-discursive and escapes the discourse of sexuality that orders it. As an affect that becomes sexualised as desire when exposed to biopower, it is also beyond subjection to dialectic relations. Butler nonetheless equates pleasure with desire, and, as Elizabeth Grosz has asserted in her critique of Butler, her Hegelian notion of desire means that there is something inevitably sexual about the way in which she figures pleasure-as-desire (Grosz, 1995: 177). Desire is defined by lack, always as desire *for*, including the desire for recognition as a sexual subject, which necessitates the expression of sexual 'disposition' as a libidinal preference towards a certain 'sex' (Butler, 1999a: 82–83). Desire-as-sexual is the horizon of both agency and subjection: 'desire is manufactured' (Butler, 1999a: 96) by discourse as a condition that enables the subject to enter the recognisable realm of subjectivity. Desire-as-sexual is 'the juridical model that exercises and consolidates its own power' (Butler, 1999a: 96) by both enabling the condition of subjectivity and disciplining and restricting it. As such, Butler prioritises Barbin's memoir at the expense of the ensuing material in order to demonstrate the centrality of psychic desire in the process of subjection. Below I suggest an alternative reading of *Herculine Barbin* that makes a deliberate attempt to read it in the biopolitical context that Foucault was critiquing at the time of its publication.

Rereading *Herculine Barbin* biopolitically

Contrary to Butler's reading, for Foucault there is a paradox in Barbin's genealogy, and that paradox is not an Oedipal one. According to Foucault, Barbin's material body is subjected to the biopolitical gaze and its discourse of sex, but at the same time Barbin expresses a *capacity* for love and pleasure that escapes them. This paradox is the effect of the differing effects of a contextually dependent biopolitical rationale that results in divergent discourses about Barbin's sex

and sexuality. Foucault writes that it was Barbin *herself*, not him (as Butler would have it), who saw her past as inhabiting 'the happy limbo of a non-identity'. For Foucault, Barbin's convent life was not free from power relations, but one contingent upon the paradoxical effects of power. The life that Barbin found so happy was so because of the double-edged protection provided by the convent schools. It protected her from the gaze of medical professionals, whilst at the same time one was not allowed to 'know' the sex amongst which one nonetheless spent one's life. For Foucault, 'what *she* evokes in her past is the happy limbo of a non-identity, which was *paradoxically* protected by the life of those closed, narrow, and intimate societies where one has the strange happiness, which is at the same time obligatory and forbidden, of being acquainted with only one sex' (1980: xiii, emphasis mine). It is not that Barbin moved from an existence free from sexuality and desire to one of their existence and repression, or was subjected to the same system from the start, but the mode and intensity of power acting on Barbin changed upon her departure from the convent, and this change also troubled her greatly. Barbin possessed a body and the capacity for pleasure. It was not interpellated by an Oedipal system, but became *ordered* by power. For Foucault, pleasure is a capacity, not a sex-determining sexual desire. Thus by conflating pleasure with sex, and confusing the non-discursive with the prediscursive, Butler equates non-discursive pleasure with prediscursive sex. The Introduction suggests the possibility of pleasure not bound to the sexual, hence as non-discursive. Foucault wrote that in Barbin's case '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' (1980: xiv). In Foucault's analysis, there was a regime of monosexuality in Barbin's convent school that differed from the medicalised apparatus of sexuality emerging outside its walls, whereby the opportunities for creating other forms of pleasure therein were also different. What Foucault is therefore suggesting is that Barbin's body was subject to the sexual apparatus of the convent during her residence there and *became* inscribed and rationalised by the discourses of biopower when she left the convent. In the place of Butler's Oedipal account of Barbin's sex, we can re-engage the problem of pleasure/desire to understand *Herculine Barbin* as an archival genealogy of the attempt of biopower to territorialise the body with the discourse of sex.

I want to reframe *Herculine Barbin* as an account of the various technological strategies by which the organic yet non-discursive body becomes inscribed by biopower. I do this through a biopolitically nuanced reading of Foucault's *The Order of Things*: for the administration of life through the biopolitical ordering of organic material is, I argue, at the root of sex in the *Herculine Barbin* texts. Central to the analysis of *The Order of Things* is indeed the idea of ordering: things like nature and persons are ordered differently across time and space. Particular to the emergence of modernity was its mode of ordering that conceived of the human as a living being and the source of meaning. This meant reorienting scientific analysis towards discovering the essence of living beings, instigating the emergence of the

