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Biopolitics and bare life: Does the impaired body provide contemporary examples of homo sacer?

Introduction

Whilst the work of the Italian philosopher Giorgio Agamben has been applied within disciplines such as sociology, political science and even geography, it has yet to be fully embraced by disability studies. In *Homo Sacer* (1998) Agamben explores the nature of sovereign power and production of bare life, describing homo sacer as someone whose

> 'entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide' (Agamben, 1998: 183).

Homo sacer can be considered to be an outlaw or bandit who lives in a state of exception; someone who is not simply outside the law and indifferent to it, but who has instead been abandoned by the law. Whilst Agamben uses homo sacer to analyse global conflict and politics, I will utilize this figure on a less grand scale to present several ideas about how homo sacer can provide a model for some contemporary examples of disablism.

I have applied Agamben's work to a diverse set of issues affecting disabled people within the UK. Firstly I will show that prenatal diagnosis can provide clear examples of bare life within which

> 'normative schemes of intelligibility establish what will and will not be human, what will be a liveable life, what will be a grievable death' (Butler, 2004: 146).

I will then explore the ways in which the contentious issue of enforced psychiatric hospitalisation of people with severe mental distress can be linked to recent discussions about the nature of refugee camps and detention centres – examples of modern day 'camps' that represent states of exception. Finally I will use the concept of homo sacer to consider some examples of psycho-emotional disablism arising from interactions with strangers. If practices such as staring or name calling happen when behavioural norms or 'internal laws' are suspended, then disabled people with visible impairments can end up feeling disempowered within what is effectively a *psychic,* rather than spatial state of exception.

This chapter aims to show that Agamben's concepts of states of exception and the figure of homo sacer have some relevance to the experience of people with impairments within contemporary UK society. Whilst I am not suggesting that disabled people are outlaws forced to live outside of society in the same ways

as refugees or detainees, nonetheless an analysis of some aspects of disablism through the lens of Agamben still has value for disability studies as well as for the wider academic field.

Biopolitics: the figure of homo sacer

It was Foucault who first coined the term 'biopolitics' to describe the manner in which sovereignty was replaced by an active interest in the well-being of citizens. Foucault suggested that biopolitics had two poles. Firstly, starting in the seventeenth century disciplinary powers emerged which acted at the level of the individual body (such as prisons and work houses). This was then followed at a later point by biopower which operated on the species body whose

> 'supervision was effected through an entire series of interventions and *regulatory controls: a bio-politics of the population.*' (Foucault, 1990: 139, italics in original)

Thus the emergence of biopolitics marked the end of sovereign power, 'cut[ting] off the king's head' (Foucault, 2004:59) and instead locating power within systems of knowledge and social apparatuses. Through this new productive power operating at the biological level, Foucault revealed how biopolitics was vital to the creation of a capitalist society which relied on the socialisation of the body to provide labour power (Foucault, 2000a).

In contrast, Agamben (1998) argues that biopolitics has been in existence since ancient times and deliberately conflates sovereignty and biopolitics. Agamben draws on an obscure figure of archaic Roman law, homo sacer, to illustrate the essential part played by bare life within modern politics. Homo sacer is someone 'who *may be killed and yet not sacrificed'* (Agamben, 1998: 8, italics in original); thus the killing of homo sacer is not considered to be homicide. In addition:

> 'He who has been banned is not, in fact, simply set outside the law and made indifferent to it but rather *abandoned* by it, that is, exposed and threatened on the threshold in which life and law, outside and inside, become indistinguishable.' (Agamben, 1998: 28, italics in original)

This zone of indistinction represents a state of exception in which homo sacer is bare life, zoē, stripped of political rights and located outside the polis (city); in other words homo sacer has biological life, but that life has no political significance. Additionally the act of abandonment cleaves the biological (zoē) and the social/political (bios) and provides the route by which biological life is included within the realm of power (Diken and Laustsen, 2005:20). The spatial and psychic zones of exception evident within the experience of disablism will provide examples of this act of abandonment.
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As well as the relationship between homo sacer and zones of exception, Agamben shows that there is a reciprocal relationship between the sovereign and homo sacer:

> '[T]he sovereign is the one with respect to whom all men are potentially *homines sacri,* and *homo sacer* is the one with respect to whom all men act as sovereigns.' (Agamben, 1998: 84)

Diken (2005) argues that academic scholars usually focus attention on the first part of the formulation, possibly because of the misguided association between the sovereign and the state and thereby maintain the illusion of indivisibility. This ends up blocking the insights

offered by the second part which describes the relationship between homo sacer and other people; I will show the importance of this latter relationship when understanding the experience of psycho-emotional disablism.

