

Citizenship on trial: 'disability' and the borders of gender

Flavia Monceri

Università del Molise

Abstract¹

In the last decades, citizenship has been increasingly under debate especially with respect to the growing internal diversification of contemporary complex societies. The question I address in this article is very similar to that addressed by such debate: «How can we manage to actually extend membership, rights and participation, i.e. the substantial features of citizenship as it is currently understood, to all who are inserted within a political community, in order to realize the democratic ideal of the sovereignty of all as the sovereignty of each one?». I move from the idea that the notion of citizenship assumes a model of 'the citizen', which refers to a 'human type' as an obliged starting point to establish the borders of actual membership, rights and participation. The model of the citizen is built by selecting some recursive features, which are considered typical

¹ Note to the reader: In this article I deploy the terms 'disability', 'disabled' etc. always in inverted commas, except in the case of direct quotations. I chose this graphic solution to express my discomfort with terms that reiterate a label to be rather refused as the outcome of the 'ability'/'disability' dichotomy. As I see it, such dichotomy is not built upon a 'factual basis', but upon a value judgment about bodies (and 'minds') which do not conform to the prevailing social and cultural rules of 'normalcy'.

of ‘human beings’. Among them, able-bodiedness and sex (and hence gender), are always included in the selection because they are the most immediately linked to the concrete bodies of individuals, which political orders aim at disciplining and policing. However, even able-bodiedness and sex/gender are but ‘ideal types’ built by selecting some recursive features and discarding all the other possible ones. My aim is to show that moving from here it is possible to rethink citizenship by addressing concrete liminal cases. Here I will jointly consider the so-called ‘disabled bodies’ and the overcoming of gender borders.

Keywords: Citizenship, Disability, Disabled Bodies, Sex/Gender, Nussbaum, Care.

1. The trouble with citizenship

In the last decades, citizenship has been increasingly under debate especially with respect to the growing internal diversification of contemporary complex societies. Meanwhile, the parallel debate about democracy resulted in theoretical models such as ‘deliberative democracy’ (see, among others, Gutmann e Thompson 1996; Elster 1998; Macedo 1999; Bosetti e Maffettone 2004; Monceri 2011) and ‘radical democracy’ (Laclau e Mouffe 1985; Butler *et al.* 2000; Mouffe 2005). Indeed, there is a tight relationship between citizenship and democracy, highlighted for instance by Richard Bellamy:

Citizenship is a condition of civic equality. It consists of membership of a political community where all citizens can determine the terms of social cooperation on an equal basis. This status not only secures equal rights to the enjoyment of the collective goods provided by the political association but also involves equal duties to promote and sustain them – including the good of democratic citizenship itself (Bellamy 2008, 17).

In this sense, to quote Bellamy again, citizenship can also be defined as the fundamental right «because it is the ‘right to have rights’ – the capacity to institutionalize the rights of citizens in an appropriately egalitarian way» (ivi, 15). The substantial features

of democratic citizenship are membership, rights and participation, with the result that citizenship should be directly linked to ‘politics’ as the most important human activity intent on ‘social cooperation’.

The issue I address here is just the same addressed by the above-mentioned debates, and it might be sum up in the following question: how can we manage to actually extend membership, rights and participation, i.e. the substantial features of citizenship as it is currently understood, to *all* who are inserted within a political community, in order to realize the democratic ideal of the sovereignty of all as the sovereignty of each one? The same question can be articulated otherwise: how can we manage to include *all* single individuals among ‘the citizens’ avoiding any selection? As a matter of fact, none of the ‘great narrations’ devoted to the historical and ideal development of citizenship (see especially the classic Marshall 1950; for a critical discussion Susen 2010) explicitly problematizes its own anthropological presuppositions. On the contrary, I move from the idea that the notion of citizenship assumes, if tacitly, a model of ‘the citizen’, which refers to a ‘human type’ as an obliged starting point to establish the borders of actual membership, rights and participation at any given moment.

In its turn, the model of the citizen is built by selecting some recursive features which are considered typical of ‘human beings’, as well as stating that just those features (and not other ones, which are simply discarded) are relevant for the correct construction of the model. Two of those features, *able-bodiedness* and *sex* (and hence *gender*), are always included in the selection because they are the most immediately linked to the concrete bodies of individuals, which political orders aim at disciplining and policing (despite all differences, I agree here with some positions expressed by Foucault 1975; 1976). However, I feel confident to state, as queer theorists and disability scholars do, that even able-bodiedness and sex/gender are but ‘ideal types’ built by selecting some recursive features and discarding all the other possible ones, and that moving from here it is possible to rethink citizenship addressing concrete *liminal* cases. Here I will jointly consider the case of the so-called ‘disabled bodies’ and the overcoming of the gender borders.

