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Political Philosophy and Disabled Specificities(*)

John Law

Introduction

'Because political philosophy in the Anglo-American mode remains for the most part animated by the hopes of the Enlightenment, above all by the hope that human beings will shed their traditional allegiances and their local identities and unite in a universal civilization grounded in generic humanity and a rational morality, it cannot even begin to grapple with the political dilemmas of an age in which political life is dominated by renascent particularisms, militant religions and resurgent ethnicities. As a result, the main current in political philosophy, which remains wedded to the Enlightenment project in the particularly unconvincing form of a species of eviscerated Kantian liberalism, has condemned itself to political nullity and intellectual sterility. Political philosophy may have been reborn in 1971, but it was a stillbirth.¹

1971 was the year of the first publication of John Rawls *A Theory of Justice*² a book which has indeed shaped and defined the discipline of political philosophy since that date. Like other theories, Rawls' book, and the political philosophy that it has spawned, reflects its social location. John Gray's suggestion that the social context is that of the liberal US academic establishment is no doubt right. His acerbic comment that Rawls' 'original position' represents 'Kantianism in one country' nicely catches the parochialism of the whole enterprise. Reasonable people are to sit down behind a veil of ignorance and using well-tutored reasoning they will derive a contract which is also a general approach to justice, justice as fairness, an approach from which no



reasonable man would be able to dissent. This essay into universalism has, as Gray also observes, spawned an industry of emulations and adjustments. It has also generated a lot of in-house debate about the relative priority of this or that right. Then again it has also provoked criticism most of which, in one way or another, notes that there is, after all, a real world out there, a world filled with cultures, traditions, concerns and passions which are often rather far removed from those which reside in the desert of North American political philosophy³.

Of course we need to be careful. It will not do to denounce Rawls' theory simply because it reflects the concerns of what Gray calls the North American academic *nomenklatura*. One way or another, we are all tarred with the same brush: academics or otherwise, we all reside *somewhere*, and one way or another that 'somewhere' articulates itself in what we do and tell. Nevertheless, in the 'academic somewhere' where I happen to reside we have, at least in our words if not our deeds, more or less given up on the universalist hopes of the Enlightenment. A sure foundation for singular knowledge? Out of the question! The universal applicability of principles? No! The notion of progress as a form of linear displacement towards a better world? Absolutely not! The possibility that a better world might be planned from a single place? Hubris! The notion that there is a single 'human nature'? Unsustainable! All of which prejudices - and particularly the last two - mean that reading Rawls is like reading science fiction. Arguably elegant, but completely beside the point.

So what is to be done? Why bother with this peculiar beast 'political philosophy' at all? The answer is that, notwithstanding all the washing of dirty linen in public, for many there is still some life left in what is grandly called 'the Enlightenment project'. Or, to put it a little specifically, in the 'academic somewhere' where I and others like me reside, there is still an urgent desire to make a difference. To make things better. And then to imagine that the project of knowing is one way of making things better, at least sometimes. All of which may, of course, reflect (depending on one's degree of cynicism) the triumph of hope over experience or, alternatively, what one would naturally expect from a class of people who are paid to discover truths which will help to build a better world. Either way, I want to stick with the hope - though a modest version of the hope - and I want to re-imagine a small corner of political philosophy after the Enlightenment, and after what I take to be at least the intellectual death of liberalism.

Some cautions are in order if we are to imagine such an enterprise. The first has to do with its status. This is, to put it mildly, modest. There are two ways of putting this, the philosophical and the sociological. The philosophical version ties itself in instant knots. It says that truths and principles are limited in scope. The knot, of course, is that this is itself a general truth or principle, one which therefore provides for its instant self-refutation. Well, yes, but never mind. It is easy to be over-impressed by these games of self-contradiction. They seem, too often, like easy ways of evading a deeper point. And, in any case, the sociological version of the story helps. It simply says that any truths or principles that are made will only carry so far. Rawls' theories (our own will be no different) will have run aground on the reefs of other cultures long before they reach the seminaries of Qom. So yes, what can be said is modest in its scope - even if it pretends otherwise. Perhaps, then, that is one of the relevant differences between political philosophy à la Rawls and this alternative after-Enlightenment enterprise. Perhaps the latter has a better chance of holding its tendencies to hubris in check. Which if true however, suggests that we need other ways of thinking about thinking. That instead of principles we might seek - what?

Here another well-worn philosophical tradition rides to the rescue. Pragmatism suggests that truths are tools, tools that happen to work for the purposes at hand. And if we meld that with a reversal suggested by Donna Haraway then perhaps we have something that does not instantly sink under its own weight. Her reversal is this: partial perspective is a *privilege*. There is no choice. What we see and do is necessarily partial, situated. Interested. But if we know this then what we know is one degree less unsatisfactory than the free-floating delusions of those who seek generality⁴. All of which means that we are, so to speak, down on all fours with everyone else, arguing for our position and trying to persuade anyone who happens to be half-listening. It means that we are using the tools that are available, and hoping to make a difference.



This, then, is the only version of political philosophy that I can imagine. Locally generated toolkits animated by the desire to make relatively local differences. But what kind of differences? Before we can even think about this question we will need to chart a passage round the deserts of universalism, something which is more than a little difficult. This is because the textbooks make general claims about human dignity, as of course, do the constitutional documents. The American Declaration of Independence, the United Nations Charter on Human Rights, it is difficult to ignore these or to rubbish them. Indeed, it is more than a little dangerous. Who wants to argue against the claim that people should have the right to life, liberty, and the pursuit of happiness? Certainly I don't, at least most of the time. I do, after all, care something about the company that I keep, and, everything else being equal, I don't want to offer aid and succour to those who favour slavery or indentured labour. In one of his rhymes for children Hillaire Belloc cautioned: 'And always keep a-hold of Nurse, For fear of finding something worse',⁵ an injunction which is no doubt appropriate in the present context. My submission, though, is this. Sometimes we should indeed venture away from nurse. Not in general - for 'in general' is both too dangerous and, paradoxically, it does not exist - but here and there, and now and again⁶.

