

MICHEL FOUCAULT

*Abnormal*

LECTURES AT THE COLLÈGE DE FRANCE

1974-1975

Edited by Valerio Marchetti and Antonella Salomoni  
General Editors: François Ewald and Alessandro Fontana

English Series Editor: Arnold I. Davidson

TRANSLATED BY GRAHAM BURCHELL

PICADOR  
NEW YORK

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*"Society Must Be Defended"*  
*Lectures at the Collège de France, 1975-1976*

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www.picadorusa.com

Library of Congress Cataloging-in-Publication Data

Foucault, Michel.

[Anormaux. English]

Abnormal : lectures at the Collège de France, 1974-1975 / Michel Foucault ; edited by Valerio Marchetti and Antonella Salomoni ; English series editor, Arnold I. Davidson ; translated by Graham Burchell.--1st Picador ed.

p. cm.

Includes bibliographical references and indexes.

ISBN 0-312-20334-9

1. Abnormalities, Human—Social aspects—History. 2. Philosophical anthropology—History. 3. Power (Social sciences)—History. I. Marchetti, Valerio, 1939— II. Salomoni, Antonella. III. Davidson, Arnold Ira. IV. Title.

B2430.F723A613 2003

194—dc21

2003049892

First published in France by Éditions de Seuil/Gallimard under the title *Les Anormaux: Cours au Collège de France, 1974-1975*

First Picador Edition: December 2003

10 9 8 7 6 5 4 3 2 1

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11. These rules of exclusion, drawn up in councils from 583 on and taken up by a capitulary of Charlemagne in 789, appear frequently in customary law texts and synodal statutes from the twelfth and thirteenth centuries. Thus, around 1400-1430, in some dioceses of northern and eastern France, lepers had to undergo a ceremony officially putting them outside of society. Led to church to the singing of *Libera me*, just as for the dead, the leper listened to Mass hidden beneath a catafalque before undergoing a simulated burial and being accompanied to his new residence. The extinction of leprosy led to the disappearance of this liturgy after 1580. See A. Bourgeois, "Lépreux et maladreries," in *Mémoires de la commission départementale des monuments historiques du Pas-de-Calais*, 14/2 (Arras, s.1., 1972).
12. Cf. M. Foucault, *Histoire de la folie à l'âge classique* (Paris: Gallimard, 1972), pp. 13-16, 56-91. English translation: *Madness and Civilization: A History of Insanity in the Age of Reason*, translated by Richard Howard (London/New York: Vintage, 1989), pp. 3-7, 38-64.
13. Cf. J. A. F. Ozanam, *Histoire médicale générale et particulière des maladies épidémiques, contagieuses et épi-zootiques, qui ont régné en Europe depuis les temps les plus reculés jusqu'à nos jours*, 2<sup>nd</sup> edition, vol. 4 (Paris, 1835), pp. 5-93.
14. Cf. M. Foucault, *Surveiller et Punir. Naissance de la prison* (Paris: Gallimard, 1975), pp. 197-201. English translation: *Discipline and Punish: The Birth of the Prison*, translator Alan Sheridan (London/New York: Allen Lane, 1977), pp. 195-199.
15. This literature begins with Thucydides, *Istoriai* (History of the Peloponnesian War), vol. 2, 47, 54, and Lucretius, *De natura rerum* (On the Nature of the Universe), vol. 6, 1138, 1246, and continues with A. Artaud, *Le Théâtre et son double* (Paris, Gallimard, 1938). English translation: *The Theater and Its Double*, translated by Mary Caroline Richards (New York: Grove Press, 1958), and A. Camus, *La Peste* (Paris: s.1., 1946) English translation: *The Plague*, translated by S. Gilbert (London: s.1., 1948).
16. See the Collège de France course for 1973-1974: *Le Pouvoir psychiatrique*, (Psychiatric Power) especially the lectures of November 21 and 28 and December 5, 1973. Cf. the course summary in M. Foucault, *The Essential Works*, vol. 1, pp. 39-50.
17. G. Canguilhem, *Le Normal et le Pathologique* (Paris: P.U.F., 1972), pp. 169-172—for the reference to the normal as a polemical concept. English translation: *On the Normal and the Pathological*, translated by Carolyn R. Fawcett, with an introduction by Michel Foucault (Dordrecht/Boston/London, D. Reidel, 1978), pp. 145-158 (p.146 for the reference to the normal as a "polemical concept"). Cf. M. Foucault, "La vie: l'expérience et la science," (1985) in *Dits et écrits*, vol. 4, pp. 774-776. English translation: "Life: Experience and Science," in *The Essential Works of Foucault 1954-1984*, vol. 2, *Aesthetics, Method, and Epistemology*, edited by James Faubion, translated by Robert Hurley, et al. (New York: New Press, 1998), pp. 465-466.

three

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*Three figures that constitute the domain of abnormality: the human monster, the individual to be corrected; the masturbating child. ~ The sexual monster brings together the monstrous individual and the sexual deviant. ~ Historical review of the three figures. ~ Reversal of their historical importance. ~ Sacred embryology and the juridico-biological theory of the monster. ~ Siamese twins. ~ Hermaphrodites: minor cases. ~ The Marie Lemarcis case. ~ The Anne Grandjean case.*

TODAY I WOULD LIKE to begin the analysis of the domain of abnormality as it functions in the nineteenth century. I would like to try to show that this domain was constituted on the basis of three elements. These three elements begin to be distinguished and defined in the eighteenth century and then come together in the nineteenth century to give rise to the domain of abnormality that gradually overlays them, appropriates them, and, as it were, colonizes them to the point of absorbing them. These three elements are essentially three figures or, if you like, three circles in which the problem of abnormality is gradually posed.

The first of these figures is what I will call the "human monster." The frame of reference of the human monster is, of course, law. The notion of the monster is essentially a legal notion, in a broad sense, of course, since what defines the monster is the fact that its existence and form is not only a violation of the laws of society but also a

violation of the laws of nature. Its very existence is a breach of the law at both levels. The field in which the monster appears can thus be called a "juridico-biological" domain. However, the monster emerges within this space as both an extreme and an extremely rare phenomenon. The monster is the limit, both the point at which law is overturned and the exception that is found only in extreme cases. The monster combines the impossible and the forbidden.