Before discussing the case, however, I briefly consider some aspects of the debate on citizenship, which seems to recognize as a whole that the ideal of democratic citizenship

has not yet been realized especially due to the complexity of contemporary societies. As Simon Susen highlights, «traditional notions of citizenship emerged with the rise of modern society» (Susen 2010, 259), and therefore «the rise of late modern or – as some would argue – postmodern societies poses new challenges to contemporary discourses of citizenship» (*ibidem*). Moreover, as Surya Monro stresses, «‘citizenship’ is a slippery concept, involving the inclusion of some groups and the exclusion of others, often along ethnic and national lines. It is historically and culturally situated, and has different meanings in different languages» (Monro 2005, 148). This led, on the one hand, to suggest more specific notions such as ‘sexual citizenship’ (Evans 1993; Richardson 1998; 2000), ‘cultural citizenship’ (Stevenson 2003; for a discussion, Couldry 2006), ‘intimate citizenship’ (Plummer 2003), and ‘cyborg citizenship’ (Gray 2002). On the other hand, the debate increasingly focuses upon the ‘figures’ of citizens which are excluded by, or not fully included in, its traditional notion and forms: among them the ‘sexual citizen’ (Weeks 1998), the ‘intersexual’ (Grabham 2007), the ‘transgender’ (Monro 2005), and the ‘disabled’ (Nussbaum 2006; Young 2007; Arneil 2009), without forgetting other living species, like the ‘nonhuman animals’ addressed by Martha Nussbaum (2006).

In general, the citizenship debate can be interpreted in the light of the ‘politics of difference’, which at the end of the day overlaps with ‘identity politics’ (see Purvis e Hunt 1999), and aims at achieving the inclusion of differences through their gradual ‘recognition’, a central category for political and social theory alike (see Taylor 1994; on the ‘struggles for recognition’ see notably Honneth 1995). However, recognition has been recently questioned moving from the circumstance that in various context a clear shift seems to be occurred «from earlier demands for the recognition of difference, to more recent concerns with the recognition of shared characteristics, of valuing sameness alongside, or indeed instead of, difference» (McLaughlin *et al.* 2011, 1). Beyond that, «the mechanisms and institutional responses to recognition appear to be producing new or altered forms of ‘conditionality’ within rights and citizenship», in the sense that «groups and individuals need to ‘prove’ that they should be recognised by the state in certain ways in order to claim resources and legitimacy» (*ibidem*).

In other terms, it seems no longer clear – if it has ever been – whether the reference to ‘recognition’ as a tool for the ‘politics of identity/difference’ is strategically adequate,

or if it implies more costs than benefits. In fact, «contests over recognition bring with them the risk of policing the identities they seek to have validated», because «claims to have cultural or political identities articulated around disability, or sexuality, or race or ethnicity, or nation, or class risk prescribing which cultural or political values should be articulated by those who claim to belong to those categories» (ivi, 5). In other terms, the politics of recognition can show itself a double-edged weapon, changing in a further means to compel those same individuals whose specificity should be preserved by such politics (see, among others, Appiah 1994) to choose, on the contrary, a clear-cut identity with stable and recognizable borders.

To come back to the main topic, a notion of recognition too tightly linked to identity can be particularly prejudicial to the so-called ‘disabled’ individuals, because their different *individual* experience irreducible to any ‘shared identity’ matters more than in other cases, although – just to be clear – in my opinion it is only a matter of degree. It is therefore not surprising that, as Jackie Scully underlines, «resistance to the notion of there being a distinct disability identity can be found as much within disability theory and activism as outside it» (Scully 2011, 38). Anyway, I am not ready to agree on the idea that this occurs because ‘disability’ cannot be understood as ontologically identity-forming, differently from other «accepted axes of identity such as gender, class or ethnicity» (*ibidem*). On the contrary, I find that, with due modifications, we can surely apply the criticism to the notion of ‘shared identity’ to be found within disability studies also to all other cases, although with some differences.