Homo sacer has existed in different guises at different points in time. For example, in medieval times witches could be seen as homines sacri (Diken and Laustsen, 2005). Trials of women who were claimed to be witches were held in local courts who suspended the usual procedural rules; therefore witches were included and excluded from the law simultaneously. Agamben (1998) discusses at length the example of Jews in Nazi Germany who had their citizenship revoked and who were then transported to concentration camps where millions died. The concentration camp was an example of a state of exception in which the citizen became homo sacer, bare life, 'life unworthy of being lived' (Agamben, 1998: 142). The atrocities carried out in these camps were made possible by the way in which Jews, as well as other minority groups such as homosexuals, gypsies and disabled people, were viewed as less than human. Agamben concludes that whilst the events in Germany were extreme, it is the camp which is the fundamental biopolitical paradigm of Western society (Agamben, 1998: 181). This concept of the 'camp' has been applied to more contemporary examples such as the 'non-places' which contain detainees or refugees (Diken and Laustsen, 2005). Although these are not places where people can be justifiably killed, there are analogies in the ways in which people find themselves abandoned by the law, living as homo sacer in a zone of indistinction, neither included or excluded. In particular, much attention has been paid to the case of Camp Delta where 'detainees' (rather than 'prisoners') exist in a state of exception because of their ambiguous legal status. President Bush of the United States issued a military order that authorized the 'indefinite detention' of noncitizens suspect of being terrorists. These people are not POWs as defined by the Geneva Convention; the camp is situated in Guantánamo Bay which is outside the borders of the United States, on Cuban soil, but outside the realm of Cuban law (Butler, 2004; Diken and Laustsen, 2005). Therefore these detainees represent examples of homo sacer because they are at the mercy of presidential decrees and the will of military personnel.

The shadowy figure of homo sacer would likewise seem to be a valuable metaphor for the impaired figure, especially given the ways in which people such as professionals and even the general public, can act as 'sovereign' towards disabled people. Within social theory, Agamben is regarded as a philosopher who has developed the ideas of Foucault to explain contemporary political phenomena. Given the amount of literature which has been devoted to applying Foucault to issues of health, impairment and disability it is surprising that the work of Agamben has not been likewise utilized to date; this chapter aims to start to rectify this omission.

Disability definitions

Before discussing some examples of the application of homo sacer to issues affecting disabled people, it is important that I explain my definitions of disability. Within UK disability studies, disability is viewed as a form of social oppression

experienced by people with impairments. Disablism can be considered to be analogous to racism, sexism, ageism and homophobia, experiences of social discrimination, exclusion and even violence towards people who are marked out as 'different'. In her recent book Thomas (2007) amends her earlier social relational understanding of *disability* (Thomas, 1999) to instead refer to *disablism.* Thus

> 'disablism is a form of social oppression involving the social imposition of restrictions of activity on people with impairments and the socially engendered undermining of their psycho-emotional well-being.' (Thomas, 2007: 115)

This word shift is an attempt to make clear the connection between disability and social oppression rather than limitations in activity (impairment effects). The use of the term disablism ensures that discussions about the different forms of social oppression experienced by people with impairments remains in the realm of the social relational (rather than with the individual) and can be easily related to the sister terms of racism, sexism and ageism which people are generally more familiar with.

Disablism operates along two different pathways. The 'restrictions of activity' refer to the structural dimensions of disablism which are barriers which affect what people can *do;* for example environmental restrictions which prevent people with impairments physically accessing buildings and social spaces. The second pathway refers to the psycho-emotional dimensions of disablism which are barriers that undermine people's psycho-emotional well-being, affecting who they can *be*; for example dealing with the thoughtless comments or stares of strangers which can leave someone with a visible impairment feeling psychologically and emotionally undermined. Whilst disability studies has been excellent at theorising the structural dimensions of disablism, the psycho-emotional dimensions remain relatively understudied (Reeve, 2004; Thomas, 1999). It should also be noted that the experience of psycho-emotional disablism is not an inevitable consequence of being impaired (a medical model view) or a 'private trouble' which distracts from the real battles against a disabling society (Thomas, 2007).