I want to pay particular attention to this notion because it gives rise to a number of ambiguities that will haunt the figure of the abnormal man for a long time, even when the abnormal man of eighteenth-century practice and knowledge has reduced, appropriated, and absorbed the monster's specific traits. The monster, in fact, contradicts the law. It is the breach of the law taken to its furthest degree. And yet, although it is a breach of the law (in the raw state, so to speak), the monster does not bring about a legal response from the law. It could be said that the monster's power and its capacity to create anxiety are due to the fact that it violates the law while leaving it with nothing to say. It traps the law while breaching it. When the monster violates the law by its very existence, it triggers the response of something quite different from the law itself. It provokes either violence, the will for pure and simple suppression, or medical care or pity. But the law itself does not respond to the attack on it represented by the monster's existence. One of the first ambiguities is that the monster is a breach of the law that automatically stands outside the law. The second is that the monster is, so to speak, the spontaneous, brutal, but consequently natural form of the unnatural. It is the magnifying model, the form of every possible little irregularity exhibited by the games of nature. In this sense we can say that the monster is the major model of every little deviation. It is the principle of intelligibility of all the forms that circulate as the small change of abnormality. The recurring problem of the nineteenth century is that of discovering the core of monstrosity hidden behind little abnormalities, deviances, and irregularities. This is the problem posed by Lombroso's studies of delinquents, for example.<sup>1</sup> What is the great natural monster that looms up behind the little thief? Paradoxically,

the monster is a principle of intelligibility in spite of its limit position as both the impossible and the forbidden. And yet this principle of intelligibility is strictly tautological, since the characteristic feature of the monster is to express itself as, precisely, monstrous, to be the explanation of every little deviation that may derive from it, but to be unintelligible itself. Thus, it is this tautological intelligibility, this principle of explanation that refers only to itself that lies at the heart of analyses of abnormality.

The ambiguities of the human monster, which are widely diffused at the end of the eighteenth century and the beginning of the nineteenth century, are present, toned down and muffled of course, but nonetheless firmly implanted and really effective in the problematic of abnormality and the judicial and medical techniques that revolve around abnormality in the nineteenth century. In a word, we can say that until the end of the nineteenth century and perhaps until the twentieth century—remember the expert opinions I read out—the abnormal individual is essentially an everyday monster, a monster that has become commonplace. For a long time the abnormal individual will be something like a pale monster. This is the first figure I want to consider.

The second figure in the genealogy of abnormality and the abnormal individual could be called the "individual to be corrected." He, too, is a character who appears very clearly in the eighteenth century, but later than the monster who, as you will see, has a very long ancestry behind him. The individual to be corrected is essentially a very specific individual of the seventeenth and eighteenth centuries, of the Classical Age. His frame of reference is obviously much narrower than that of the monster. The monster's frame of reference was nature and society, the system of the laws of the world: The monster was a cosmological or antic cosmological being. The frame of reference of the individual to be corrected is much narrower: It is the family exercising its internal power or managing its economy, or, even more, in its relations with the institutions adjoining or supporting it. The individual to be corrected emerges in the play of relations of conflict and support that exist between the family and the school, workshop,

street, quarter, parish, church, police, and so on. This, then, is the field in which the individual to be corrected appears.

The individual to be corrected also differs from the monster in that obviously he appears much more frequently. The monster is by definition the exception; the individual to be corrected is an everyday phenomenon. He is so much an everyday phenomenon that—and this is his first paradox—he is, so to speak, typically regular in his irregularity. As a result, the figure exhibits a number of ambiguities that we will encounter again, long after the eighteenth century, in the problematic of the abnormal man. First of all, because the individual to be corrected is a very frequent phenomenon, because he is very close to the rule, it is always very difficult to define him. There is a kind of familiar, everyday obviousness that renders him immediately recognizable; but he is so familiar that we do not have any definite evidence that an individual is this character. Consequently, being unable to provide any proof, we can never really demonstrate that an individual is incorrigible. He verges precisely on undecidability. We can offer no evidence or proof of incorrigibility. This is the first ambiguity.

Another ambiguity is that the individual to be corrected appears to require correction because all the usual techniques, procedures, and attempts at training within the family have failed to correct him. What defines the individual to be corrected is that he is incorrigible. However, paradoxically, insofar as he is incorrigible, he calls up around him a number of specific interventions over and above the customary and family techniques of training and correction, that is to say, a new technology of rectification, of supercorrection. Thus a kind of game between incorrigibility and rectifiability emerges around the individual to be corrected. An axis of rectifiable incorrigibility emerges on which we will later find the abnormal individual and which will serve as a support for all the specific institutions developed for abnormal individuals in the nineteenth century. The pale, commonplace monster, the abnormal individual of the nineteenth century, is also an incorrigible who will be placed in the center of an apparatus of cor-

rection. This, then, is the second ancestor of the nineteenth-century abnormal individual.

The third figure is the "masturbator." The masturbator, the child masturbator, is a completely new figure of the nineteenth century (but who can be found at the end of the eighteenth century) and whose field of appearance is the family or even something narrower than the family: his frame of reference is no longer nature and society, as it was for the monster, nor the family and its entourage, as it was for the individual to be corrected. It is a much narrower space. It is the bedroom, the bed, the body; it is the parents, immediate supervisors, brothers and sisters; it is the doctor: it is a kind of microcell around the individual and his body.

The figure of the masturbator appears at the end of the eighteenth century with a number of specific characteristics distinct from those of both the monster and the individual to be corrected. The first is that the masturbator is not at all an exceptional figure in eighteenth-century thought, knowledge, and pedagogical techniques; he is, rather, a frequently encountered individual. He seems to be an almost universal individual. Now this absolutely universal individual, or rather, the practice of masturbation that is recognized as being universal is, at the same time, said to be an unknown or ignored practice that no one has spoken about, that no one knows and whose secret is never revealed. Masturbation is the universal secret shared by everyone but disclosed to no one. It is the secret all possess that never emerges into self-consciousness or universal discourse (we will come back to this later), its general formula being (and I barely distort what can be found in books on masturbation at the end of the eighteenth century): Almost no one knows what everyone does. There is something here that is absolutely decisive in the organization of nineteenth-century anthropological knowledge and techniques. This secret shared by everyone and told to no one is posited in its quasi universality as the possible root, even as the real root, of almost every possible evil. Masturbation is a kind of polyvalent causality to which one can attach, and to which doctors in the eighteenth century will immediately at-

tach, the entire panoply, the entire arsenal of physical, nervous, and psychiatric illnesses. Finally, in the pathology of the end of the eighteenth century, there will be practically no illness that cannot, in one way or another, be laid at the door of this etiology, that is to say, of this sexual etiology. In other words, this almost universal element found in practically everyone is at the same time the explanatory principle of the most extreme changes of nature; it is the explanatory principle of pathological singularity. The fact that almost everyone masturbates explains why some suffer from extreme illnesses that affect no one else. It is the kind of etiological paradox with regard to sexuality and sexual abnormalities that we find at the heart of the nineteenth or twentieth century. There is, then, nothing surprising in this. What is surprising, if you like, is that this kind of paradox and this general form of analysis is posited in such an axiomatic form as early as the last years of the eighteenth century.

To situate this kind of archeology of abnormality we will say that the nineteenth-century abnormal individual is the descendant of these three individuals: the monster, the incorrigible, and the masturbator. For a long time, in medical practice, judicial practice, and in knowledge and the institutions around it, the nineteenth-century abnormal individual is distinguished by a kind of monstrosity that is increasingly faded and diaphanous and by a rectifiable incorrigibility increasingly surrounded by apparatuses of rectification. Finally, it is marked by this common and particular secret of the general and universal etiology of the worst peculiarities. Thus, the genealogy of the abnormal individual directs us to these three figures: the monster, the incorrigible, and the onanist.

