



REVIEW

Chloë Taylor, *Foucault, Feminism and Sex Crimes: An Anti-Carceral Analysis*. New York, and London: Routledge, 2019. Pp. 272. ISBN: 9781138367319 (hardback).

Chloë Taylor's latest monograph sets itself a wide-ranging and ambitious set of tasks, which it accomplishes in a convincing and edifying way. *Foucault, Feminism and Sex Crimes: An Anti-Carceral Analysis* consists of nine chapters arranged in three parts, book-ended by an instructive introduction that lays down the Foucauldian and feminist methodological principles that underpin the study, and a conclusion. The book also contains an appendix of the 'medical legal report on the mental state of Charles-Joseph Jouy accused of indecent assaults', including the report in the original French as well as an English translation by Taylor and James Merleau.

Part I engages with Foucault's expression 'bucolic pleasures', first in Chapter 1, through a critical examination of Foucault's discussion (and feminist analyses of this discussion) of Charles Jouy, the farmhand who in 1867 was accused of sexually abusing eleven-year old Sophie Adam in the presence of a girl friend of hers. In Chapter 2, Taylor evaluates Foucault's controversial remarks on sex crime legislation reform and engages with feminist criticisms that, perhaps too quickly, dismissed Foucault's points on this topic. Chapter 3 discusses Foucault's reflections on 'infamous men' and 'dangerous individuals' in the context of the entanglements between disciplinary power, biopower and medico-legal apparatus.

The focus of Part II is sex crime and the question of punishing sex offenders. Chapter 4 engages with the political history of sexual trauma, conducting a genealogical inquiry into some transhistorical claims and assumptions made (including by some feminist approaches) on sexual trauma. Chapter 5 makes the case for Foucault as a prison abolitionist, showing how the scope of *Discipline and Punish* was updated by the work of contemporary critical prison and race scholars and activists such as Angela Davis and Michelle Alexander. In Chapter 6, Taylor draws on the notions of 'grotesque power' and 'vile sovereignty', perhaps understudied notions in Foucault studies, to examine practices and behaviours of correctional officers concerning the sexual abuse that happens and is sometimes allowed to happen within the prison walls, whereby such abuse discriminately targets sexual and gender minorities.

Part III builds further on this Foucauldian and prison abolitionist framework to reflect critically on what Taylor, following Foucault, calls 'perverse implantations'. The

'implantations' discussed in Chapter 7 include that of the 'pervert', the 'pedophile', and the commercial sex user, leading a discussion of sex work from a Foucauldian point of view. What this problematization of sex work entails for Taylor is that, rather than focusing on the sex lives and sexualities of sex workers, we should instead listen more closely to what sex workers demand, such as affordable housing and access to bank loans since, after all, it is these social and structural issues that lead marginalized populations into sex work (p. 173). Chapter 8 turns to the 'perverse implantation' related to bestiality, later historically transformed into 'zoosexuality'. Taylor considers how, and critiques the fact that, in contemporary times this topic finds proponents of arguments for the recognition of zoophilia as an identity and sexual orientation, and for the recognition of 'species dysphoria'. Chapter 9 then considers the 'implantation' and social construction of the serial sex killer, adopting a critical genealogical perspective to how the serial killer was 'invented' through discourses of psychiatry, criminology and cultural representations.

There is not much scope in fleshing out in further detail the main arguments and theses presented in Taylor's book – readers interested in these topics would do well to go straight to Taylor's clear, persuasive and elegant prose. Before going on to reflect on what I considered as key highlights and main takeaways of the book, what I would like to mention here is a virtue of Taylor's thinking and writing. While her own theoretical and ideological positions are clear throughout – Taylor is resolutely a feminist and a Foucauldian – this is never done in a prohibitive or preachy way. Taylor's tone manifests affect as deemed necessary: indignation and critical ruthlessness when it is called for, but, especially and even more admirably, a sense of empathy and imagination particularly towards positions which are clearly not hers. Taylor does not simply defend Foucault at all costs; where his remarks are either insensitive or partial, she unambiguously states that some of his remarks on Jouy, sex crime legislative reform and domestic violence against women "are philosophically undermined by Foucault's failure to attend to gender and the experiences of victims, and indeed to any form of social oppression other than the psychiatric-penal system" (p. 20). Taylor opens up debates rather than closes them with a rushed certainty, follows arguments through and respectfully constructs the internal logic of various views that she is ultimately opposing or not fully agreeing with. And she does so from an unambiguous feminist and Foucauldian perspective. Her stated aim, in fact, is to take Foucault's arguments seriously without trivialising feminist insights on sexual violence (p. 16).