Scully reminds that from the viewpoint of a medical approach a «unifying feature of disability» might be found, in that «disability can be defined in terms of individual deviations from a norm of physical or mental structure and function» (*ibidem*), but we should also bear in mind the concurrent fact that «both the sheer heterogeneity of impairments and the difficulty in agreeing on unambiguous limits to normality mean that bodily deviation *by itself* is a problematic basis for a shared identity» (*ibidem*). However, if things are so, could we not claim the same for instance for intersexual identity, in that it also originate in a «bodily deviation»? Furthermore, Scully states that «it is plausible that the subjective experience of being/having an anomalous body can affect how people perceive and make sense of their bodies, their surroundings, and the events of

their lives, and the sense that someone makes of her life is inextricably bound up with who she thinks she is – her identity» (ivi, 39), while «this sense-making activity need not be identical for all disabled people» (*ibidem*). But does this not apply to all experiences of diversity, given that they all must confront with the existence of a ‘norm’ which works as the criterion according to which any difference should be evaluated?

2. ‘Disability’ and citizenship

Among the three substantial elements of citizenship, in the case of so-called ‘disabled’ individuals the most problematic is *participation*, that is to say the entitlement to exercise one’s own right/duty to ‘socially cooperate’. Indeed, the capacity to participate seems to be missing in the case of human bodies unfitting the prevailing standard of ‘normalcy’ either from the physical or the psychic/mental point of view, according to the traditional Western mind/body binary through which the complex entity ‘human being’ is analytically simplified. And the difficulty remains even in those recent cases in which the issue of ‘disabled’ individuals’ citizenship is explicitly addressed, although remaining within the boundaries of traditional political models, particularly the liberal-democratic one based upon the notion of ‘social justice’, the most important representative of which was John Rawls.

In her *Frontiers of Justice*, Martha Nussbaum states that just «the problem of doing justice to people with physical and mental impairments» (2006, 1) is the first one which has been excluded by the theory of social justice, which nonetheless aimed to solve social conflicts and to guarantee a fair treatment to *all* members of the political community. According to Nussbaum, the limit of contractual theories, including the Rawlsian one, is to be found in the exclusion of ‘disabled’ individuals – as well as children, older people and women (in the oldest versions) – from participating to the constitution of political community because they are unable for various reasons to actively participate in the productive life of the community, and this makes their interests less important (see also Young 2007). As a result, towards such categories of ‘excluded people’ the issue of justice emerges only *after* the constitution of civil society, and its administration is as-

signed to those who formulated the fundamental principles in a position of mutual equality.

Now, choosing to exclude some categories of ‘human beings’ from the constitutive moment implies at least two fundamental assumptions. Firstly, the criterion to establish what types of human individuals can participate to the establishment of civil society consists in their conformity to a model of normalcy according to which the human being, and hence the citizen, has been defined. Secondly, this implies also a clear demarcation between two spheres in the life of a political community, the well-known public and private spheres, whose position is not symmetrical. In fact, the conduct of the private sphere, in which those who did not participate to the establishment of civil society are inserted, is assigned to the public sphere, and hence posed under its tutelage even for what pertains to the decisions about the needs to take into account and the tools to satisfy them. In my opinion, this causes a double discrimination: the first one is actualized in the very moment of the exclusion of the ‘abnormal’ individuals from the contract. The second one consists in reiterating that exclusion also in the subsequent stage in which those same ‘abnormals’ and their *private* needs and claims are taken into account as a *public issue* placed in the care of those who are to be considered as ‘full citizens’.

However, what interests me most is that the inclusion of ‘abnormal’ people is not considered as a proper *political*, but rather a *moral* issue, to be traced back to the value-system governing the individual and social perfectibility of *normal people*. Therefore, ‘abnormal’ people should be treated equally on the basis of social justice because this is a *moral obligation for normal people*, usually to be conceived according to the Kantian tradition, that is to say as independent of their concrete demands and ultimately of their concrete existence. It is my conviction that not even Nussbaum, and with her a number of other theorists, is able to exit the linguistic game of traditional political theory, and simply opposes to it a similarly articulated game, originating in the private sphere of the ‘feminine’ and the ‘woman’, for which a specular catalogue of principles elaborated by the *Other* is added to the fundamental principles of traditional liberal democracy.