Before beginning this week with the monster, I would like to make a few remarks. The first is that there are, of course, connections between these three figures whose distinctive features in the eighteenth century I have indicated, and these connections are established very quickly in the second half of the eighteenth century. For example, we see the emergence of a figure basically unknown to earlier periods: the sexual monster. The monstrous individual and the sexual deviant link up. We find the reciprocal theme that masturbation can cause

not only the worst illnesses, but also the worst physical deformities and finally the worst kinds of monstrous behavior. Similarly, at the end of the eighteenth century, we see correctional institutions focusing increasingly on sexuality and masturbation as fundamental to the problem of the incorrigible. Consequently, the monster, the incorrigible, and the masturbator are characters who begin to exchange some of their traits and whose profiles begin to be superimposed on each other. However—and this is a fundamental point that I want to stress—I think that these three figures nonetheless remain absolutely distinct and separate until the end of the eighteenth and the beginning of the nineteenth century. A technology of human abnormality, a technology of abnormal individuals appears precisely when a regular network of knowledge and power has been established that brings the three figures together or, at any rate, invests them with the same system of regularities. It is only then that a field of abnormalities will really be constituted in which the ambiguities of the monster, the incorrigible, and the masturbator will be rediscovered, but within a homogeneous and relatively less stable field. Prior to this, however, it seems to me that in the period with which I am concerned—the end of the eighteenth and the beginning of the nineteenth centuries—these three figures remain separate. They remain separate essentially because the systems of power and knowledge to which they refer remain separate from each other.

Thus, the monster falls under what in general terms could be called the framework of politico-judicial powers. His features will take shape and be transformed at the end of the eighteenth century inasmuch as these politico-judicial powers are transformed. The figure of the incorrigible will be defined, take shape, and be transformed and developed along with the reorganization of the functions of the family and the development of disciplinary techniques. The masturbator emerges and takes shape within a redistribution of the powers that surround the individual's body. To be sure, these levels of power are not independent of one another, but they do not function in the same way. There is no single technology of power to bring them together and ensure that they function coherently together. That is why we find

these three figures separate from one another. Similarly, the bodies of knowledge to which they refer are also separate. The monster refers to a natural history organized essentially around the absolute and insurmountable distinctions between species, genus, and kingdoms, et cetera. The incorrigible refers to a type of knowledge that is slowly constituted in the eighteenth century in pedagogical techniques; in techniques of collective education and the learning of skills. Finally, the masturbator appears late, in the last years of the eighteenth century, linked to a nascent biology of sexuality that will not have a scientific kind of consistency until the period from 1820 to 1830. Consequently, to organize the control of abnormality as a technique of power and knowledge in the nineteenth century it will be necessary to systematize, codify, and link together these bodies of knowledge and power that functioned separately in the eighteenth century.

A final remark. Quite clearly there is a pronounced kind of historical tendency in the nineteenth century that reverses the relative importance of these three figures. At the end of the eighteenth century, or anyway during the eighteenth century, the most important and dominant figure, the figure that emerges in the judicial practice of the early years of the nineteenth century—and with what forcefulness!—is obviously the monster. The monster is problematic, challenging both the medical and the judicial system. It is around the monster that the entire problematic of abnormality is set out in the period from 1820 to 1830 with regard to the monstrous crimes of people like the woman of Sélestat, Henriette Cornier, Léger, Papavoine, et cetera, which we will have occasion to speak about later.<sup>2</sup> The monster is the fundamental figure around which bodies of power and domains of knowledge are disturbed and reorganized. Then, gradually, increasing importance is attributed to the more modest, discreet, and less scientifically supercharged figure, the figure apparently most indifferent to power, that is to say, the masturbator or, if you like, the universality of sexual deviance. At the end of the nineteenth century the masturbator has overlaid the other figures, and most of the problems concerning abnormality are concentrated on this figure.

So much, then, for the establishment of these three figures. In the

next three or four sessions I want to begin to study the formation, transformation, and paths taken by these three figures from the eighteenth century until the second half of the nineteenth century, that is to say, the period in which first of all they are formed and then, at a certain moment, they are taken up within the problem, technique, and knowledge of abnormality.

Today we will start with the monster<sup>3</sup> as a juridical rather than a medical notion. Roman law, which is obviously the background to this problematic of the monster, carefully, although not entirely clearly, distinguished two categories: that of deformity, disability, and deficiency (the deformed, disabled, and defective are called the *portentum* or the *ostentum*), and then the monster in the strict sense.<sup>4</sup> What is the monster in a both juridical and scientific tradition? From the Middle Ages to the eighteenth century, the period that concerns us, the monster is essentially a mixture. It is the mixture of two realms, the animal and the human: the man with the head of an ox, the man with a bird's feet—monsters.<sup>5</sup> It is the blending, the mixture of two species: the pig with a sheep's head is a monster. It is the mixture of two individuals: the person who has two heads and one body or two bodies and one head is a monster. It is the mixture of two sexes: the person who is both male and female is a monster. It is a mixture of life and death: the fetus born with a morphology that means it will not be able to live but that nonetheless survives for some minutes or days is a monster. Finally, it is a mixture of forms: the person who has neither arms nor legs, like a snake, is a monster. Consequently, the monster is the transgression of natural limits, the transgression of classifications, of the table, and of the law as table: this is actually what is involved in monstrosity. However, I do not think that it is this alone that constitutes the monster. For medieval thought, and definitely for seventeenth- and eighteenth-century thought, the breach of natural law is not enough to constitute monstrosity. Monstrosity requires a transgression of the natural limit, of the law-table, to fall under, or at any rate challenge, an interdiction of civil and religious or divine law. There is monstrosity only when the confusion comes up against, overturns, or disturbs civil, canon, or religious law. The

difference between disability and monstrosity is revealed at the meeting point, the point of friction, between a breach of the natural law-table and a breach of the law instituted by God or by society, at the point where these two breaches of law come together. Disability may well be something that upsets the natural order, but disability is not monstrosity because it has a place in civil or canon law. The disabled person may not conform to nature, but the law in some way provides for him. Monstrosity, however, is the kind of natural irregularity that calls law into question and disables it. Law must either question its own foundations, or its practice, or fall silent, or abdicate, or appeal to another reference system, or again invent a casuistry. Essentially, the monster is the casuistry that is necessarily introduced into law by the confusion of nature.