So what will happen if we do this? The answer is that we will knowingly depart here and there from constitutions. For constitutions are like nurse. They are principles that claim to be general, to govern, to regulate. Despite the fact that they never did, this is no doubt a sometimes useful fiction. One we will hold onto sometimes, perhaps even much of the time - but also one which we will give up here and there in order to interfere and try to make specific differences to the arrangements of specific institutions. All of which means that I'm imagining the successor projects to political philosophy as sets of specificities, empirical and theoretical together. Certainly not like John Rawls with his imaginary philosophical anthropology. Nor like Alasdair MacIntyre with his brilliant and sociologically informed Aristotelianism. Not even like Michael Walzer with his communitarian commitment to sociological difference. For all of these, at least before their revisions, offer the prospect of a constitution, perhaps permissive, but a constitution nevertheless, an overall framework, an overall view, a place without the privilege of partial perspective⁷.

As I write this I'm conducting a debate in my head. This is because what I'm doing will, I think, be accused of favouring a situated form of ethics. That my lapses from the general principles of constitutional politics will sanction, I don't know, child labour, genocide, whatever horror the human spirit can dream up. But I don't like this argument. I don't like it both because it is lazy and because it is removed from practice. It's lazy because it rests in the ample but unselfcritical arms of universalism. First step: does universalism, also known as nurse, really save us from the horrors? Do universal declarations of human rights really prevent holocausts or 'ethnic cleansings'? Second step: does my failure to insist (say) on universal applicability of human rights really mean that I am obliged to laud the efforts of the local Gauleiter as he rounds up candidates for the gas chamber? The answer to both questions is: obviously not. Declarations of human rights may sometimes help, but they don't by themselves stop horrors. And the fact that I don't make declarations supporting them - or, more precisely, would sometimes imagine specificities which work in other ways - doesn't mean that I have to go along with evil.

The point of principle (let me make it clear that I ironise) is that it is possible to have 'principled' ethics and 'principled' politics *without* the verbal expression of general principles. So, without developing the point any further in the present paper, I need to say something like this. Political and ethical practices may, probably usually do, *precede* political and ethical principles - but that this is not the same as saying that anything goes. Preserve us, I beseech thee oh Lord, from the excesses of the principled.

Narratives

So there will be no constitutions and no generalities, except as convenient fictions. Instead the successor projects to political philosophy will take the form of local toolkits that are animated by the desire to make local differences. But what kinds of differences? Notice, by now, that we are working in the plural, and very locally - and that this is not a failure. Rather it is the realm of the singular constitution is the failure - notwithstanding its remarkable capacity to carry on in a state of living death despite the collapse of the 'Enlightenment project'. So



there will be plural interventions, interferences, attempts to make differences. This will be the form of what comes after the demise of a unified political philosophy: practices that interact with other practices. There are various tools that we might use to make interactions or to think about them, and various problems which we might address. For political philosophy in its dominant Anglo-Saxon modalities mobilises and builds on a range of assumptions. Amongst these we may number:

- an (ontological) assumption to the idea that there is a single world out there;
- an (epistemological) assumption that what may be correctly known about the world is generally applicable;
- a (mixed epistemological and ethical) commitment to the notion that knowledge can be, and is appropriately, deployed to increase the good for people;
- another commitment (epistemological?) that principles come before, or at the very least may be used, to reshape practice;
- the idea touched on above (ethical, ontological and epistemological) that general constitutional arrangements represent an appropriate way of ordering political life;
- a notion (again simultaneously ethical, ontological and epistemological) that it is possible to distinguish knowledge from force, and that it is better to proceed by argument or debate than by force, except (the rider is usually added) in extremis;
- an (ethical) commitment to the idea that a search for 'the good' is a concern that properly applies to primarily to people rather than other units;
- a constitutional or pragmatic commitment (which is also an ethical commitment) to the idea that the person is indeed the proper political atom, the appropriate building block for the political;
- a philosophical anthropology of the person which makes a series of assumptions about rationality, discretion, autonomy, language-use and self-interest;

This list is long. It is somewhat rough and ready, and will obviously need to be revised and reworked. Again, there are many assumptions here (for instance the distinction between reason and force) which are crucial to liberal-democratic theory, but which lie beyond the scope of the present essay. My focus is much more specific. Nevertheless it is noticeable that many of the assumptions that it lists rest on two presuppositions: on the one hand to do with the generality or universal applicability of *constitutional arrangements*; and on the other to do with the character of the *constitutional atom* - which turns out to be the person. And it to these two presuppositions that I will attend in the rest of this piece. For - I'll say it briefly - my problem has to do with who or what counts; with *who or what should be included in political arrangements*.

As is well known, the liberals are endlessly concerned with liberty and equality:

'We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.'⁸

And, of course, the right to bear arms, or not. Or the right to own slaves or not. Or the right to include women, or not. Who or what should be included in political arrangements, and on what terms, this is the very stuff of liberal theory. And radical theory too - in terms of extension, expanding the franchise, or in terms of the kinds of collectivities that deserve representation, or, more recently, in the business of claiming other and substantive rights, for instance in the form of affirmative action, or cultural rights, for minority groups. Points to which I shall return in due course.

So my concern is a question in political theory. Indeed, it is a core question in political theory. Who or what to count in, and how. One of the most important jobs of political philosophy, let me put it this way, is to tell *stories* about who or what should be included, and how⁹. Indeed, I can't imagine any other way of proceeding: if I am interested in the issue at all, then like everyone else I too will need to tell stories about who or what should be included, and how.



And (note this as well) these will be stories that will mix questions of is and ought. If the world is a particular way (if women have the same powers to reason as men) then something follows politically (women should have the vote as well as men). To mobilise the language of philosophers again, ethics will derive from ontology. And ontology, what there is, is being made at least in part in narratives¹⁰.

Three stories, then, to think with.