Beyond that, all the models I encountered until now focus upon the rather problematic notion of *care*, which is questioned by different disciplines, including disability studies, because of its similarity to the paternalistic notion of *charity*, from which the interven-

tions move by the part of those who postpone the treatment of ‘abnormal’ people to a later stage than the foundational one. When Nussbaum writes that «one might have a theory that held that many living beings, human and even nonhuman, are primary subjects of justice, even though they are not capable of participating in the procedure through which political principles are chosen» (Nussbaum 2006, 17), this establishes an asymmetrical position of *power* that cannot be renegotiated. Therefore, the need arises to put those who are ‘incapable’ of participating under the tutelage of those who are ‘capable’, for whom the moral obligation surely exists to treat them according to universal principles of justice, but not the political obligation to renegotiate those very principles to take into account the expectations and claims of the ‘incapables’, who cannot negotiate by definition.

As a result, although «the problem of extending education, health care, political rights and liberties, and equal citizenship more generally to such people seems to be a problem of justice, and an urgent one» (ivi, 2), it cannot be solved on the political terrain of a renegotiation of terms, modalities and principles upon which the contract rests. In fact, the recognition that «solving this problem requires a new way of thinking about who the citizen is and a new analysis of the purpose of social cooperation» (*ibidem*) does not lead to a deconstruction of the legitimacy of the contractualistic model based upon social justice. And this happens the fact notwithstanding that «a reshaping of theoretical structures themselves» (*ibidem*) is stated as necessary which should consist just in that deconstruction, whereas the suggestion is simply offered to «emphasiz[e] the importance of care as a social primary good» (*ibidem*). And although Nussbaum’s suggestion is not to deploy the notion of care as the starting point to rethink political theory, but rather to resort to a ‘theory of capabilities’ (as a reformulation of the model already proposed by Sen 1982) based upon a conception of the human being free from the traditional notions of autonomy and rational action, the fact remains that such theory admits that not all individuals are entitled to participate to the elaboration of the fundamental principles of political community.

It is therefore necessary to fix a participation threshold, that although based upon a different understanding of the ‘person’, has the same discriminatory flavour as more

traditional solutions. This is clearly evident in the choice of ‘human dignity’ as a criterion to evaluate the ‘human life worth living’:

Among the many actual features of a characteristic human form of life, we select some that seem so normatively fundamental that a life without any possibility at all of exercising one of them, at any level, is not a fully human life, a life worthy of human dignity, even if the others are present. If enough of them are impossible (as in the case of a person in a persistent vegetative state), we may judge that the life is not a human life at all, any more. Then, having identified that (extreme) threshold, we seek a higher threshold, the level above which not just mere human life, but *good life*, becomes possible” (Nussbaum 2006, 181).

I restrict myself to stress that such a solution does not answer just to the same questions left open by contractualist theories. Indeed, this definition of human dignity, and particularly of the life worth living, depends exclusively upon the principles formulated by those who were entitled to do so – i.e. the ‘normals’ – without taking into account the possibility of renegotiating it with the ‘abnormals’, or at least of not formulating a clear-cut definition for lack of relevant information. As I see it, the theories of justice cannot avoid the reference to moral judgments to solve political questions, and this leads them to become unjust when they must solve cases in which the involved individuals are not ‘subjects’, but ‘objects’ of the definition of what is just. The suggestion to implement the theory of justice with a theory of capabilities is not enough to solve the difficulty to extend citizenship to *all* the individuals placed within a given spatial and temporal context, because of the refusal to discuss the assumptions of traditional political theory – particularly the human type upon which it rests, and which is adumbrated in the definition of a ‘life worth living’.

The limits of Nussbaum’s theory are clearly highlighted for instance by Eva Feder Kittay, whose suggestion is explicitly based upon the notion of care. Kittay acknowledges to Nussbaum’s proposal the merit of being «at once a response to the question of human dignity and to human equality»(Kittay 2005, 108); her «capability list is meant as a set of entitlements belonging to us by virtue of the fact that we are human», as well «as the basis of the human claim to dignity. In other words, it is because humans *can*

have these capabilities that their life is a life worthy of a distinctively human dignity» (*ibidem*). However, their limit consist in holding a «normative character» depending on «the claim that without any possibility of exercising *all* of these (at least at some level of functioning), the life would not be a human life» (ivi, 109). In other terms, according to Kittay, Nussbaum «is unwilling to dispense with any of the capabilities in favour of the development of any other. There are no trade-offs and no compromise on the need to realise them all» (*ibidem*). This implies «positing a norm of human functioning», which «will turn out to exclude certain people from the possibility of a truly human life, a life worthy of human dignity» (ivi, 110).