I am calling this attitude a virtue perhaps in the spirit of Foucault's own suggestion that "[t]here is something in critique which is akin to virtue."¹ I consider this ethos of critique a virtue particularly in an age when many take 'courageous truth-telling' to mean license to say whatever one wants irrespective of possibly hurtful consequences of those utterances or, conversely, when 'practices of critique' manifest themselves in calls for censorious gestures or other punitive techniques. In some sense, when Taylor recounts Foucault's own remarks on, say, consent laws, rape or the possible abuse of Sophie Adam, it is not difficult to imagine calls for Foucault to be 'cancelled' had these remarks been made

¹ Michel Foucault, "What is Critique?," in *The Politics of Truth* (1997), 43.

today. The result of Taylor's considerate and balanced critique (which I definitely do not mean as 'fence-sitting') ultimately enriches the reader's mind and the debates being pursued.

There is much to pick out from this book. It provides suitable introductions to readers unfamiliar with feminist debates of Foucault's works, or with Foucault's own arguments and aims in his work on the prison, sexuality and modern medico-legal power, or even with prison abolitionist ideas and concerns. For the more 'advanced' reader on these topics, Taylor's book also provides a contribution to these debates that is strongly inspired by a feminist Foucauldian analytical perspective.

The thesis that guides Taylor's book is that "[p]risons are not merely ineffective at preventing crime, but counterproductive, to the extent that it would be better for crime prevention to have no criminal legal system at all than to perpetuate the system we have" (p. 1). This thesis is coupled with a claim on what can be called the performativity of discourse insofar that "[t]he production of "objective" knowledge about criminals objectifies these human beings, producing the very objects and realities that are then known and acted upon" (p. 2). Throughout her book, Taylor insightfully frames her prison abolitionist position through interdisciplinary and analytically diverse works, carefully outlining their central critical angles. This strategy ensures that her abolitionist outlook is informed by a plurality of critical strands that reinforce each other, making her analysis ever more rich, profound and sophisticated while never losing touch of the far-reaching social transformations that her work ultimately implies. Drawing on postcolonial outlooks, Taylor argues that ample work has "documented different ways in which the prison serves the interests of eugenic, white supremacist and settler colonial states" (p. 4). From a critical disability perspective, Taylor draws the insight that "[p]rison is a disability issue because so many imprisoned individuals are intellectually disabled or mentally ill" (p. 4). Migration studies highlight that "prisons increasingly function as tools for controlling migration and immigration," (p. 4) while "critical queer and trans prison scholars have analyzed how the prison functions to punish and regulate sexual and gender deviance" (p. 4). Importantly too, Taylor draws on analyses that highlight that "the prison system serves as a capitalist response to surplus labor," (p. 4) and that there are financial interests in keeping prisons full and well-staffed, which goes to show that the perpetuation of delinquency serves a vested economic interest.

Another point worth mentioning is that throughout the book, Taylor makes important remarks on social constructionism. She corrects simplistic interpretations by insisting that to say that something is socially constructed is absolutely not to say that therefore it does not really exist or is opposed to reality (p. 206). To the contrary, it is very much real and determines the realm of the real. Taylor's references to the work of Ian Hacking on 'human kinds' (p. 206) and the 'looping effect' (pp. 37, 212) are instructive in this regard. Moreover, when making statements such as prisons *produce* crime, Taylor clarifies the multiple senses of this production, that is, the type of causation that is being referred to. The prison apparatus produce criminals insofar as medico-legal and criminological discourses and practices construct the subject of sexuality and its objects. But the prison produces

criminals in a further sense that evokes a type of social causation, in the sense that delinquency is in part produced by the effects of imprisonment, such as social abandonment, lack of access to housing and employment, and the impossibility of social reintegration which, thus, lead a person to crime and the probability of former prisoners ending up in prison once again.