Some people have a condition called 'multiple personality disorder'. No doubt there are reasons why this condition is diagnosed primarily in the United States. The optimists might say that the US concern with personal rights means that the culture is particularly sensitive to the possibility that individual components of the human person also deserve respect. The sceptics might note that this possibility is amply supported by the efforts of powerful professionals - including psychiatrists and (perhaps especially) lawyers. Radicals or students of new social movements might argue that the disaggregation of coherence which characterises 'post-modern' society creates a fertile territory for non-coherent persons. But it doesn't matter. The fact is that some institutions in the United States - for instance the courts in the state of Wisconsin - are in the process of edging towards the conclusion that each different personality in the same person has its own rights. Some psychiatrists (not all) are certainly of that view. And some commentators are of the opinion that multiple personality disorder is not, indeed, a disorder at all. It is simply a fact of life. Different personalities, different selves, may and perhaps routinely do reside in the same body and this is how it is¹¹.

Here is another story. It is quite short, and it has to do with chess. For a number of years IBM has been trying to create a computer that will play chess at a Grand Master level. This machine has been through a number of iterations. Originally called Deep Blue, the machine was introduced to world-class players who, or so it turned out, could beat it hands down. The programmers retired with their machine, licked their wounds, and worked hard to increase its power. In 1997 its successor-machine, Deeper Blue, was introduced to world chess champion, Gary Kasparov. And, or so it turned out, it was capable of beating him. For in the series that they played, though he won the first match, it won the second. And then there was a series of draws. Deeper Blue won the series, just, amid much controversy. Controversy which had to do, inter alia, with the fact that its programmers took it away each night to reprogram it. Was this breaking the rules? Was it really the machine that was playing, or was it the programmers?

Here is a third story. It is rather different in kind. It's about an article written by Michel Callon in 1986. Callon is a sociologist of science and technology. And the article is about scallops. The French are very keen on scallops, a great delicacy. But they, the scallops that is, are very expensive. And this is partly because they are being over-fished. The article describes the way in which a small team of marine biologists set out to try to raise them on artificial reefs. This was a precarious enterprise for two reasons. First, the fishermen who were supposed to stay away from the experiment regularly came and fished there, both taking the scallops and ruining the equipment being used to raise them. Second, the scallops themselves didn't like being domesticated very much either. They had, as it were, a will of their own. There is nothing very exceptional about this story, except for this. Callon raised a storm in the little academic subculture of science and technology studies because he treated the people involved and the scallops in the same terms. For the purpose of telling his story the scallops were endowed with the same properties as the people: the ability to act, a will, desires, strategic capacity, and all the rest. All the rest residing, in part, in the refusal to domesticate - an attribute shared by scallops and fishermen alike. All of which was, to put it mildly, controversial¹².

It's something like this. Stories work in all sorts of ways. For instance, they narrate more or less plausible relations and distinctions. They make possibilities acceptable by telling listeners, speakers, how it is, out there, in the world. But this isn't strong enough. We also need to say that stories also help to make more or less plausible relations and distinctions. They help to make the world the way it is. So the lawyers and the psychiatrists at Oshkosh Wisconsin were telling the court how it is, about how people may (or may not) suffer from



multiple personality disorder. And the court decided - that they do. That is, following the stories the court made personality the way it was, at least for that particular case. Performativity. IBM employees told that they could make a machine capable of playing world-class chess. But then that story, and all the programming sub-stories, enacted that machine into reality. A story that was merely an idle boast for Deep Blue turned out to be right for Deeper Blue. And Michel Callon told that scallops were like human actors at least in certain respects. Though here the performativity of the story was less clear cut: some believed him and some did not. The jury, to put it no higher, is still out on that one.

I'm saying, then, that stories narrate, stories render acceptable (or unacceptable), that stories make and also, of course, that stories interfere, that they make a difference. Irony about constitutions aside, no one is going to pretend that the American Declaration of Independence - and the work that went into enacting it - failed to make a difference. This is why it makes much sense not to abandon the constitutions we have in general, despite the fact that they are partial fictions. Even John Rawls has made a difference - though John Gray may be right that that difference extends no further than the philosophy departments of American élite universities. And so it is, too, with the stories about multiple personality, Deeper Blue and the scallops. One way or another they - and the stories that they contain (think again of the lawyers' arguments) - make a difference. But what is the difference that they make?

It is not, of course, by chance that the story I am currently telling contains these other stories. I've chosen them because I think that they tend to do certain kinds of work. I can use them to (try to) remake the world in a way that interferes with the question about who or what should be included, and how. And I've got three main suggestions about this

- One: these stories are about extending (or not extending) recognition to *new kinds of entities*, psychological, machinic, or animal. Personalities, devices, animals, are being treated as if for certain purposes they were no different than people. This, of course, is the main point¹³.
- Two: they show that what there is in *the world isn't fixed*. Instead it's negotiable. Push this harder. We can read them to be telling that what there is in the world is a function of relations, narrated relations, in part. We are learning that objects and their attributes may be related or narrated into, or out of, being. Not, to be sure, on whim. But even so, they aren't necessarily very stable.
- Three: the stories are also about the *nature of relations*. And this is the issue here. What are the relations between the different personalities? And this is a matter for debate - for it turns out (in the court case in question) that they aren't equal. Or the different chess-players? Deeper Blue is slightly better than Gary Kasparov. Or is it? Or, for that matter, the scallops and the fishermen. Are they *really* the same for certain purposes? Well, we'll pass on that one¹⁴.

With the possible exception of the court case, none of these stories is 'about' political philosophy. But then again, it's turning out that they're all about political philosophy after all. Because (I'll say it again) they are all about who or what should be included, and how in specific locations and for specific purposes. Let's stress that: in specific locations and for specific circumstances. No one is suggesting, so far as I know, that Deeper Blue should be allowed to vote in federal elections. No one is proposing that the unfortunate rape victim who was suffering from multiple personality 'disorder' should be permitted as many votes as she had personalities. And if the scallops get a voice in the French body-politic it is either because they are ingested in the restaurants of Paris, or because the scientists or the fishermen speak on their behalf. So the 'rights' being extended to these new entities - for that, of course, is the drift of this narrative, that recognition might be extended - the 'rights' are specific and local. In certain circumstances where, for one reason or another, it makes some sense no longer to hold a-tight to nurse.