life sciences (Foucault, 1994: 341). Paradoxically, in seeking to ‘discover’ the true nature of living things, Foucault claims that the life sciences caused a shift in the way in which the world is ordered. Modernity is defined by the establishment of a new mode of classification: the taxonomy of living beings. Constitutive elements at the centre of animal species that were previously hidden from view or less visible were now sought out, examined and deemed ‘classifiable as a property of the living being’ (Foucault, 1994: 268). For Foucault, while the Classical episteme viewed nature as a ‘continuous totality’ (1994: 272) and the ‘effect of a patterning process’ (1994: 268), the ‘possibility of classification now arises from the depths of life’ (1994: 268). The process of examining and organising the insides of creatures and determining their life-sustaining functions positioned scientists to erect classifications and cartographies of newly exposed organic structures that constituted living organisms. It was, in this sense, a highly material process. The very organs of bodies were territorialised by biopower and organised into organisms. This process of organisation was extended also to the reproductive organs. Historians of science have shown how at this time incommensurable sexual difference became biologically established (Laqueur, 1990: 148). The female sexual organs, previously placed on the other end of a single axis of sex, were now distinguished from male organs and given their own names. As Foucault would claim in *Will to Knowledge*, the sexual ordering of things was central to this new biopolitics as it was the means by which life would sustain itself: through the sexual reproduction of the human species and disciplinary access to the body.

This kind of inquiry into the ordering of sex, as we can see, is not psychoanalytical or cultural, but essentially biopolitical. Rather than asking how we come to bear sexual ordering and repeat it, a biopolitical interrogation scrutinises the rationalities by which Barbin’s sex/sexuality is scientifically, societally, economically and politically rendered pertinent, ordered and governed. Such a reading does not contradict the genealogy of biopolitics as conveyed in *Will to Knowledge* but complements it. To conduct such a reading that uncovers the biopolitical territorialisation of Barbin, that is, how it is that both doctors Chesnet, who examined and declared Barbin a man in 1860 and Goujon, who performed his autopsy in 1868, despite acknowledging the ambiguity of sexual characteristics in Barbin, engaged in a discourse over sex and concluded that she is really a man, we must look to the documents that Foucault assembled in *Herculine Barbin* with which Butler did not engage.

After examining her external appearance, evaluating the presence and maturity of her sexual organs, the doctors found Barbin’s ‘true sex’ as male to reside in the functionality of her sexual organs (the operability of the reproductive organs deemed male) and her sexual attraction to women (under the assumption of heterosexuality). This was despite the fact that both doctors observed Barbin’s ambiguous physical composition to find the existence of both male and female sexual characteristics. It was certain that she is a hermaphrodite, for, as Goujon observed, Barbin’s sexual organs allow her ‘to play either the masculine or the feminine role in coitus, without distinction’ (Foucault, 1980: 131). Yet, to get to

the bottom of her sex, each conducted their own detailed examinations of her organs. According to Chesnet, Barbin's 'completely feminine attributes' include 'a vulva, labia majora, and a feminine urethra, independent of a sort of imperforate penis, which might be a monstrously developed clitoris' (Foucault, 1980: 127). Chesnet nonetheless concluded that 'Alexina is a man, hermaphroditic, no doubt, but with an obvious predominance of masculine sexual characteristics' (Foucault, 1980: 128). The doctor cited additional 'proof' in the form of Barbin's sexual preferences. Barbin's 'tastes, her inclinations, draw her toward women' (Foucault, 1980: 127), which in the doctor's heterosexual doctrine suggested a masculine essence. Her vagina ended in a 'cul-de-sac' rather than giving way to a cervix and a uterus. This is why Barbin never menstruated. But, 'at night', he wrote, 'she has voluptuous sensations that are followed by a discharge of sperm; her linen is stained and starched with it' (Foucault, 1980: 127–128). In addition, 'ovoid bodies and spermatic chords' were found 'in a divided scrotum'. Referring to the inner genital characteristics that enabled Barbin to ejaculate, 'these', Chesnet declared, 'are the real proofs of sex' (Foucault, 1980: 128). Thus, deducing from Barbin's sexual attraction to women and ability to ejaculate sperm, Chesnet concluded that Barbin must be a man.