Thus the monster is said to be a being in which the mixture of two kingdoms can be seen, because where do we look for the cause when we detect the presence of the animal and human species in one and the same individual? We look for a breach of human and divine law in the progenitors, that is to say, for fornication between a human individual and an animal.<sup>6</sup> It is because there was a sexual relationship between a man and an animal that a monster appears in which the two kingdoms are mixed. In that respect we are referred to a breach of civil or religious law. However, at the same time as natural disorder refers to a breach of religious and civil law, the law finds itself acutely embarrassed. We see this in the problem, for example, of whether an individual with a human body and an animal's head, or with an animal's body and a human head, should be baptized. Canon law, which provided for many disabilities and incapacities, cannot resolve this problem. Consequently, the disorder of nature upsets the juridical order and the monster appears. Similarly, the birth of a shapeless being that will inevitably die, for example, but which nonetheless lives for some moments, hours, or days, also poses a problem for the law.<sup>7</sup> It is a breach of the natural order and a juridical enigma at the same time. In the law of inheritance, for example, in jurisprudence, there are interminable discussions of cases, the most typical of which is the following. A man dies and his wife is pregnant. He leaves a

will in which he says: If the child whom my wife is bearing is born he will inherit all my possessions. If, however, the child is not born or is born dead, if he is stillborn, then my possessions will go to my family.<sup>8</sup> Who will inherit his possessions if the child born is a monster? Should we regard the child as having been born or not? The law is set an insoluble problem as soon as this monstrous child, this kind of mixture of life and death, is born. When a monster with two bodies or two heads is born, should we give it one or two baptisms?<sup>9</sup> Should we consider it a case of one child or two?<sup>10</sup> I have found the trace of a story of two Siamese twin brothers, one of whom had committed a crime. (Unfortunately I have not been able to find out where the documents of the case, of the trial, are to be found, nor how one can find this out).<sup>11</sup> The problem was whether one or both of them should be executed. If one were executed, then the other would die; but if the innocent brother was allowed to live, then the other also had to be allowed to live.<sup>12</sup> This is how the problem of monstrosity really appeared. The monster was also someone with two sexes whom one didn't know whether to treat as a boy or a girl, whether or not he/she should be allowed to marry and with whom, whether he/she could become the holder of an ecclesiastical living, whether he/she could take religious orders, and so on.<sup>13</sup>

All these problems of legal teratology are summarized in a very interesting book that seems to me to be of absolutely fundamental importance for understanding the question of the birth and development of the juridico-natural, juridico-medical problem of the monster. It is a book written by a priest called Cangiamila. In 1745 he published a text called *Traité d'embryologie sacrée* which sets out the juridico-natural, juridico-biological theory of the monster.<sup>14</sup> In the eighteenth century, then, the monster appears and functions precisely at the point where nature and law are joined. It brings with it natural transgression, the mixture of species, and the blurring of limits and of characteristics. However, it is a monster only because it is also a legal labyrinth, a violation of and an obstacle to the law, both transgression and undecidability at the level of the law. In the eighteenth century the monster is a juridico-natural complex.



I have been talking about the monster in the eighteenth century, but this juridico-natural functioning of the monster is, I believe, very ancient, and we find it again in the nineteenth century. We come across it, transposed and transformed, in the expert opinions I read out. However, it seems to me that the new theory of the monster found in the nineteenth century begins to be worked out in the eighteenth century with regard to a particular type of monster. Moreover, I think that in each epoch, for legal and medical reflection at least, there have been privileged forms of monsters. In the Middle Ages it was obviously the bestial man, that is to say, the mixture of two kingdoms, the monster that is both man and beast. It seems striking to me, but it will have to be studied more closely, that the form of monstrosity especially privileged during the Renaissance, both in literature generally and in medical, legal, and religious books, was Siamese twins. The one who is two and the two who are one. In analyses at the end of the sixteenth and the beginning of the seventeenth centuries we almost always, or at least very regularly, come across a curious reference to the individual who has one head and two bodies, or one body and two heads. It is the image of the kingdom and also of Christianity divided into two religious communities. There are some very interesting discussions in which there is a close connection between the religious and medical problematics. In particular, there is the case of two Siamese twin brothers [*rectius*: sisters] who were baptized, or rather who were brought to the baptismal font. One was baptized and then the second died before she could be baptized. A big discussion takes place, and the Catholic priest who performed the baptism says: There is no difficulty. If the other is dead, it is because she would have been Protestant. We also have the image of the Kingdom of France, half of which is saved by baptism and the other half lost and damned. In any case, it is typical that Siamese twins are the most frequent theme in legal, medical, and religious cases at the end of the sixteenth and the beginning of the seventeenth centuries.<sup>15</sup>

However, in the Classical Age I think a third type of monstrosity is privileged: hermaphrodites. The new figure of the monster, which appears at the end of the eighteenth century and is at work at the

start of the nineteenth century, is elaborated, or begins to be elaborated, around the question of hermaphrodites. No doubt this should be examined more closely, but broadly speaking we can accept, or at least people will tell you, that from the Middle Ages to the sixteenth century, and until at least the start of the seventeenth century, hermaphrodites were considered to be monsters and were executed, burnt at the stake and their ashes thrown to the winds. Suppose we accept this. In fact, in 1599, for example, at the very end of the sixteenth century, there is a case of the punishment of someone convicted as a hermaphrodite apparently without anything else being involved other than the fact of being a hermaphrodite. It was someone called Antide Collas, denounced as a hermaphrodite. He/she lived in Dôle and, after examining him/her, the doctors concluded that this individual really had both sexes, but that he/she could only have both sexes because he/she had had relations with Satan and it was this relationship that had added a second sex to his/her original sex. When interrogated, the hermaphrodite confessed to having had relations with Satan and was burnt alive in Dôle in 1599. It seems that this is one of the last cases in which a hermaphrodite was burnt for being a hermaphrodite.<sup>16</sup>

Very soon afterward a different type of jurisprudence appears. This is set out at great length in Brillouin's *Dictionnaire des arrêts des parlements de France*<sup>17</sup> and shows that, from the seventeenth century at least, a hermaphrodite was not convicted just for being a hermaphrodite. Individuals recognized as hermaphrodites were asked to choose their sex, their dominant sex, and to conduct themselves accordingly, especially by wearing appropriate clothes. They were subject to criminal law and could be convicted for sodomy only if they made use of their additional sex.<sup>18</sup> In fact, a number of hermaphrodites were convicted for the supplementary use of their additional sex. Héricourt, in *Les Lois ecclésiastiques de France*, published in 1761 [*rectius*: 1771], refers to a case from the start of the seventeenth century.<sup>19</sup> A hermaphrodite was convicted because, after having chosen the male sex, he used his other sex with a man and was therefore burned.<sup>20</sup> Or again, right at the start of the seventeenth century, two hermaphrodites were burned

alive and their ashes scattered in the wind simply because they lived together and so, it was assumed, must have made use of both of their sexes with each other.<sup>21</sup>