The extension of recognition: that is the narration I am making. This reflects, to be sure, the 'somewhere' where I am: a liberal/radical European tradition in the academy, in some ways more marginal than that formerly occupied by John Rawls (for more have heard speak of Harvard than they have of Lancaster). But less marginal, or so I submit, in this respect: that it deals a little more with some of the issues that are recognised beyond the academy, which create a stir in other places. Like what to make of multiple personalities. Or intelligent



machines. Or the status of marine animals. Of animals in general. None of which issues appears to have overly exercised political philosophy in its more constitutional forms

Disabled Constitutions

So, yes, I am on the lookout for locations and circumstances in which it makes sense to extend the franchise. That is the difference that I want to make, not in general, but specifically, and for specific circumstances. This, no doubt, is a nice liberal sentiment - a version (or perhaps, depending on your view, a perversion) of liberty and equality - but given the somewhere where I happen to be I don't see the need to apologise for that. The differences I want to make mostly have to do with enabling rather than disabling, including rather than excluding, rendering more rather than less equal¹⁵. But let's stick to the specificities.

It would be possible to think, for instance, about machines. Should the class of machines be recognised in new and different ways? Or the class of intelligent machines? Or the class of intelligent machines which are capable of playing world-class chess? Should they be granted more rights (though 'rights' is a bad word since it leads us straight back to the universalisms of constitutions)? And yes, there is a whole pedigree of story-telling here, about machines, or persons-machines, often in the form of science fiction - a form of story telling that is a good deal more exciting and (or so I submit) challenging than many of the fantasies of liberal-democratic political philosophy¹⁶.

So it would be possible to think about machines in this way. And, I confess, the prospect does not worry me in the same way it seems to worry many others. If I wake up one morning and discover that cyborgs have the vote, then I don't know whether this will be a good thing or not. But actually I want to think about how to extend the franchise in another direction. My concern, instead, is with people who are 'disabled'. I'll leave aside the fact that this is a term which homogenises that which is heterogeneous. Instead I'll state what I am going to try to narrate right at the beginning. This is that many, perhaps most, disabled people are substantially disenfranchised in liberal democracies, and that, to the extent that the current but partially fictional constitutional means for extending recognition to the disabled operate, they interfere to extend the franchise in very specific ways. This is because they make homogeneous assumptions about the character of the competent person. And those assumptions take it for granted that abled people are or should be: centred; that they are cognitively or (more specifically) textually/verbally oriented; that they are autonomous with respect to their surroundings; and that the opportunities available to them are broadly equivalent to those available to any other person. If a person measures up, or can be made to measure up, in these respects, then they become competent. If not, then they fail. All of which is, to put it mildly, a drastic divide. A divide, then, which resonates with the liberal concern with persons: but also operates as its dark side.

In practice, this is an argument that is going to overflow. It's going to overflow not only because 'disability' is a constitutional and therefore homogeneous category which, in and of itself, works badly. But also because, as Ingunn Moser notes, the arguments which apply to those who are normatively disabled are almost equally applicable to those who aren't. 'Able' people too are taken to be homogeneous, centred, cognitively competent, autonomous and option-exercising beings. This is what counts, in the larger and constitutional narratives, if one is to be treated as a compliant person. And this is so even though, or so I suggest, the grand constitutional narratives which make these arguments are only partially performative, even for those who succeed in passing as abled¹⁷.

To talk about this I will, again, tell stories. I'll try to characterise three important approaches to normative disability (there are of course endless others) which, or so I will suggest, imply three somewhat different, though very closely related, constitutional packages. To be clear, the particular issue we need to address is this: what is the nature of the *constitutionally competent person* that is being performed within each of these forms of narrative?

Normalisation: There is a widespread view that if disabled people are not like normal people this is because they *lack* something: motor control; sight; hearing; the ability to speak; the ability to relate to other people in a coherent manner; the capacity to reason; whatever. Such unfortunates are therefore people who have a deficit, a lack, that undoes their constitutional



competence. In which case the right thing to do, the is-to-ought, is in principle pretty straightforward. It is to intervene and repair the deficit, so that the disabled person is, as far as possible, rendered physically or mentally competent - as much like a normally abled person as possible. Which means (or so I'm suggesting) that he or she is made into someone who is centred, cognitively competent, autonomous, and able to exercise appropriate discretion. There are, of course, numerous specificities here. The regimes of correction required by autistic children are quite unlike those who are physically disabled in car accidents. But here is the process of correction for a particular instance, patients with post poliomyelitis syndrome:

'The respiratory rehabilitation of [...] patients was designed to develop the capacity for independent breathing. This transfer from passive breathing using the iron lung to respiratory independence was referred to as 'weaning'. The objective was to help the patient develop maximum capacity with whatever muscle function remained. The method was simple; the tank was opened and the individual told to breathe without it.

According to the recollections of those who passed through this experience, the weaning process was a physical and psychological ordeal:

The sister came around about ten every morning like a sergeant-major and said 'Everybody breath', and the orderlies or the nurses would open up our iron lungs and you'd gasp. I'd just turn blue, it was really grim.

Those who had lost the use of a substantial portion of muscle function, simply did not know how to breathe. One woman remembered, "I kept asking the physiotherapist: 'How do you breathe?'"¹⁸

Here issues of centredness or cognitive competence are not immediately at stake: it is autonomy and the capacity to exercise appropriate discretion that are in question. For patients with post-polio syndrome are doubtfully autonomous: the proper person is one who is able to breath, and breath without assistance, and so enjoy the discretionary opportunities of a normatively autonomous person. Constitutionally then, it is an unfortunate fact that those with post-poliomyelitis syndrome, though created equal, no longer enjoy several of the normatively inalienable rights with which they were endowed: to put it constitutionally, the right to liberty and the pursuit of happiness have been taken from them by their dependence (we are talking about the 1950s here) on iron lungs. Hence the need for the drills, seemingly cruel, to normalise. To secure autonomy and equality of opportunity¹⁹.