An important and highly interesting analysis is presented by Taylor in Chapter 4, where she critically reflects on the history and politics of sexual trauma and sex crimes. In this chapter, she inquires genealogically into discourses of psychological trauma, particularly those that, in her view, make transhistorical claims about sexual crime without supporting these claims with anthropological evidence. Contra the important work of, for example, Linda Alcoff, Taylor maintains that she wants to argue that phenomena such as adult-child sex and sexual assault are morally wrong “without arguing that such acts have always been or are always experienced as psychologically harmful and sexually traumatizing by their victims” (p. 78). Taylor conducts this analysis by comparing and contrasting the discursive constructions, practices and social attitudes surrounding sex acts from different historical periods and contexts, such as descriptions of such acts in court reports from early modern Europe, accounts of acts of rape on wedding nights in early modernity, the case of the sexual abuse of Artemisia Gentileschi by her teacher Agostino Tassi, the case of the Marquis de Sade and his sexual violence, and Susan Brison’s account of her violent sexual assault. In this same chapter, Taylor also carefully unpacks the argument of psychologist Susan Clancy, who, in her book *The Trauma Myth*, argues that “[t]he view that sexual abuse is always traumatizing for children when it happens is also hard to reconcile with a great deal of clinical evidence,” (p. 87) particularly if that abuse does not entail physical force or pain, or if the child does not realize that what is happening to them is, in fact, abuse. The point of Taylor’s argument here is, of course, not to deny the trauma of sexual abuse but to show that insisting on or imposing certain expectations on how victim experiences or narratives ought to be may actually harm victims in the same way that the courts and state apparatus may harm victims when they discredit or fail to act upon their claims. In other words, Taylor maintains that the assumptions that all cases of what may be regarded as sexual abuse must be traumatizing, or must be traumatizing in the same way, or that they must be traumatizing in order for it to be real should be open to critical scrutiny.

In this rich chapter too, Taylor turns to consider ‘carceral feminism’, which is the view that certain strands of feminism and women’s rights movements, including victims’ rights movements, have facilitated the carceral state (p. 94). Taylor notes that while “Foucault was deeply critical of institutions of confinement ... feminists have tended to implicitly or explicitly support incarceration as a solution to sex crimes, while rarely considering the fact that the prison raises serious social justice concerns of its own” (p. 12). These concerns also include the sexual abuse that structures of incarceration perpetuate (“about half of the rapes in U.S. prisons and jails are perpetrated by staff” (p. 13)), sanction, or ignore. An interesting argument made by Taylor against carceral feminism is that the fact that incarceration (and legal reform that would make it easier to incarcerate) has become a focal

point of a lot of feminism, especially of the liberal kind, is a sign of either a marked depoliticization of crime (that is, its social causation and embeddedness is overlooked) or a sign of lost hope (that is, feminism has given up on hopes of radical social transformation and thus 'settles' for incarcerating the perpetrator). To such feminist currents, Taylor's book presents a Foucauldian feminist prison abolitionist response and, what's more, one that is informed by critical race, queer and disability perspectives that further illuminate her analysis. After all, she claims, "[p]risons are violent, degrading, racist, ableist, classist, transphobic, homophobic and misogynist institutions, and they are not institutions that any social justice scholar or activist should endorse" (p. 21).

The three chapters in Part II all set out to demonstrate how and why the criminal punishment system is not a solution to sexual crime or social justice. While Chapter 4 makes this point with emphasis on feminist anti-violence movements, Chapter 5 does this with reference to the question of race in abolitionist debates, and Chapter 6 with reference to how the criminal punishment system "is a site of grotesque power in the forms of gender regulation, sexual normalization and punishment for queerness" (p. 152).