The history of hermaphrodites from the seventeenth century to the end of the eighteenth century is, I think, interesting. I will take two cases. One is from 1614-1615 [*rectius*: 1601<sup>22</sup>] and the other from 1765. The first case was known at the time as "the Rouen hermaphrodite."<sup>23</sup> It concerned someone who was baptized as Marie Lemarcis and who gradually became a man, wore men's clothes, and married a widow who was already the mother of three children. There was a denunciation. Marie Lemarcis, who had taken the name of Martin Lemarcis, came before the court and the first judges called for a medical examination by a doctor, an apothecary, and two surgeons. They found no sign of virility. Marie Lemarcis was sentenced to be hung, burned, and her ashes scattered in the wind. His wife, or the woman who lived with him or her, was sentenced to witness the execution of her husband and to be thrashed at the town's crossroads. Because it was a capital penalty, there was a right of appeal that took place at the Rouen court with a new expert opinion. The new experts agreed with the first experts that there was no sign of virility; only one, Duval, recognized signs of virility. The verdict of the Rouen court is interesting because it releases the woman, orders her to wear women's clothes, and prohibits her from living with anyone of either sex, "on pain of death." So there is a ban on all sexual relations but no conviction for the fact of being a hermaphrodite or for the nature of hermaphroditism. Nor is there a conviction for having lived with a woman, even though it seems that the hermaphrodite's dominant sex was that of a woman.

This case seems to me to be important for a number of reasons, and first of all because it gave rise to an open debate between two doctors. One of these doctors, Riolan, was the specialist on monsters at the time and had written a number of books on monstrosity. The other, who gave the expert opinion, was the famous doctor Duval, to whom I have just referred.<sup>24</sup> Duval's expert opinion is very interesting because it presents what could be called the very first rudiments of

a clinical approach to sexuality. Duval does not conduct the examination traditionally performed by matrons, doctors, and surgeons. He undertakes a detailed examination with palpitation and, in particular, in his report he gives a detailed description of how he found the organs. This is, I think, the first medical text in which the sexual organization of the human body is not given in its general form but rather in clinical detail and with regard to a particular case. Until then, medical discourse only spoke of sexual organs in general, in their whole conformation, with regard to no one in particular and with considerable reserve in the language used. Here, we have a detailed, individual description in which things are called by their names.

Duval not only does this, he also gives us the theory of medical discourse on sexuality. We should not really be surprised, he says, that the organs of sexuality or reproduction have never been named in medical discourse. Doctors usually hesitate before naming these things since, in a tradition that goes back to Antiquity when women were especially despised because of their debauchery, it was quite normal for a master of knowledge to be unable to speak of a woman's sexual organs. But then came the Virgin Mary who, Duval says, "carried our Savior in her womb." From that moment "holy matrimony" was instituted, all "lewdness was ended" and the "vicious customs of women were abolished." A number of consequences follow from this. The first is that "the womb that was previously mainly blamed in women" now had to be recognized as "the most lovable, noble, holy, venerable and miraculous temple of the universe." Second, men's inclination for the woman's womb was no longer determined by lewdness, but became a sort of tangible "divine precept."<sup>25</sup> Third, the role of women became venerated. Since Christianity women have been entrusted with the care and protection of household goods and their transmission to descendants. There is yet another consequence, or rather a general consequence of all of this: we must now know the womb because it has become this sacred object and because religion has made woman sacred through marriage and the economic system of the transmission of household goods. Why? In the first place, so that women can avoid having to suffer great pain and, even more, so

that fewer die in childbirth. Above all, it will reduce the number of children who die at birth or even before they are born. In an obviously wild estimate, Duval says that every year there are a million children who could see the light of day if the knowledge of doctors was sufficiently developed for mothers to be able to give birth in the right way. How many children have not seen the light of day, their mothers dead and buried in the same tombs, he says, due to this "shameful silence"! In this text from 1601 you can see the direct link between the themes of the sacred religious and economic function of women on the one hand, and the mercantilist, strictly economic theme of national strength linked to the size of the population on the other. Women are precious because they reproduce; children are precious because they replenish a population, and no "shameful silence" must stand in the way of knowing what will enable these lives to be saved. Duval writes: "Oh, cruelty! Oh, what great shame! Oh, supreme impiety to recognize that for so many souls to see, the light of this world . . . requires from us only an apparatus." We lack this apparatus because of words that "some consider sensitive because they could provoke lewdness," which is a very "poor answer when weighed against so many evils and such great inconveniences."<sup>26</sup> I think this text is significant because it gives us not only a medical description of the sexual organs, a clinical description of a particular case, but also the theory of the old medical silence about the sexual organs and the theory of the present need for an explicit discourse.

I will make a short digression at this point. Everyone says that until the sixteenth century and the beginning of the seventeenth century verbal license, the boldness of discourse, made it possible to name a sexuality that later, in the Classical Age, fell under a regime of silence, or at any rate of metaphor. I think this is both very true and very false. It is quite false if you speak of language in general, but it is quite true when you distinguish carefully between types of discursive formation or practice. While it is true that, beginning in this period, the expression of sexuality in literary language had to conform to a regime of censorship or displacement, nonetheless in the same period there was an exactly opposite movement in medical discourse.

Prior to this, medical discourse had been completely impermeable, completely closed to that kind of expression and description. The need for a scientific discourse on sexuality and its anatomical organization appears, and is theorized, with the case of the Rouen hermaphrodite.

The other reason for the importance of this case is that it clearly asserts that a hermaphrodite is a monster. We find this in Riolan's discourse where he says that the hermaphrodite is a monster because he/she is counter to the order and general rule of nature that has divided humankind into two: male and female.<sup>27</sup> Thus, if someone has both sexes, then he/she must be regarded as a monster. However, since the hermaphrodite is a monster, the reason for performing an examination, according to Riolan, will be to determine what clothes he/she must wear and whether, and to whom, he/she can be married.<sup>28</sup> On the one hand, then, we have the clearly formulated demand for a medical discourse on sexuality and its organs and then, on the other, the still traditional conception of hermaphrodites as monsters, but monsters, as we have seen, whose monstrosity nonetheless escapes the conviction and sentencing that were previously the rule.