Normative ability. Normative deficit. Intervention to remedy the deficit. This is the constitutional package on offer in the first style of story-telling. It has been the dominant political philosophy at work in the discourses of disability for most of this century in the Western liberal democracies. It provides (as the critics readily note) endless and more or less self-interested opportunities for intervention by professionals and experts of all sorts²⁰. More important in the present context, it also resonates with and no doubt helps to perform the normative person presupposed by and embedded in the most individualistic forms of liberal-democratic constitutionalism. Which means that it is unsurprising, even in terms of debates internal to constitutional politics, to discover that it is now under challenge. For instance in the second variant, that of disabled rights.

Disabled Rights:

'This was the explanation I had sought for years. Suddenly what I had always known, deep down, was confirmed. It wasn't my body that was responsible for all my difficulties, it was external factors, the barriers constructed by the society in which I live. I was being dis-abled - my capacities and opportunities were being restricted - by prejudice, discrimination, inaccessible environments and inadequate support. Even more important, if all the problems had been created by society, then surely society could uncreate them. Revolutionary!²¹

This short passage catches what is most important about the second form of story-telling. For there is a large and more or less critical literature about normalisation. The dominant trope in this second version of the politics of disability is to shift responsibility for the individual's experience of disability from a deficit in the person to one or another feature of the environment - and especially the social environment. This is a shift that embodies its own



series of is-to-ought moves that are more or less overtly political in character. The citation touches on them - and they range from the many overt expressions of ableism (in employment, friendship, sexuality) to the embodiment of ableist presuppositions in the built environment which is thereby rendered hazardous or inaccessible to those without normatively approved means of (for instance) movement, vision or hearing.

This, then, is a form of politics. Indeed, it is a version of affirmative action. To secure autonomy and the proper expression of discretionary choice - to extend the franchise - the need is for social and material engineering. The constitutionally competent person is a person-in-the-right-environment. So we need to get to work on that environment and put its discriminations right. Which is, to be sure, a political programme that has been widely performed, and is widely supported, by those who seek equality of opportunity for minority groups. It is, as is obvious, a kind of left-wing-liberal version of constitutional enfranchisement. It is the absence of a level playing field for all that leads to deficit. The vision is the engineering of the proper individual by means that are in the first instance external to that individual. Which means that the individual is rendered the same, centred, autonomous, and all the rest. Which is another case of constitutional homogeneity.

Cultural Rights: Here is a third story. A newer wave of the disabled rights movement says that disability is not deficit at all. The argument is that it is wrong to put individuals right by correcting their supposed deficits. That was option one. Then again, for many purposes it may not make much sense to re-engineer society to achieve individual homogeneity either. This was option two. In a trope that resonates with - indeed is an example of - multiculturalism, option three tells that 'disability' (which by now is a misnomer of the first order) is not disability at all, but rather a matter of cultural difference. The is-to-ought follows instantly. It is that such differences should be respected.

This is an argument that has erupted with special force for children who are profoundly deaf. This is because a relatively new technology has been developed, that of surgical cochlear implantation. The successful implantation of a cochlear implant stimulates the auditory nerves which in turn leads to some degree of auditory sensation. Seen from one point of view this is a satisfactory normalisation because it helps children to operate more successfully in a world of hearing, the 'normal' world. Such, at any rate, is the story as told from the first perspective above. Surgery repairs a deficit to produce a (more) competent person. However, looked at from the point of view of the deaf rights movement it is quite different. Indeed, it is nothing less than a profound assault on a linguistic minority. The argument is that profoundly deaf children who are properly taught signing thereby become members of the signing community. And that this is not some kind of deficit culture, a second best, but rather has all the attributes, vitality and creativity of a fully fledged linguistic and cultural minority group.²²

Here, as in other versions of constitutional multiculturalism, one particular component of the constitutional story about the competent and homogenous individual has been eroded. Yes, the proper person is taken to be centred, cognitively competent, autonomous, and able to exert appropriate discretion. These are assumptions which remain constant. But that competence is now to be exercised within a polity of cultural diversity. To put it differently, equality of opportunity now applies to the level of the (individual within the) subculture, rather than that of the individual. The space for the homogeneous individual - and hence the culturally constant person - has disappeared in a move that resonates much more with the writing of Michael Walzer than with that of John Rawls.

Subjectivities

One effect of telling this, and thereby erecting a cacophony of constitutions, is that we also learn - or remind ourselves - that there is no single constitution that really rules. Universalism was always denied, if only by virtue of the fact that there were so many general and founding principles all shouting for our attention and narrating themselves into this or that aspect of daily life. This is one of the reasons I noted earlier that constitutions are both performative and impossible at the same time. But as a part of this we also learn that the notion of the competent person is, at least in some measure, similarly up for grabs. Competence in a multicultural constitution involves, to a much lower degree, shared commitments to shared



practices than is implied in the first two versions of the constitutional settlement²³. These differences are, indeed, important: they have real effects. But what is more impressive, at least for the present purposes, are the similarities rather than the differences between these proposals. As so too (since the two are welded together) are the similarities between the different proposals being made about the competent person, the individual atom which is recognised in the space created by the constitution.

So what do we learn? We have already got a putative answer: satisfactory people are centred; they are textually/cognitively oriented, able to tell in words what they think or wish; they are autonomous; and they are able to exert discretion over options. We know all this. But what we haven't yet said is that all of this asks for quite a lot. Are you in or out? Are you competent or not? Because what is needed is much more demanding than may at first sight appear to be the case. Indeed, it makes me think of the literacy tests imposed in the southern US States - precisely to ensure that blacks didn't qualify for the vote. Of course I'm not saying that the motives which underlie the constitutions we're discussing are bad. No doubt they are (largely) driven by a desire to extend the franchise rather than to restrict it. But the fact remains that unless you fit the mould you are out. You need to be a unit, a properly functioning and independent unit, and if you aren't, then too bad. Which is why I said earlier that many, perhaps most, disabled people are substantially disenfranchised in liberal democracies.

Now it is time for the final set of interferences. Because I want to extend the franchise. No. I need to put that in the plural. I want to imagine ways of extending the franchises (for there will be many). So it is with the old radical trope of 'finding new voices' in mind (though that phrasing is unfortunate, since it implies that the voices are already there) that I offer my final set of interfering stories. Well, actually, you have already seen one of them. It is the story about the court case in Wisconsin and multiple personality disorder. Retain from that, then, the idea that there may be multiple identities in a single person, and also that those identities do not necessarily cohere. Here, now, are the other two stories about people who are not normatively disabled at all.