A particularly powerful and poignant moment described by Taylor is found in her discussion of whether Foucault's arguments on disciplinary normalization in prisons have 'aged well'. Taylor recounts an experience recounted to her by Lisa Guenther (whose own work on prisons and solitary confinement is worth making reference to here), who "reports that maximum security prisoners in Tennessee with whom she read *Discipline and Punish* found that it described what they *would like* prisons to be like (more mental health care, more individual attention, gentler forms of control), but that Foucault's descriptions were far removed from their actual experiences of top-down corporeal violence and complete disregard for the soul" (p. 132).

The chapter on zoosexuality (Chapter 8) is insightful in that it presents arguments about zoophilia and its history but also brings into the equation queer, posthumanist, and environmental feminist critiques of the human/animal divide and of human relations to other animals and the natural world. Taylor's conclusion on this topic is to shift the debate away from the pathologization of bestiality and the creation of new identity categories (such as zoophile) and – extending Marilyn Frye's notions of arrogant and loving perception – move toward "using the term 'interspecies sexual assault' in order to discuss zoosex" (p. 197). Moreover, Taylor calls for the removal of the threats of imprisonment and criminalization of such cases since these would "simply contribute to the constitution of zoophiles and make zoophiles go underground, while doing little or nothing in the long term to protect nonhuman animals from sexual abuse" (p. 198).

In the final chapter, Chapter 9, Taylor foregrounds the tension that exists between the glorified authoritative role ascribed to criminological knowledge and its relative failure in catching serial killers on the run. Taylor highlights that, rather than due to successful criminological profiling or forensic science, most serial killers have actually been caught due to their vanity, mistakes they commit, or because of traffic violations that incidentally lead to the discovery of glaring evidence (p. 210). On the other hand, Taylor argues, "psychiatric profiles of killers used by police have, in real life, been notoriously inaccurate" (p.

210). In view of this, Taylor argues that abolishing criminology would actually be a step towards abolishing crime, which reminds us of Foucault's characterization of these discourses as "the chatter of criminology".²

The conclusion summarises possible 'solutions' or alternatives to the carceral archipelago and the prison-industrial complex that were systematically deconstructed throughout the book. This is done by considering alternatives to the retributivist paradigm of punishment and crime, in the form of what measures of preventative, redistributive, restorative and transformative justice look like, and how they can be further imagined and mobilized in the present. In this book, Taylor did not have the space to develop these alternative paradigms in the depth that they deserve; however, neither was this the main scope of the book – readers interested in extended treatments of these alternatives and, especially, what such measures could look like in practice, need to look beyond this book. However, the conclusion serves an important genealogical purpose, if only to foreground the point that alternatives do exist and that the contemporary is less fixed than sometimes is presented to be. The Prison and Punishment are not timeless universals.

Ultimately, an important overarching theme in this wonderful book by Taylor is that the authority, power and material effects of systems of punishment and institutions and knowledges that touch with the prison-industrial complex is disproportionate to its success at preventing crime or ensuring justice to its victims. To the contrary, this complex is actually contributing to the creation and perpetuating of systems and structures of oppression and marginalization. Moreover, the abolitionist perspective propounded by Taylor helps to identify some of the root causes of crime so that at least we are on the right track in our analyses. This may explain Taylor's suggestion that "[s]erial killers are exceedingly rare, whereas the military and capitalism cause infinitely more mass deaths; these are the true serial killers" (p. 213).

References

- Foucault, Michel, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan. London: Penguin Books, 1991.
- Foucault, Michel, "What is Critique?" in *The Politics of Truth*, eds. Sylvère Lotringer, trans. Lysa Hochroth and Catherine Porter, 23-82. New York: Semiotext(e), 1997.

² Michel Foucault, *Discipline and Punish: The Birth of the Prison* (1991), 304.

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