Let us now turn to 1765. One hundred and fifty years later there is a case that is almost the same as the Rouen case. It is the case of Anne Grandjean, baptized as a girl.<sup>29</sup> However, as someone who wrote a statement in her support said, "as she approached her fourteenth birthday, a certain instinct for pleasure drew her to her girlfriends."<sup>30</sup> Disturbed by her attraction to young girls, she decided to wear boys' clothes, move to another town, and settle in Lyon, where she married someone called Françoise Lambert. After being exposed, she was brought before the courts. She was seen by the surgeon who concluded that she was a woman and could be tried since she had lived with another woman. She had, then, used the sex that was not dominant in her, and the first judges sentenced her to the pillory with this inscription: "She profaned the marriage sacrament."<sup>31</sup> The pillory, whip, and cane. In this case, too, there was an appeal before the Dauphiné court. Her case was dismissed, that is to say, she was released, with the requirement that she wear women's clothes and that

she associate with neither Françoise Lambert nor any other woman. You can see that the judicial process and verdict in this case are more or less the same as in 1601, the only difference being that whereas Françoise Lambert [*rectius*: Anne Grandjean] was banned from spending her time with women, and only with women, in the previous case it was with anyone of "whatever" sex.<sup>32</sup> Marie Lemarcis was banned from sexuality and sexual relationships.<sup>33</sup>

The Grandjean case, despite being almost completely isomorphic with the 1601 case, nevertheless marks a very important development. First of all, it is important because of the fact that the hermaphrodite is no longer defined in medical discourse as a mixture of two sexes, as was still the case with Riolan.<sup>34</sup> In the memoirs written and published by Champeaux concerning the Grandjean case, he refers explicitly to an article of about the same time, "Hermaphrodit," in the *Dictionnaire de médecine*, where it says: "I consider all the stories about hermaphrodites as so many fables."<sup>35</sup> For Champeaux, and for most doctors at the time, there is no mix of the sexes; there is never the simultaneous presence of two sexes in a single organism and a single individual.<sup>36</sup> But there are individuals "who have a [predominant] sex, but the generative parts of which are so badly formed that they cannot engender [in themselves or outside of themselves]."<sup>37</sup> Consequently, what we call a hermaphrodite is only a defective structure accompanied by impotence. There are those who have male organs and some female forms (that we will define as secondary characteristics), and there are very few of these, according to Champeaux.<sup>38</sup> Then there are those who are women with female organs and some forms, some secondary characteristics, that are male, and Champeaux says that there are many of these.<sup>39</sup>

Thus, monstrosity as the mix of sexes, as transgression of everything that separates one sex from another, disappears.<sup>40</sup> However, and here the notion of monstrosity that we find at the start of the nineteenth century begins to be developed, there is no mixing of the sexes: There are only eccentricities, kinds of imperfection, errors of nature. These eccentricities, these poor structures, errors, and stammerings of nature are, or at any rate may be, the source or the pretext for a number of

forms of criminal conduct. Champeaux says that it is not the fact of being a hermaphrodite that should arouse or provoke our condemnation of the woman Grandjean. Rather, it is the simple fact that for a woman she has perverse tastes, that she loves women, and it is this monstrosity, which is not a monstrosity of nature but a monstrosity of behavior, that calls for condemnation. Monstrosity, therefore, is no longer the undue mixture of what should be separated by nature. It is simply an irregularity, a slight deviation, but one that makes possible something that really will be a monstrosity, that is to say, the monstrosity of character. Champeaux says, "Why then assume a supposed sexual division in these lustful women," who are only women after all, "and attribute an inclination toward such criminal debauchery to the first natural impressions of their own sex? This would be to excuse the horrible crimes of those men, the shame of humanity, who reject a natural alliance in order to satisfy their brutality with other men. Will it be said that they experience only coldness with women, and that an instinct for pleasure, the cause of which they do not know, draws them, despite themselves, to their own sex? Woe betide whoever is persuaded by such reasoning."<sup>41</sup>

You can see how in this case the juridico-natural complex of hermaphroditic monstrosity begins to break up. On the basis of what is no more than an imperfection, a deviation—we could say, in anticipation, a somatic abnormality—the attribution of a monstrosity emerges that is no longer juridico-natural but juridico-moral; a monstrosity of conduct rather than the monstrosity of nature.<sup>42</sup> And in the end it is indeed this theme of the monstrosity of conduct that organized and was at the center of the discussion of the Grandjean case. Anne Grandjean's supporter, the lawyer Vermeil, insisted on the significance of organic deformity despite the general opinion of the doctors.<sup>43</sup> (Vermeil did not defend Anne Grandjean because he was not a criminal lawyer at the time, but he published a statement in her defense.) Against the doctors, Vermeil tried to claim that there was a mix of sexes, and therefore true hermaphroditism, in Anne Grandjean. In this way he could absolve her of the moral monstrosity she was accused of by the doctors who no longer recognized the

monstrous character of hermaphroditism or who no longer recognized that hermaphroditism involved a real mixture of the sexes. The proof that this was what was at stake is found in a poem published in support of Anne Grandjean and that circulated under her name. It is a love poem about the woman she lived with. Sadly, it was probably written by someone other than Anne Grandjean. It is a long poem in poor verse whose entire meaning consists, I believe, in showing, along with Anne Grandjean's defenders, that the feelings she had for the woman she lived with were not monstrous but perfectly natural.<sup>44</sup>

Anyway, when we compare the first and later case, the Rouen case and the Lyon case, the one from 1601 and the one from 1765, we can see a change that is, so to speak, the autonomization of a moral monstrosity, of a monstrosity of behavior that transposes the old category of the monster from the domain of somatic and natural disorder to the domain of pure and simple criminality. From then on we see the emergence of a kind of specific domain that will become the domain of monstrous criminality or of a monstrosity that does not produce its effects in nature and the confusion of species, but in behavior itself.

This is, of course, no more than a sketch. It is the beginning of a process that develops between 1765 and 1820-1830, when the problem of monstrous conduct, of monstrous criminality, will explode. This is only the point of departure of this movement and transformation. However, to sum everything up in a couple of words I would say that until the middle of the eighteenth century monstrosity had a criminal status inasmuch as it was a transgression of an entire system of laws, whether natural laws or juridical laws. Thus it was monstrosity in itself that was criminal. The jurisprudence of the seventeenth and eighteenth centuries tried as far as possible to remove the penal consequences of this inherently criminal monstrosity. However, I think it still remained essentially and fundamentally criminal until late in the eighteenth century. It is, then, monstrosity that is criminal. Then, toward 1750, in the middle of the eighteenth century (for reasons that I will try to analyze later), we see something emerge, that is to say, the theme of the monstrous nature of criminality, of a monstrosity that takes effect in the domain of conduct, of criminality, and

not in the domain of nature itself. Until about the middle of the eighteenth century, monstrosity necessarily indicated criminality and was not yet what it later became, that is to say, a possible qualifier of criminality. At the end of the end of the eighteenth and the beginning of the nineteenth centuries, the figure of the monstrous criminal, of the moral monster, suddenly appears with great exuberance. It appears in extraordinarily different forms of discourse and practice. In literature, the moral monster looms up in the gothic novel at the end of eighteenth century. It breaks out with Sade. It also appears with a whole series of political themes that I will talk about next week. It appears in the judicial and medical world. Our problem is to know how this transformation was brought about. What prevented the formation of this category of monstrous criminality? What was it that prevented aggravated criminality from being seen as a kind of monstrosity? How was it that the extremity of crime and the aberration of nature were not linked together? Why was it that we had to wait until the end of the eighteenth and the beginning of the nineteenth centuries for the appearance of this heinous figure of the criminal monster in whom the most extreme breach of the law joins up with the aberration of nature? And it is not the aberration of nature that in itself is a breach of the law, but the breach of the law that refers—as if to its origin, cause, excuse, or framework, it matters little—to something that is the aberration of nature itself.