He is sitting at his desk, and he is scowling. And why is he scowling? Answer: he's the managing director of the laboratory, and he is looking at a spreadsheet. Well, what is wrong with the spreadsheet? The answer is that it is telling him that a major project - actually the most important project in the whole laboratory - is seriously underspent. Seriously underspent? So why is this a problem? The answer is that the future of the laboratory depends upon it. And they aren't spending enough on it then this means that it is falling behind schedule. Now, true, this won't be visible until it is due to come on line. But when that time arrives, and it turns out to be six months or a year behind schedule then everyone will be in deep trouble.

So how does he know all this? The answer is that one of the totals in the spreadsheet gives him the amount spent by the end of the year. And this is juxtaposed with a projected figure, a planning figure, a figure that was worked out when the project as a whole was scheduled and the milestones laid down. Milestones which said that so much work had to be done by such-and-such a date, and that this would cost so much. So what he's discovered, the managing director, is that there is a gap between this projected figure and the actual amount spent. The gap, to use a local jargon, is 'six man-years'. That is the amount of effort that is short, which is rather a lot.

So the managing director is concerned. He knows that there is a problem. But let's press this a little further. I want to ask again, how, *how* does he know? One kind of a response to this question, one kind of narrative, recounts the ways in which figures are put together, with what it takes to *make* a spreadsheet. This, to tell it very quickly, is a story about computers and computer programs. It is a story about wages and the time-sheets that people fill in at the end of each month to say what they have been working on for the previous four weeks. It is about the organisational apparatus for collecting those time-sheets, checking whether or not they are accurate, and entering them into the computer. Actually the story can go on without end. It is possible to tell about the decision to buy this computer and that software. Or about the networking round the laboratory that links the electronics together. Or about the uninterruptible



power supply, and the laying of the cable onto the site. Or about the requirement, imposed from head office, that accounts be kept in a certain way²⁴.

And on. And on. And on. But it gets boring, doesn't it? Though maybe it shouldn't. Because the point of the story is that the manager is only a manager because all this apparatus is already in place. He's an actor because he sits in the middle of a network, a materially heterogeneous network.

Actually, we've been there and done that already. We said, didn't we, that objects are not fixed, *but they're made in relations*. But this is what this story tells us too, that managers aren't given in nature. Instead, if they have a voice it is because they are made in a materially heterogeneous network of bits and pieces. Let's say it, then: the managing director is *enabled* by the network of bits and pieces which surrounds him. Let's say it even more strongly: without that network, he wouldn't be a manager at all. A man, perhaps, but a manager, no²⁵. Which means that the argument is not unlike, say, the argument about the post poliomyelitis victims and their iron lungs - or, for that matter, Deeper Blue and its programmers. Or then again, the argument about discriminatory environments made by the disabled rights activists.

Here's a different way of making the point. It has to do with knowing, and it says that knowing is an effect generated by a heterogeneous array of materials. There is much that might be said about this. 'Knowing' is a term that brings its own agenda, makes its own inclusions and exclusions. Perhaps, for instance, it is too cognitive. Perhaps it resonates too much with the desire of the Enlightenment philosophes to distinguish that which may be 'rationally known' from that which is aesthetic, spiritual - or indeed from desire itself. But having said this, and therefore, or so I hope, indicated that the term holds only provisional status in what follows, I'm going to short-circuit almost all of the reservations and difficulties and limit myself to saying that knowing may be understood as an effect of recognition and consequent possible intervention generated at a particular location by a heterogeneous array of materials²⁶. This suggests, in an is-to-ought move, that it might be interesting or appropriate *to try to identify 'knowing locations'* generated in those heterogeneous arrays. Well, yes, in the case of the managing director the knowing location in some sense lies within him. Or perhaps, more precisely, in the relations between his eyes, the spreadsheet, and the actions that follow. But (here once again I am interfering with the boundary between the human and the non-human) at least in principle there is no particular reason for supposing that knowing locations will turn up in people as opposed to anywhere else. They might, for instance, turn up in intelligent machines - for instance, in Deeper Blue²⁷.

Here is the second story:

He has been working late again. The project-shortfall is very serious. There have been emergency meetings. Directives. So now it is dark. He waves as he passes the security booth. Without thinking he stops at the entrance to the lane. His right foot presses the brake pedal, his left foot the clutch. Quickly he looks left and right. He sees nothing coming, so he moves his right foot from the brake to the accelerator, lifting his left foot off the clutch. He senses rather than hears the engine's revs increase and then fall back as it starts to take the load and move the car. The car gathers speed, turning to the right as he pulls on the steering wheel. It is raining lightly and he reaches for the windscreen wiper switch. By now the revs of the engine are getting too high, so he reaches for the gear lever. Again there is the effortless dance of his feet on the pedals. In second gear now, the car increases its speed.

This is about a person too. But, or so I'm disposed to say, it is *a/so* about knowing or a knowing location. The difference is that it's not about 'cognitive knowledge'. You can't write it down, turn it into principles and rules, tell about it, this knowledge about how to drive a car. Or if you do so then you are going to lose a whole lot. Instead it's about what philosopher of science Michael Polanyi called 'tacit knowledge'²⁸. Though I need to be picky about his particular version of this story, because, if I am to continue the interference that I started to run above about material heterogeneity and knowing locations I need to tell it in a somewhat different way. I need to say, then, that this 'tacit knowledge' doesn't simply reside in the person, but instead it is made in the relations between *all* the bits and pieces, human, car, driving conditions, everything else. The argument is that knowing, ability, skill, is located in the whole array.