Goujon came to a similar conclusion, and went into much more explicit detail about how to uncover true sex, taking even further the argument for sex determination by organic functionality than Chesnet. Initially Goujon was unable to decide whether Barbin had a clitoris or a penis. 'This organ was a large clitoris rather than a penis', he first writes (Foucault, 1980: 131), only to call it later a 'penis, which in size did not exceed the clitoris of some women' (Foucault, 1980: 134). Like Chesnet, Goujon noted a vagina, the lack of a womb and ovaries, the presence of testicles in an undivided scrotum as well as ejaculatory ducts, but unlike Chesnet, Goujon hesitated to draw immediate conclusions from these findings. Instead, Goujon turned to Barbin's sexuality to evaluate the physical evidence. Goujon believed that when it is 'difficult and even impossible to identify the true sex of an individual at the time of birth', it is much easier to do when the person in question reaches puberty. At such an age, when individuals begin to reach sexual maturity, their sexuality is revealed and, relying on the assumption of heterosexuality, so is their sex. So, when 'the state of the genital organs' as well as 'their different functions' are insufficient for revealing a one and true sex, at least during puberty then the 'inclinations and habits of their true sex are revealed' (Foucault, 1980: 139). Having established Barbin's sex as male through the revelation of his true sexuality, Goujon believed he had proved that there is no such thing as a hermaphrodite. Goujon marked down the 'deformations or monstrosities' (Foucault, 1980: 140), referred to as hermaphroditic, as mere errors of embryonic development that can later be rectified by surgery once the true sex of the person is revealed, for example during puberty (Foucault, 1980: 139–140). In accordance with the argument of en fleshed biological error, Goujon then revised his initial analyses of Barbin's organs. The labia majora he first perceived must actually be the two underdeveloped lobes of the scrotum, and the vaginal cul-de-sac was really

the canal of the male urethra (Foucault, 1980: 141). Finally, Goujon assessed Barbin's 'fitness for marriage and reproduction'. 'Procreation', after all, Goujon proclaimed 'is the natural goal of marriage, and Alexina possessed the organs that are characteristic of his sex and whose functions he exercised' (Foucault, 1980: 143). Goujon calculated that it would not be impossible for Barbin to father a child despite her misplaced ejaculatory canal: 'Science possesses numerous observations of subjects stricken with hypospadias... who nevertheless fathered children' (Foucault, 1980: 143). In sum, the revelation of Barbin's sexuality confirmed his true sex and hence the true function of the present sexual organs, all now reinterpreted as male. With the help of science, Goujon believed that there may be hope for Barbin to fulfil the procreative goals of marriage by properly performing the natural functions carried out by his sexual organs.

Contra Butler, this biopolitically informed Foucauldian reading interprets the formation of sexual subjectivity in terms of the territorialisation of biopower rather than interpellation, of the organisation of desires rather than their unhappy, compulsory self-destruction. Barbin's doctors examined her body in order to discover the truth behind it and to determine how to classify it. They scrutinised the capacities of both the external enfolded physical attributes of her body and organs, and internal molecular (ovarian or spermatozoan) compositions to uncover their organic functions and prevalence. Once noted, organic capacities sufficiently conformed to biological functions: they were functionalised and sexualised. Barbin fantasised about women and ejaculated sperm, therefore her clitoris was a penis and she was classified as male. The stakes of such a genealogy for Butler's gender theory, however, are much greater than the substantially different reading of *Herculine Barbin* produced above, which makes no mention of gender. This is simply because gender has no discursive part to play in *Barbin's* history of sexuality, read in the strictest terms of Foucauldian genealogy. For Butler, by contrast, Barbin's ambiguous body and sex are subject to the 'prohibitive law' (1999a: 127) of gender ontology. Elizabeth Grosz (1995: 213) has argued that gender is a somewhat redundant analytical tool in the Foucauldian framework because, for Foucault, sex is already treated as an effect of the regime of sexuality. I find this claim additionally compelling when buttressed with Foucault's insights of biopolitics. If sexuality/sex is the effect of biopolitical ordering enacted on the faculties of the abstract body, then referring to culturally constructed gender norms serves little or no additional analytical purpose in explaining the constitution of sexuality and sex. A biopolitical approach transgresses the nature/culture account of sex altogether.

In fact, were we to conduct a strictly Foucauldian genealogy of sex, it would not be an exercise of the genealogy of gender ontology, but we would conduct a genealogy of the gender discourse as an apparatus of biopower just as Foucault did to sexuality. For Foucault, sexuality is not an exhaustive process of negation and repetition. It is a 'tactical' apparatus wielded by biopower to propagate and regulate life (Foucault, 1981: 100). This is why the question pertaining to the genealogy of *Herculine Barbin* is not how the symbolic Oedipal order produced her conflicting