Kittay suggests not to «look for the basis of dignity in attributions we have as individuals, but in the relationships we bear to one another» (ivi, 111). More specifically, she states that «it is not in the human capacity of rational practical reasoning that we find the ultimate source of our dignity but in a distinctly moral capacity to care», since the dignity of all of us «is bound both to our capacity to care for one another and in our being cared for by another who is herself worthy of care» (*ibidem*). The basis of such moral capacity consists in acknowledging that «what binds us in our caring relations is a deep sense of the irreplaceable and distinctive worth of each human being, of the life form we share, and of the non-fungible nature of the relationships we form with one another» (*ibidem*); in this sense, «dignity is a feature that must be perceived in order to be. For dignity is a call upon another to recognise our intrinsic worth» (ivi, 113). Anyway, even Kittay's position, which ultimately traces back all care relations to the 'mother-child' model, can be charged with the same limit as Nussbaum's one for various reasons, the most important of which consists in its building politics on moral assumptions individuated only by those who are entitled to do it.

I find that this problem is not completely solved even by those who stress the relevance of the notion of interdependence for a consistent discourse about care (see Arneil 2009; also Watson *et al.* 2004), trying to overcome the independence/dependence binary that characterizes the traditional political models, including contractualism. In fact, interdependence can be useful only if we avoid the risk of a one-way understanding that would be inconsistent with the foundations of complexity theories in which interdependence originates, focusing exclusively on the direction from the con-

text/environment to the individual/self. We should rather admit that each one of us actively participates to the development of interdependent interactions also by virtue of that 'individual' part of ourselves that is irreducible to a rational and linguistic formulation because it has to do with the as well irreducible diversity of our concrete experiences. This should be done especially in order to offer a definition of interdependence in mutual terms, that is to say considering the partners of the interaction *at once* as care-givers *and* care-receivers (see Wendell 1996, 144-151).

In addressing the relationship between care and 'disability' (Wendell 1996; Beckett 2007; Arneil 2009) we can ask the following: how is it possible to think about an active role, whatever its configuration, by the part of the 'disabled' person, if not by deconstructing her representation as a 'child' in need of a 'care-giving mother'? The idea is still well-alive, if tacitly, that the so-called 'disabled' might be defined as 'children in need of care' or 'minors in need of tutelage', and this urges to consider the dark side of care relations (on the debate about care see Thomas 2007, section 4). Personally, I find it mistaken to represent such relations only as an expression of 'solidarity', 'responsibility', 'attention', 'love' etc., without mentioning *power*. Especially in the field of 'disability', in which the care-giver is often entitled even to 'manage' the body and bodily processes of the care-receiver, it cannot be forgotten that care and 'policing' are strictly linked (see also Shakespeare 2000; Beckett 2007, 372-375). It is therefore not surprising that a great part of disability studies has been looking since a long time to deconstruct the paternalistic/maternalistic model of care at the aim to recover the active role of the care-receivers.

3. Gender, 'disability' and citizenship

The debate about the redefinition, or at least the substantial modification, of the notion of citizenship seems unable to achieve its goal, that is to say the (tendentally) 'full inclusion'. This is because the debate itself is based upon two presuppositions which are not under discussion, as it should rather be. Firstly, the theoretical political model representing the target of criticism, is nonetheless accepted. However, this decrees the impossibility to overcome its limits through a radical criticism, and the need to be content,

so to speak, with the introduction of ‘correctives’ or ‘adjustments’ which should allow for the inclusion of ‘different’ or ‘abnormal’ individuals. Secondly, the anthropological foundations of citizenship are not really addressed in the debate, even when, as it is the case with the above-mentioned authors, just the traditional model of the citizen is explicitly questioned.

The root of the problem is to be found in the inability to exit the prevailing linguistic game, and the usually preferred move consists in opposing a different ideal type of the citizen to the dominant one, by means of elaborating a different, better oppositional, catalogue of its features. As I tried to show, this is for instance the outcome of all those theories trying to reassign relevance to the private sphere and the values of the *internal other* (as it is the case with ‘care’ or the values that ultimately, if only implicitly, are thought as the specific contribution of the ‘feminine’ side of the political community). The tricky side of this position, however, consists in the fact that conceding the existence of a private sphere opposed to a public one, means reproducing the dominant ‘rules of the game’.