So the point of the final three stories is something like this

- Point one. *Networks of relations make knowing locations*. They enable knowing. Actually, they enable acting too. (In the way I've defined it knowing isn't separable from acting, though maybe acting is distinguishable from knowing).
- Point two. *Knowing/acting comes in a variety of forms*. I've mentioned two: 'cognitive knowing' (what a horrible term); and tacit knowing. (There are others too, and under many, post-Enlightenment, circumstances they will become important. But for now these will do.)
- Point three. *Knowing locations are not necessarily located in people*.
- And point four. Remember the story about multiple personality. This suggests that *it is not necessarily the case that each person 'has' his or her own single knowing location* - which is an argument that I can certainly press with redoubled force if knowing is not simply a matter of textual or verbal representation, but is also extended to the articulations of skill²⁹.

These, then, are stories which interfere with those that undergird the various constitutionalisms which I discussed above. For the latter are constitutionalisms which take it for granted that to get in under the wire of competence a person (always the unit is a person) needs to be centred, cognitively competent, autonomous, and able to exercise discretion: that there is, in other words, a particular and universally appropriate model of the person, the unit, which is fit for constitutional activity.

To End

Cautiously, though somewhat reluctantly, I have noted that liberal principles have their place: the argument about holding on to nurse. But universalism, except as a rhetoric which performs certain kinds of effects, does not³⁰. This means that now, or so I take it, is the time to engage, knowingly, with the successor political philosophies which will deal with specificities. These will be political philosophies that are also empirical philosophies: which deal, that is, with some of the 'empirical' narratives of the world, with the many ways in which 'the good' is said or done in the interferences between those narratives. For me the issue is this: to start to discover or to make specificities which resonate, however distantly, with some of the living-dead aspirations of the Enlightenment project, aspirations which are carelessly glossed by those *par passe* words, 'freedom' and 'equality'.

But these words are too flat. That is the trouble with constitutions. They travel too far and fast. Which means that as they extend the universal franchise they also erect a single barrier, a barrier to that franchise. In this paper I have tried to tell stories which interfere with the smooth and regular boundaries between constitutional competence and constitutional incompetence. And I have tried to tell stories which reside in what we may, so long as we are sufficiently ironical, call 'the real world'. Intelligent machines, multiple personalities, the status of the creatures in the world, sickness, normative disability, driving cars, reading management reports: these are all narratives that are performed in one place or another in 'the real world', and which therefore make relations of one kind or another - draw lines of inclusion and exclusion. So the point of telling these stories has been to make specificities. And also, in particular, to make a series of *is-to-oughts*: to suggest that it would be a good, in certain specific contexts, to find ways of extending specific and novel forms of recognition to novel actors. Or at least to actors that are not recognised in the liberal - or even the radical - forms of constitutionalism.

I have chosen to think primarily about disability. For though it is proper to be cautious about abandoning the comforts of constitutionalism I don't believe that constitutionalism has served those who are normatively disabled terribly well. It has disenfranchised those who cannot centre themselves, those that know and act upon the world by tacit - or at least non-verbal - means, and many of those who cannot exercise the normatively approved forms of autonomy. And it has disenfranchised those who are in any case unable or unwilling or uninterested in exercising discretionary choice.

The stories that I have told make one interference that I take to be of particular importance. They interfere with the assumption that it is the person that is the proper unit to which



recognition might be extended - or from which recognition might be removed. For built into these stories is another suggestion. This is that we might explore what it would mean, in specific forms of practice, to recognise not people as the atoms of the world, but instead to think, instead, about *knowing locations*. Which, if I had a general suggestion at all (though I do not, for this would become another form of constitutionalism) would indeed be my general suggestion.

There are many complexities here³¹. But let me simply say that the shift I'm talking about might mean, for instance, the discovery: that there were many knowing locations in a single person (which, in fact, I take to be the case for the normatively abled and the normatively disabled alike); that person-centred knowing locations did not necessarily cohere - but also that this was not, in and of itself, a problem (again, I take it that this is a widespread experience);³² that knowing locations might come in tacit, non-verbal forms, as well as being spoken in words (which is of course, a reality for many care workers, not to mention the rest of us); that even person-centred knowing is a distributed activity, dependent on an array of well ordered materials, mnemonics, whatever (which is, of course, perfectly well known to those who care for elders, but again perhaps to us all)³³; that competent discretion is given in the environment rather than residing in the person (which, or so I guess, is a practice that underpins every attempt to secure competent or just decisions, all of which may be imagined as more - or hopefully less - fantastic versions of Rawls' 'veil of ignorance')³⁴.

Actually, what I guess is this. Notwithstanding the constitutionalisms, the practices of recognition, of enfranchisement (if that is what we want to call it), know of all these complexities perfectly well. They accept and routinely handle non-coherence, know how to read tacit forms of knowing, are entirely aware that autonomy is a relational matter, and know that choices are given rather than made. They accept all this, and so perform, already perform, in the complex and specific ways that I have been describing. Which means that the interferences I have made have less to do with practice, which as one might expect has gone before principle, than with what we might *make* of practice once we started to articulate it in textual form. This is an articulation which will, or so I hope, make a difference to the fantasy world of liberal-democratic theory. But my greater hope is that it might also interfere in the world of political practice by asking, for instance, how the disabled rights movement works not only to enable - which of course it intends - but also to disable. By asking how local and apparently discriminatory practices might sometimes, and paradoxically, turn out to enable rather than disable. And then again (to return to a place which is close to my academic home), by asking questions which might make differences in the worlds of engineering and design.

The computer program is hierarchical³⁵. It controls the wheelchair. It opens and closes the door. It switches the television on and off. It controls the PC. And, within the PC, it controls the word-processor. Then again, it speaks for the person and it issues verbal requests. All with a joystick.

Its called Rolltalk, its made by a Norwegian firm, and it is a wonderful program. Installed in a portable computer which is mounted on a wheelchair it centres the person who uses it, renders her autonomous in certain important respects, and thereby allows her to exercise discretion. It turns her, therefore, into a proper subject, allows her to cross the wire and to become a competent person.

But it is also, or so we have by now learned, the performance of a particular form of constitutionalism, a specific performance of a *triage* between those who will cross the wire with this particular technology and those who will not. What, then, of the tacit and decentred subjectivities left behind in this particular assemblage? Might it not be possible to perform these into recognition too?