desires, but how the biopolitical order sought to trap and order her as a sexed human being. So, just as Foucault asked what power seeks, entraps and solicits from a body that it sexualises, we must ask what it seeks from one that it genders. It is necessary to interrogate the strategies of biopower that came to deploy gender. Thus, in contrast to Butler, we could argue that there was no discourse of 'gender' in the nineteenth century for us to examine in *Herculine Barbin*. Gender as an apparatus of biopower had not yet emerged. Butler therefore finds gender where there, biopolitically and genealogically speaking, is none, because there is no field of knowledge seeking to uncover the truth about 'gender'. Butler's gender genealogy is not a genealogy of 'gender' as a specific discursive formation, but a genealogy of the appearance of *acts* that constitute an identity defined by 'gender'. Butler historicises gender as a form of identity that in differing times and contexts produces different kinds of culturally contingent gender identities. In Butler's theorem, we can deconstruct the appearance of gender at any given historical time, and we will call it a manifestation of gendered subjectivity. Gender acts are historically contingent, but are transhistorically stable as an articulation of a sexual subjectivity. But, for Foucault, behind discourse there are no things that are in themselves identifiable as sexual. They are sexual only to the extent that they have been classified as such by linking them to a whole regime of knowledge about life.

A biopolitical genealogy of gender

By sidelining the biopolitical underpinnings of Foucault's history of sexuality, Butler shifted the analytical emphasis from the strategies and tactics of biopower – how sexuality/sex was brought to bear on life through its scientific and political problematisation – to the means and mechanisms of intelligibility and performativity – how something becomes identified as being or possessing sex. For Foucault, sex is not an effect of a cultural system, but an apparatus of biopower in the administration of life. The biopolitical critique renders any reference of a cultural system of gender redundant, explaining why Foucault never resorted to one. This explains why Butler, in omitting biopolitics from her account of the emergence of sexuality/sex, fills this gap with the notions of gender ontology and kinship structures. Owing to the subsequent tensions between phenomenology, existentialism and poststructuralism, Butler's gender genealogy reveals its limitations. It can only examine the history of gender in terms of how something we call or identify as gender exists in different times and places. It cannot turn on to gender theory itself and interrogate the genealogy of gender itself. In a more strictly Foucauldian biopolitical critique, gender as a tool of analysis is redundant. Gender can only be analysed genealogically as a discourse or apparatus of power itself. Such a genealogy of the biopolitics of gender must suspend all 'theories' of gender and seek out the power arrangements governing the discourse of gender itself and ask how it orders the body and classifies its faculties, and according to what underlying rationalities and strategies. While 'sex' has been destabilised in feminist theory, gender itself has not. 'Gender' is the conceptual tool by which

Butler destabilised 'sex'. In so doing she gave the term 'gender' an internal order, albeit a highly contingent one. While she destabilised 'sex' in order to radically reconceptualise gender, she did so at the expense of the biopolitical genealogy of 'sex', which led to the resorting to frameworks like the kinship theory of psychoanalysis to explain why and how sexual difference is produced. Gender as a discourse in itself was not subject to proper genealogical inquiry.

To conduct a biopolitical genealogy of gender it would be necessary to trace how and where it was deployed by biopower, in other words, to examine how 'gender' was taken up and attached to the order of sex and life. Gender, as Colebrook (2004: 12) reminds us, refers to kinds and did not originally refer to sexual kinds: it denoted not just the ordering of organisms, sex, reproduction and biology, but principles and mechanisms like gender of language. The sex-bound idea of gender as we know it today did not emerge until the 1950s, when, as Jennifer Germon's study (2010) shows, it was first used by sexologists and taken up by feminists in the late 1960s. Under the interrogative conditions of genealogy, to examine the deployment of gender in any prior period would be methodologically inconsistent and analytically anachronistic. To examine gender genealogically and biopolitically, as Foucault did with sexuality, we must examine how 'relations of power had established' gender 'as a possible target' (1981: 98) for the governance of life and question 'what force relationship [made its] utilization necessary' (1981: 102). This way we can understand the tactics of gender discourse and how it comes to be deployed by different strategies of biopower. The belief in the historical repetitiveness of something identifiable as 'gender' must be interrupted and the ontological relation to sexuality disrupted. Only then can we consider how gender was sexualised, that is, how gender was brought under the regime of sexuality. To examine gender biopolitically means making new connections between gender and the politics of life.

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Notes

1. Butler's interest in *Barbin* precedes *Gender Trouble*: she discussed it in her article 'Variations on Sex and Gender' (1985) and mentioned it in her dissertation *Subjects of Desire* (1999b).
2. Foucault also wrote a brief descriptive note that appears at the end of the memoirs in both the French and English editions.
3. Foucault elaborates this view for example in his interview with Duccio Trombadori (Foucault, 2001: 866–871).

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