My approach to the issue is intended to be more radical in deconstructing the anthropological foundations of the ‘normal citizen’, implicitly accepted in contemporary debates. To this end, the first step that political philosophy should do in order to remain faithful to its task – to elaborate models of order that are able to satisfy the highest possible number of expectations of the highest possible number of individuals, though always tentatively, partially and provisionally – is becoming aware that

if the ‘rational’ citizen or ‘person’ at the heart of all these political theories is repeatedly constituted in direct opposition to the disabled ‘other’, who is defined as less than ‘normal’, ‘irrational’, ‘outside the ‘usual’ way of being, only ‘potentially’ human, and governed by the principle of charity rather than justice, it is clear that to incorporate disability into contemporary political thought is not simply a matter of ‘including’ the disabled within existing norms or paradigms [but rather to recognise that] a fundamental rethinking of liberal and democratic theory is required (Arneil 2009, 228).

Anyway, while those who are moving towards such «fundamental rethinking» do not question the maintainance of the liberal democratic model as well as the various contemporary theories of justice, in my opinion *if* we want to include the so-called ‘disabled’, *then* we must be ready, for reasons of logical and formal consistency, to give up the idea of such a maintainance. To this end, I suggest that ‘disabled’ bodies should not be considered moving from an established set of values on whose basis their political importance is inferred, but rather as ‘transgressive’ bodies which are also immediately ‘political’, because their exclusion depends on their original separation from the rest of the fully members of the political community, so literally *discriminating* them by means of exercising the power assigned to the (assumed) majority of the ‘normals’. Such a rift at once establishes a *border* between what is fully human and what is not, and cannot be subsequently overcome by means of a ‘moral calling’, which would compel the normal bodies to re-include the transgressive ones among those who can claim for a ‘full citizenship’.

To make only one instance, I agree with the criticism offered by James Overboe against the «rhetoric of equality of rights», because it is well reasonable that «by arguing that disabled people must demand equality of rights for themselves, supporters of ‘equality of rights’ deny the ‘lived experience’ of disabled people», in that «the obtaining of equal rights that maintains the systemic discrimination against disabled people does not resolve problems for us. It only exacerbates them» (Overboe 1999, 23). Overboe’s position goes rather in the direction of that re-negotiation of the ‘original position’, which has been excluded by traditional political theory:

Rather than an ‘equality of rights’ based on identity politics, I call for an ‘equality of condition’ that validates both a disabled embodiment and sensibility. Our physical, mental and emotional manifestations of disability as well as the social, political, moral and physical environment will continue to have an impact upon us. But shifting the notion of an identity which is devalued to a lived experience that is validated causes a change in approach. No longer would we be ‘done to’, and ‘done for’, or even ‘done with’ as so often within non-disabled and extreme liberal individualism parameters and with the restrictions of an ableist sensibility. The shedding of the illusion of identity allows for our ‘lived experience’ to come to the fore-

front. Thus our ‘lived experience’ would be an integral part of the atmosphere and tone for any change within our lives and our interaction with others, whether they be disabled or non-disabled (ivi, 23-24).

To sum up, the general questions I try to address as a political philosopher who does not want to rely on moral or ethical principles are as follows: 1) is it possible to rethink the notion of citizenship in such a way that it succeeds in including ‘different people’, without addressing the issue of the human type that any citizen should embody in order to gain access to services, rights and benefits linked to citizenship? and 2) is it logically consistent to elaborate a revision aiming to ‘full inclusion’ by highlighting the limits of traditional theories, without foreseeing the involvement of those ‘different individuals’ they exclude, without listening to what their concrete bodies have to say of themselves, in a word without the participation of those same individuals who were excluded from the original negotiation? Of course, the answer is a negative one to both questions, and it is so at the formal and logical level of the internal consistency of the theoretical enterprise, without any need for a preliminary value-judgment concerning the *goodness* of the operation itself.

It is within this framework that my definition of the ‘disabled’ as ‘transgressive’ bodies achieves its meaning. They are transgressive not in the usual sense that they break the rules established by the ‘able-bodied’, by means of openly dissenting to subvert them as soon as their number becomes widespread enough to have a social impact, and to compel, so to speak, the prevailing order to satisfy their claims. Rather, I maintain that ‘disabled’ bodies are transgressive beyond their ‘recognition’, ‘inclusion’, ‘acknowledgment’ or whatever, because they create and establish ‘alternative rules’ working *simultaneously* to the prevailing ones. Hence, they cause the political order to find strategies to ‘neutralize’ the impact that such alternative rules already have at the level of everyday life both for those who transgress and who conform, *simply because they exist* and are *viable* for everyone (a deeper discussion in Monceri 2012).