This is what I would like to try to explain next week. Of course, the principle of this transformation is to be found, I believe, in a kind of economy of the power to punish and the transformation of this economy.

1. Foucault is referring here to the whole of Lombroso's activity in the field of criminal anthropology. See, in particular, C. Lombroso, *L'Uomo delinquente studiato in rapporto all'antropologia, alla medicina legale ed alle discipline carcerarie* (Milan, 1876). French translation (from the 4th edition of the Italian): *L'Homme criminel* (Paris: s.l., 1997).
2. Cf. lectures of 29 January and 5 February, in this volume.
3. Foucault's analysis of the figure of the monster in this course is fundamentally based upon the work of E. Martin, *Histoire des monstres depuis l'Antiquité jusqu'à nos jours* (Paris, 1880).
4. *Ibid.*, p. 7: "The expressions *portentum* and *ostentum* will designate a simple abnormality, and that of *monstrum* will be applied exclusively to any being which does not have human form." The foundation for the Roman law is *Digesta* 1.5.14: "Non sunt liberi qui contra formam humani generis converso more procreantur: veluti si mulier monstrosam aliquid aut prodigiosum enixa sit. Partus autem, qui membrorum humanorum officiali ampliavit, aliquatenus videtur effectus et ideo inter liberos connumerabitur." *Digesta Iustiniani Augusti*, vol. 2, edited by T. Mommsen (Berolini, 1870), p. 16.
5. E. Martin, *Histoire des monstres*, pp. 85-110.
6. Cf. A. Pareus, *De monstris et prodigiis*, in *Opera*, latinitate donata I. Guilleameau labore et diligentia (Paris, 1582), p. 751. French translation: A. Paré, *Des monstres et prodiges*, in *Les Œuvres*, 7th edition (Paris, 1617), p. 1031: "Monsters are born, some half in the form of a beast and the other half human, or some completely resembling animals. These are the products of sodomites and atheists who couple, against nature, with beasts. Many horrendous monsters, shameful to see and to speak of, are generated in this way. Each time dishonesty is effected in deed, not just in word, the result is most unfortunate and abominable; and infamy and disgrace to the man or woman who couples with beasts, whence come these monstrous half men, half beasts."
7. Cf. F. E. Cangiamila, *Embriologia sacra ovvero dell'uffizio de' sacerdoti, medici e superiori circa l'eterna salute de' bambini racchiusi nell'utero libri quattro* (Palermo, 1745), and *Embryologia sacra sive De officio sacerdotum, medicorum et aliorum circa aeternam parvulorum in utero existentium salutem libri quatuor* (Panormi, 1758). Translated into French, by J. A.-T. Dinouart, as *Abrégé de l'embryologie sacrée ou Traité des devoirs des prêtres, des médecins et autres, sur le salut éternel des enfants qui sont dans le ventre de leur mère* (Paris, 1762). The chapter on the baptism of monsters ends by noting that although the monster, "completely formless and frightful in its physical aspect, soon dies naturally," there is legislation that "explicitly prohibits the suffocation of these monsters and orders the curate to be called in order to examine them and make a judgment" (pp. 192-93).
8. Cf. P. Zacchia, *Questionum medico-legalium tomus secundus* (Lyon, 1726), p. 526. On the question of inheritance in cases of the birth of a *monstrum* in modern European jurisprudence, see E. Martin, *Histoire des monstres*, pp. 177-210.
9. F. E. Cangiamila, *Abrégé de l'embryologie sacrée*: "Two questions can be posed here: 'When can we say that a monster has a rational soul, so that he can be baptized?'; 'When is there only one soul and when are there two, so that one can give one or two baptisms?'" (pp. 188-89).
10. "If a monster has two bodies which, despite being joined, each possess its own limbs... two separate baptisms must be given because there are certainly two men and two souls present. In the case of pressing danger, the single formula in the plural may be used: i.e. 'I baptize you,' 'Ego vos baptiso,'" *ibid.*, pp. 190-91.
11. We have not found the documentation to which Foucault refers.
12. The case is cited by H. Sauval, *Histoire et Recherches des antiquités de la ville de Paris*, vol. 2 (Paris, 1724), p. 564: "Since he had killed a man with a knife, he was tried and sentenced to death, but because of his brother, who took no part in the murder, he was not

- executed, it not being possible to put one to death without killing the other at the same time."
13. The juridical sources of the discussion—*Digesta Iustiniani*, I.5.10 (*Quaeritur*); XXII.5.15 (*Repetundarum*); XXVIII.2.6. (*Sed est quaesitum*)—are found in *Digesta Iustiniani Augusti*, pp. 16, 652, and 820. Regarding the question of marriage, the *Summae* of the Middle Ages are unanimous. See for example: H. de Segusio, *Summa aurea ad vetustissimos codices collata* (Basel, 1573), col. 488. For the priesthood: S. Maiolus, *Tractatus de irregularitate et aliis canonicis impedimentis in quinque libros distributos quibus ecclesiasticos ordines suscipere et susceptos administrare quisque prohibetur* (Rome, 1619), pp. 60-63.
  14. F. E. Cangiamila, *Embriologia sacra ovvero dell'uffizio de' sacerdoti, medici e superiori circa l'eterna salute de' bambini racchiusi nell'utero libri quattro* (Palermo, 1745), and *Embryologia sacra sive De officio sacerdotum, medicorum et aliorum circa aeternam parvulorum in utero existentium salutem libri quatuor* (Panormi, 1758). Foucault uses the second French edition, considerably expanded and approved by the Royal Academy of Surgery: *Abrégé de l'embryologie sacrée ou Traité des devoirs des prêtres, des médecins, des chirurgiens, et des sages-femmes envers les enfants qui sont dans le sein de leur mère* (Paris, 1766). His analysis of the "juridical-natural" or "juridical-biological" theory of the monster is essentially based on chapter eight, "Du baptême des monstres," of book 3, pp. 188-93.
  15. Foucault's judgment is based upon H. Sauval, *Histoire et Recherches des antiquités*, vol. 2, p. 563: "So many babies born coupled and joined together have been seen in Paris that a book could be written about it, there being so many reported cases, not to mention those that go unreported." Some are "among the most rare and monstrous" (*ibid.*, pp. 563-66). Regarding the medical literature, see A. Paré, *Des monstres et prodiges*, critical edition with a commentary by J. Céard (Geneva: s.l., 1971) pp. 9-20 (with Céard's complete bibliography of authors who have dealt with Siamese twins in their works on monsters, pp. 203-18). It should also be noted that the term "*frères siamois*" (Siamese twins) was only introduced into medical literature in the nineteenth century.
  16. The case of Antide Collas is reported in E. Martin, *Histoire des monstres*, p. 106: "Toward the end of 1599... a woman of Dôle, named Antide Collas, was accused of having a physical characteristic that, judging from the details contained in the trial documents, must have been similar to that of Marie le Marcis. Doctors were called to undertake an examination. They established that the malformation of her sexual organs was the result of vile commerce with demons. Since these conclusions supported the accusation, Antide Collas was returned to prison. She was put to the question and tortured. She resisted for some time but, overcome by her horrible suffering, ended up deciding to confess: "She confessed," the chronicler says, "that she had had criminal relations with Satan and she was burned alive on the public square of Dôle."
  17. P.-J. Brillou, *Dictionnaire des arrêts ou Jurisprudence universelle des parlements de France et autres tribunaux* (Paris, 1711, 3 vols.; Paris, 1727, 6 vols.; and Lyon, 1781-1788, 7 vols.). Foucault uses the first edition, whose second volume (pp. 366-67) presents six questions regarding hermaphroditism.
  18. *Ibid.*, p. 367: "Hermaphrodites... are known by their dominant sex. Some have claimed that the accusation of the crime of sodomy could be leveled against hermaphrodites who, having chosen the male sex that is dominant in them, have assumed the role of a woman. A young hermaphrodite was condemned to be hanged and burned for this crime by the decision of the Paris parliament in 1603." Nonetheless, several sources (for example, the *Dictionnaire universel française et latin vulgairement appelé Dictionnaire de Trévoux*, vol. 4 [Paris, 1771]) do not cite sodomy as the reason for that sentence.
  19. L. de Héricourt, *Les Lois ecclésiastiques de France dans leur ordre naturel et une analyse des livres du droit canonique, considérées avec les usages de l'Église gallicane* (Paris, 1719). Foucault uses the last edition (1771).
  20. *Ibid.*, vol. 3, p. 88: "By the decision of the Paris parliament in the year 1603, a hermaphrodite who had chosen the male sex dominant in him was convicted for having used his other sex and was condemned to be hanged and burned."