Such would be an engineering challenge which was simultaneously a political challenge and, yes, an ethical challenge. A set of challenges. To imagine technologies that help to make novel and less constitutional subjectivities for those who are normatively disabled. For when the successor projects to political philosophy begin to find ways of helping engineering to think about its practice - and can themselves begin to learn from the specificities of subjectivities and their engineering



relations - then it will be possible to say that they have moved beyond an arid obsession with the abstractions of universalism and universal human competence.

Footnotes

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1 John Gray (1995), pages 1-2.

2 John Rawls, (1973).

3 The critics come from various points of the political compass, and include John Gray (1995), Alasdair MacIntyre (1985), Chantal Mouffe (1993) and Michael Walzer (1983).

4 She develops the point in Haraway (1991).

5 From Hillaire Belloc's *Cautionary Tales*.

6 Which is why I find myself puzzled by the final move in Bruno Latour's *We Have Never Been Modern*, in which he seeks to extend the franchise to non-humans by that most constitutional of devices, a parliament. But perhaps he knows perfectly well what he is doing, and I simply have not detected the irony. See Latour (1993).

7 If there is a discipline called empirical philosophy, a discipline which explores the traditional questions of philosophy (what is truth? what is the good? what is beauty?) by empirical means for particular locations, then no doubt we owe it to Michel Foucault - and more recently to the work of Annemarie Mol (1999ab 1999a)

8 Quoted, of course, from the American Declaration of Independence.

9 Or how the stories that are told are predicated on other exclusions. For a prominent version of the genre see Carole Pateman (1988).

10 A point related to, but not identical with, the Aristotelian teleology proposed by Alasdair MacIntyre. Laurent Thévenot's suggestion that purpose needs to be linked to régimes of justification is salient here. See Thévenot (1996).

11 My knowledge of this particular case comes from Chapter 2 of Sandy Stone's *The War of Desire and Technology at the Close of the Mechanical Age*. Sandy is one of the commentators who indeed wishes to delete the 'disorder' from multiple personality disorder. See Stone (1995). For further commentary see Ian Hacking (1995).

12 The reference of the article is Callon (1986).

13 And it is one that I draw in particular from that body of work called actor-network theory. Examples of studies which draw on actor-network theory include pieces by Michel Callon (1986), Michel Callon and Bruno Latour (1981), Bruno Latour (1993), John Law (1994) and Annemarie Mol (1999a). Note, in particular, the piece by Annemarie Mol and Jessica Mesman (1996) which directly addresses the question of the politics of things.

14 These three findings, and particularly the last two, may be derived from the semiotic logic which notes that entities are a function of the relations which they sustain with one another. This is one of the guiding images of actor-network theory which may be understood (along with the work of Michel Foucault) as a materialist version of semiotics or post-structuralism.



15 Though everywhere there are paradoxes, for to include is to make exclusions. I return to this point at the end of this piece where I suggest that the particular problem with constitutions is the all-embracing manner in which they make simple in/exclusions. Implicit in what I'm doing, then, is a kind of Walzer-like pluralism in which there are, as it were, multiple in/exclusions. Translated into Walzer's language, what I'm suggesting implies the creation of blockages which prevent (or at least limit the extent to which) constitutional distributions shape other logics of recognition. The difference, however, is that Walzer is, in the end, offering us his own constitution which is something that I'm trying to avoid.

16 I think, in particular, of the work of feminist Donna Haraway, and the ways in which her work draws from and relates to science fiction. See Haraway (1997).

17 This is a point made by Sandy Stone with respect to multiple personality disorder. See Stone (1995).

18 Quoted from Joseph Kaufert and David Locker (1990), pages 871-872.

19 The term 'normalise' derives from the work of Michel Foucault. See Foucault (1979).

20 For a recent collection which explores this, see Lennard Davis (ed.) (1997).

21 A quotation from L. Crow cited by Ruth Butler and Sophia Bowlby (1997), page 413.

22 The deaf movement view is forcibly expressed by Harlan Lane (1997). For further sensitive discussion of the issues see Stuart Blume and Lucy Yardley (1997) and Stuart Blume (1997).

23 A point that is made by John Gray in an essay on toleration. See Gray (1995).

24 The example derives from an ethnography which is more fully reported in Law (1994).

25 In one of the more entertaining exercises in social science fiction Michel Callon and Bruno Latour compare dominance in a society of baboons with dominance in human society. The point of this fantasy is that dominant baboons have only somatic resources to secure their position. And, or so it turns out, spreadsheets have many advantages over chest-beating. See Callon and Latour (1981).

26 Again this formulation raises questions, for instance to do with the notion of 'recognition'. However, again I will short-circuit the questions this raises.

27 This argument about knowing locations is again an expression of a semiotic logic of relations. The argument is implicit, if not always explicit, in actor network theory.

28 See Michael Polanyi (1958).

29 I take it that the notion of articulation is much broader than representation, avoids the implications of correspondence that are embedded in the latter, and allows that knowing is both an active and relational function, and one that performs both subjects and objects. But to make these arguments is to lead us away from what is most important for the present context.

30 For discussion of this point in a very different context see Vicky Singleton's writing on the generality of general health guidelines: Singleton (1999).

31 One of these is that this is not simply a voyage of discovery. Since knowing is a relational matter, and my story-telling (like any other) is an interference, it is not necessarily the case that knowing locations exist before we start to look for them. This is why I earlier suggested that this is not simply an exercise in 'finding voices'. Constitutions, and even modest interferences, are performative.

32 And requires a further discussion of the relations between knowing places. See, for some suggestions, Law (1998).

33 I am grateful to Ingunn Moser for this point.

34 Annemarie Mol is the expert here. In one reading her work is on medical decision making, and the ways in which decisions are made by circumstances and at other locations, rather than at the place where they might at first sight seem to be located. The barrenness of Rawls' 'Kantianism in one country' may be contrasted with the richness of the empirical philosophy she has developed if one reads their two books together. See Rawls (1973) and Mol (1999a).



35 The example derives from work joint work that is led by Ingunn Moser. For further discussion of specificities see Moser and Law (Moser and Law 1998; Moser and Law 1999).

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