The ability/disability binary is the most original one to distinguish among the bodies of human beings, and is at the basis also of the sex, gender and sexual binaries. Put bluntly, such a binary allows, the justifications notwithstanding that can be elaborated

from a medical, philosophical, moral, social cultural and political standpoints, to include in, or exclude from, the category of the '(fully) human beings' any concrete body, according to the pole to which it is assigned by those who judge about its 'able-bodiedness' or 'disability'. From this point of view, the very notion of 'disability' could, and in my opinion should, be replaced by the idea of 'temporarily able bodies' which would be a better reminder that 'ability' and 'disability' are not static poles free from spatial and temporal constraints, but rather conditions deemed to change in time and to be experienced by all concrete human bodies. So, it would become possible to reformulate the issue of an assumed 'disabled identity' that, as Mark Sherry states, «could simply be an identity that is based on identifying as someone who navigates the world in atypical ways, facing many attitudinal and physical barriers» (Sherry 2007, 10). The fact that the idea of a 'temporary able-bodiedness' is not yet widespread should cast doubts on the actual capacity of the very notion of 'human being' to really include all concrete bodies, given that the possibility is always there to exclude some of them.

Now, a 'disabled', that is to say not (fully) human, body, is surely a sexed body, in the sense that such body, already categorized on the basis of a 'norm' establishing the 'proper shape' of the human body (which of course includes also the 'mind' or 'psyche'), a sex is also assigned chosen between the two (until now) permitted, what could also lead to define the various forms of 'intersexual conditions' as 'disabilities', given that not even those bodies are able to conform to the norm. But what I want to stress here is that the assignment of a sex is not the first operation from a temporal and ideal viewpoint, because in order to be M or F, you must be already assigned to the class of the '(fully) human beings'. This idea may seem weird at first sight, but things change if we consider that while 'disabled' bodies are sexed ones, they are surely not *sexual* ones, that is to say bodies for which the possibility is foreseen to *practice* sexuality, and this ultimately depends solely on the fact that their definition as 'disabled' implies not merely a 'malfunctioning', but the very 'absence' of any sexual 'functions'.

Although just this is the most important question upon which to reflect, I will rather focus on *gender*, which however cannot be understood as independent of a preliminary admission of the *possibility* for a concrete body to have 'sexual functions'. 'Disabled' bodies are sexed but not sexual bodies, and this has remarkable consequences also as to

the definition of their gender, understood as the construction of a set of social roles establishing the identification of 'feminine' bodies with 'women', and of 'masculine' bodies with 'men'. Now, since the ideal type of the citizen rests upon the gender dichotomy, because of its intersubjective, i.e. social, emergence, it is easy to see the conflict between 'disabled' bodies and the definition of citizenship, particularly because they are always transgressive *because they set alternative gender rules*.

To state it more clearly, the type of human being that each one of us has to embody to be included among the citizens has been historically constructed primarily by selecting features that directly refers to sex, gender and sexual binaries: the citizen is male, man and heterosexual (even when the term was not yet deployed). But such features presuppose in their turn a preliminary judgment about the 'abilities' of that body, on which the qualities depend that the citizen must have to adequately – that is to say as the political community expects of him – perform his tasks. Such qualities are autonomy, independence, rationality, reproductive ability, as well as the capacity to 'produce', that is to provide for the satisfaction of his and the society's needs, and the capacity to build and manage a private sphere (typically a 'family') and to be active in the public sphere (especially in 'political matters'). As a matter of fact, such catalogue of features, that might be surely widened by inserting for instance 'physical strength', 'aggressiveness', 'competition' or 'activeness', corresponds to the still prevailing stereotype of the 'male gender', which remains unquestioned even by those who are trying to rethink the model in order to include the 'disabled'.

Just for this reason I maintain that it is particularly the existence of male 'disabled' bodies to offer the test bed to measure the adequacy of the traditional notion of citizenship, in the face of the difficulties posed in our times by the goal of a wider inclusion. From the standpoint of the traditional dichotomies of sex, gender and sexuality, a 'disabled' man represents and performs a gender which is very near to the opposite pole, particularly because it questions the two fundamental features of independence and autonomy. Male 'disabled' bodies all present, although differently, a clear lack of autonomy and a linked dependency on other care-giving subjects, and this leads to associate them to 'children' or 'women', what excludes that they can be considered 'citizens' to all intents and purposes. Moreover, the impossibility to judge male 'disabled'

bodies as autonomous and independent has direct consequences also for their characterization as '(fully) rational individuals' according to the traditional meaning of Western rationality, and this is the reason of their exclusion from the number of those entitled to negotiate the fundamental principles of their political community.