21. The case is reported in E. Martin, *Histoire des monstres*, pp. 106-07: "In 1603 . . . a young hermaphrodite was accused of having relations with another person with the same physical configuration. As soon as the facts became known, the authorities seized the two unfortunates and a trial was initiated. . . . Upon proof of their guilt they were condemned to death and executed."
22. Concerning correction of the dating, see the following note.
23. The trial began on 7 January and ended on 7 June 1601. The case is reported in J. Duval, *Des hermaphrodites, accouchements des femmes, et traitement qui est requis pour les relever en santé et bien élever leurs enfants* (Rouen, 1612), pp. 383-447 (revised edition: *Traité des hermaphrodites, parties génitales, accouchements des femmes* [Paris, 1880], pp. 352-415).
24. J. Riolan, *Discours sur les hermaphrodites, où il est démontré, contre l'opinion commune, qu'il n'y a point de vrais hermaphrodites* (Paris, 1614); J. Duval, *Réponse au discours fait par le sieur Riolan, docteur en médecine et professeur en chirurgie et pharmacie à Paris, contre l'histoire de l'hermaphrodit de Rouen* (Rouen, n.d. [1615]).
25. J. Duval, *Réponse au discours fait par le sieur Riolan*, pp. 23-24.
26. *Ibid.*, pp. 34-35.
27. Cf. J. Riolan, *Discours sur les hermaphrodites*, pp. 6-10 ("what is a hermaphrodite and is it a monster[?]").
28. *Ibid.*: "how to recognize hermaphrodites in order to give them the sex appropriate to their nature" (pp. 124-30); "how to treat hermaphrodites in order to restore to them a whole nature, capable of generation" (pp. 130-34).
29. Concerning the Anne Grandjean case, cf. F.-M. Vermeil, *Mémoire pour Anne Grandjean connu sous le nom de Jean-Baptiste Grandjean, accusé et appelant, contre Monsieur le Procureur général, accusateur et intimé. Question: «Un hermaphrodite, qui a épousé une fille, peut-il être réputé profanateur du sacrement de mariage, quand la nature, qui le trompait, l'appelait à l'état de mari?»* (Paris, 1765); C. Champeaux, *Réflexions sur les hermaphrodites relativement à Anne Grandjean, qualifiée telle dans un mémoire de Maître Vermeil, avocat au Parlement* (Avignon, 1765). The case was publicized in Europe thanks to the summation of these rare documents by G. Arnaud [de Ronsil], *Dissertation sur les hermaphrodites*, in *Mémoires de chirurgie*, vol. 1 (London, Paris, 1768), pp. 329-90, who published them in full and translated them into German under the title *Anatomisch-chirurgische Abhandlung über die Hermaphroditen* (Strasbourg, 1777).
30. Vermeil, *Mémoire pour Anne Grandjean*, p. 4.
31. *Ibid.*, p. 9.
32. See also the manuscript note on the attorney Vermeil's copy of the *Mémoire*, kept in the Bibliothèque Nationale de France: "recording the sentence of la Tournelle of 10 January 1765, in which the public prosecutor annulled Anne Grandjean's marriage, instructed her to wear women's clothes, and prohibited her from living with Françoise Lambert or anyone else of the same sex."
33. "[The court] clearly prohibited [them] from living with anyone of either sex on pain of death" (Duval, *Traité des hermaphrodites*, p. 410).
34. Cf. Riolan, *Discours sur les hermaphrodites*, p. 6.
35. C. Champeaux, *Réflexions sur les hermaphrodites*, p. 10. Cf. the article "Hermaphrodit," in *Dictionnaire universel de médecine*, vol. 4 (Paris, 1748): "I consider all the stories about hermaphrodites to be so many fables. I will note here that in all the people that have been presented to me as hermaphrodites I have only seen a clitoris of exorbitant thickness and length, the lips of which are prodigiously swollen, and nothing of a man." This dictionary is the French translation—by Denis Diderot—of R. James, *A Medicinal Dictionary* (London, 1743-1745).
36. Champeaux, *Réflexions sur les hermaphrodites*, p. 10.
37. *Ibid.*, p. 36.
38. *Ibid.*, pp. 7, 11-15.
39. *Ibid.*, pp. 7, 15-36.
40. *Ibid.*, pp. 37-38.
41. *Ibid.*, pp. 26-27.

42. "So many observations so unanimously established should doubtless be considered as a body of incontestable proof, that some irregularities of nature in the distinctive human parts pertaining to sex do not change the species at all, and still less the inclinations of the individual in which this defective physical configuration is found," *ibid.*, pp. 35-36.
43. G. Arnaud, *Dissertation sur les hermaphrodites*: "Thus Grandjean's error was an error common to everyone. If she is criminal, we should blame everyone. For it is this common error that has strengthened our belief in the accused. Let us better say that this error is what justifies her today. Nature alone is at fault in this case, and how can we make the accused responsible for the wrongs of nature?" (p. 351).
44. E.-Th. Simon, *L'Hermaphrodite ou Lettre de Grandjean à Françoise Lambert, sa femme* (Grenoble, 1765).