As James Overboe convincingly writes, «for example, the linear rationality of the able-bodied subject has difficulty in understanding a somewhat chaotic communication that is informed by the 'disruptive' embodiment of a disabled person» (Overboe 1999, 25), and this leads to evaluate the 'disabled' person as not (fully) rational. In fact, paradoxically as it may seem, the Cartesian mind/body dichotomy, assigning to rationality a hierarchically superior position to corporeity, implicitly understands such rationality as linked to a 'normal', that is to say 'able', body. The linear notion of rationality, which rests upon the principles of logic and causation, assumes that individuals are capable to observe, foresee and control their environment *also* by virtue of a specific corporeal configuration that seems to be the most fitting as to actualize those operations in a effective and successful way. In other terms, rationality as traditionally intended, though refusing its own dependency on corporeality, and particularly the idea of an 'embodied mind' (see Lakoff e Johnson 1999), does not succeed in radicalizing the distinction, at least to the extent that it keeps on assuming that the most adequate rationality is linked only to those bodily forms which are defined as 'normal' at any given moment.

The difficulties encountered by male 'disabled' bodies because they are considered unable to represent and perform their gender in the correct way are well exposed, to make only one remarkable instance, by Robert Murphy in his classic *The Body Silent* (1990), in which he tells his own experience as a 'disabled' person, though not by birth. Among the various parts which would be worth discussing, I quote some of those which can clarify at best the meaning of my previous statements concerning the problematic character of 'disabled' male bodies in the framework of the discourse concerning the extension of citizenship:

Lack of autonomy and unreciprocated dependence on others bring debasement of status in American culture – and in many other cultures, Most societies socialize

children to share and reciprocate, and also to become autonomous to some degree. Overdependency and nonreciprocity are considered childish traits, and adults who have them –even if it’s not their fault – suffer a reduction of status. This is one reason why the severely disabled and the very old often are treated as children. [...] It is for these reasons that escape from dependency has been a central goal of the disability political movement, and many handicapped people have discovered their own possibilities through going it on their own (ivi, 201).

Much greater disturbances of the family system are set in motion when the husband or wife becomes disabled, for the usual authority and reciprocity roles are thrown completely out of kilter. [...] The identity of the male in the Euro-American world rests more heavily on work and occupation than does that of the female. There is no widely accepted social role of the househusband, even for a disabled man. And in the reciprocal economy of the family, the handicapped man often loses his central function as main breadwinner. [...] The father finds that he must rely on moral coercion or reasoning when asserting paternal authority, for he has lost physical dominance. His functions in the household are diminished by his impairment in other ways. He no longer [...] does any of the hundreds of things that once may have defined and symbolized his role as husband and father. He is around the house all day long, but he has no role or purpose within it; the home remains firmly in the domain of the wife, and she is off to work. (ivi, 205-206).

Although taking into account that ‘disabled’ female bodies are stigmatized even more deeply in *other* respects, I am convinced that ‘disabled’ male bodies are more interesting cases to cast doubts upon the solidity of the human type chosen to shape the citizen. Therefore, it is from this idea that political theory should try and address the revision of citizenship. Anyway, this can be done only if it is clear that an alternative model of the citizen also means questioning *all* of its constitutive features *by taking into account the concrete ‘disabled’ bodies*. Beyond that, it is also clear that replacing the traditional ideal type with a new one would have relevant consequences also as to rethinking of the model of political order based upon that traditional model, that is to say liberal democracy.

To put it differently, modifying the human type implies a change in the model of the political order, and such modification might also imply its replacement, a theoretical move that in my opinion contemporary political theorists are not yet ready to make. And this is of course fully legitimate, especially if justified on the basis of the idea that the liberal and democratic political order is, for the time being, the one which allows for the highest flexibility towards the claims for changing coming from the members of political community. But it should also be clear that if we are not ready to replace the model of order, then we must, to be consistent, give up the idea to include some categories of different people, as it is the case with ‘disabled’ individuals, because this is logically impossible due to the anthropological foundations of such model. In other terms, if we are not ready to abandon liberal democracy, we should be aware of the impossibility to extend citizenship to ‘disabled’ individuals on equal terms. They are in fact not included by definition among the human beings who ‘matter’, and therefore can be at best the object of a moral (and *hence* also political) behaviour prescribed to the human beings who matter, but never reach the point to be considered fully entitled subjects of political participation.

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