As commented earlier, there are many examples of Foucauldian approaches to disability theory and practice (see for example Allan, 1996; Chadwick, 1996; Corker and French, 1999; Hughes and Paterson, 1997; Hughes, 1999; McIntosh, 2002; Price and Shildrick, 1998; Reeve, 2002; Sullivan and Munford, 1998; Tremain, 2005). However there is a scarcity of examples where the work of Agamben has been applied to disability studies (see for example Overboe, 2007; Sirnes, 2005). In this chapter I will expand the application of Agamben's work to three very different areas within UK disability studies: prenatal diagnosis, proposed changes to the mental health act and one example of psycho-emotional disablism arising from interactions between disabled people and strangers. Finally I will discuss the potential value of homo sacer and states of exception in helping to understand contemporary experiences of disablism.

Prenatal diagnosis

In his book on homo sacer, Agamben discusses the controversy surrounding the blurred area between death and brain stem death (BSD) as well as the concept

of 'neomort', a body with the legal status of a corpse, but kept alive to allow the harvesting of organs for transplant (Agamben, 1998). These are contemporary examples of homo sacer, bare life; another is that of prenatal diagnosis and abortion (Sirnes, 2005). The issue of prenatal diagnosis is a highly emotive and contested area – it is seen by many disabled activists and academics as an attempt to detect and then eliminate disabled babies. In my view Shakespeare (2006a) presents a well balanced discussion of prenatal diagnosis and concludes that it is not deliberately eugenic or simply discriminatory as some would claim.

However one area that does need reform is current abortion law in the UK which prohibits termination after the 24th week of pregnancy, except in cases where there is a substantial risk that the child would be born with severe physical or mental impairments (Shakespeare, 1998). Thus there is no time limit for the possible termination of a severely impaired foetus - abortion is authorized up to and even during birth. This loophole in the law was intended to cover the very few cases where the foetus was unlikely to survive to birth, or to die soon after. However, as the law does not give a definition of 'seriously handicapped', it is left up to the discretion of parents, doctors and a host of other professionals to decide where the line should be drawn, who in effect then act as sovereign to the foetus. This has resulted in cases where late abortions have taken place where impairment was not severe enough to cause the neonatal death of the infant – notoriously the example of two foetuses with cleft palate, a condition which is not life-threatening in itself (Day, 2003).

In addition, maternity and screening services have become increasingly routinized; as a result prenatal diagnosis becomes the norm (rather than the exception) and women ask less questions about the implications of the screening (Reist, 2005). The relationship between prenatal testing and late abortion is downplayed to encourage women to accept the test (Markens, *et al.*, 1999). If impairment, such as Downs Syndrome or spina bifida, is detected after 24 weeks then the lack of good quality, balanced information about the impairment means that late termination of the impaired foetus is often seen as the only option (Shakespeare, 2006a). The failure of the law to clearly define which impairments are serious enough to consider late abortion for the affected foetus causes a range of sovereign decisions, each one of which will be influenced by the attitudes and behaviour of medical professionals as well as larger cultural attitudes held about disability.

Sirnes (2005) provides a thorough analysis of this state of exception where the disabled foetus could be considered to be homo sacer, both inside and outside the law. Sirnes argues that there is a 'double insecurity' present; not only are evaluations being made about where the foetus lies on the abnormal/normal continuum, but what is considered to be 'normal' today, may be considered 'abnormal' in the future. Finally, this blurred area of the law with the vague reference to 'serious handicap' is not simply about the killing of a human being without legal punishment; as well as the question of whether the foetus can be considered to be a human being, there is also the issue of the status afforded to the potential infant. The non-disabled foetus has an expectation of a 'political life' whereas this is

far less certain for the disabled foetus, who by the very interpellation of being labelled as disabled, becomes abjectified (Overboe, 2007).

Compulsory detention of people with severe mental distress

The work of Agamben has been applied to many examples of contemporary residential 'camps' such as refugee camps, detention centres as well as gated communities – housing complexes offering high levels of security and protection for residents, designed to keep people out rather than in (Diken and Laustsen, 2005). I will now examine the contentious issue of detaining people with severe mental distress in psychiatric hospitals and show how this can lead to a state of exception. The term 'severe mental distress' is being used here in preference to 'severe mental health problems' in line with the development of a social model of madness and distress which directly challenges individual models of mental health (Beresford, 2002). Currently there are plans to strengthen the mental health law in the UK which would allow people with untreatable mental health conditions, such as severe personality disorders to be detained even if they have not committed a crime (BBC News, 2006). Under the current law, someone with a psychopathic disorder can only be forcibly detained, for the protection of themselves or others, if their condition is treatable. In addition the amendments include extending the use of compulsory treatment outside hospital to patients living in the community which could include the setting of curfews on these patients, or what have been termed 'psychiatric Asbos' (Batty, 2006). This bill is being opposed by backbench MPs and campaigners because it gives the authorities the power to restrict people's civil liberties and ironically is likely to deter some vulnerable and potentially dangerous people from seeking treatment in the first place. A press release from the British Medical Association Medical Ethics Committee stated that:

> 'It is essential that anyone with a mental health disorder can only be compulsorily treated if there is some clear health benefit linked to this action. Mental health legislation cannot be used to detain people whom the authorities simply want locked away. If people are deemed a danger to others then criminal proceedings need to be implemented, if appropriate.' (Calland, 2006)

Thus someone with severe mental distress could lose the protection typically afforded to people by criminal law (innocent until proven guilty) and instead find themselves entangled within mental health law which legitimately restricts their human and civil rights.

> 'By law, mental health service users' rights can be removed in the name of 'treatment'. They can be subjected forcibly to 'treatments' which are evidenced to have damaging, sometimes fatal, effects – treatments which include

> neurosurgery, electro-convulsive treatment (ECT) and the use of outdated and risky psychotropic/neuroleptic drugs.' (Beresford, *et al.*, 2002:389-390)

Therefore once someone has been detained under the Mental Health Act they can be subject to treatment; whilst there will be cases where this is highly appropriate and/or desirable for the person in question, others will experience treatment which in other circumstances would be seen as a form of assault. It is at this point that a state of exception exists because these people find themselves in hospital, with greatly reduced human and civil rights and being forcibly 'treated'. What would normally be considered abusive is allowed within this setting and patients can become homo sacer, subject to the 'sovereign' power of the doctors, social workers and other professionals who control their daily life, treatment and release date. Additionally, the very nature of the reason for their incarceration means that any attempts at protestation or resistance are likely to be seen as further proof of their need for treatment.

Government mental health policy currently sees people with severe mental distress as 'dangerous', feels the need to ensure 'public safety' as a priority and then is justified in achieving this through an emphasis on control and 'compulsory' treatment (both in hospital and within the community) (Beresford, 2004: 247). This has uncomfortable echoes with the current rhetoric about the 'war on terror' and the increasing number of anti-terrorism bills being legislated here in the UK; the Queen's speech in November 2006 contained the eighth anti-terrorism Bill since Prime Minister Blair came to power in 1997 (Jones, 2006). I mentioned earlier the descriptions of Camp Delta and the ways in which it represented a state of exception with the detainees being bare life or homo sacer. One of the precedents which the United States government has used to support the detention of people without criminal charge has been the involuntary hospitalisation of people with severe mental distress who pose a threat to themselves or others (Butler, 2004). The increasing panic and fear about the threat from terrorism is leaking into other areas of public life such as the treatment of people with severe mental distress which simply feeds prejudice about the assumed threat posed by this group of people to the population at large. Being 'seen' as dangerous for whatever reason can lead to indefinite detention (Butler, 2004).

Interactions with strangers

Prenatal diagnosis and the forced treatment of people with severe mental distress represent examples of the first part of the symmetrical relationship between the sovereign and homo sacer: 'the sovereign is the one with respect to whom all men are potentially *homines sacri'* (Agamben, 1998: 84, italics in original). They are examples of structural disablism where decisions made by professionals or politicians (sovereign) result in the exclusion of people with impairments from mainstream life either through incarceration or in extremis, through not being

born. I now want to reframe Agamben's concept of the state of exception to look at examples of psycho-emotional disablism which represent examples of the second part of the relationship: '*homo sacer* is the one with respect to whom all men act as sovereigns.' (Agamben, 1998: 84, italics in original).

The reactions of people, particularly strangers, towards people with visible impairments can have a detrimental effect on emotional well-being and can indirectly restrict what disabled people *do*:

> 'It is not only physical limitations that restrict us to our homes and those whom we know. It is the knowledge that each entry into the public world will be dominated by stares, by condescension, by pity and by hostility.' (Morris, 1991: 25)

The experience of being stared at or called names can be emotionally draining (Keith, 1996); additionally it is not just the encounter itself that is disabling, but the 'existential insecurity' associated with the uncertainty of not knowing how the next stranger will react, further compounds this example of psycho-emotional disablism (see Thomas, 2004: 38 for more discussion about existential security). As one disabled woman wrote:

> 'But more than the occasional pointing finger or tactless word, it is the not knowing which is unnerving. To know that I make an impression on anyone who sees me, and yet (thanks to the convention of politeness), do not know what impression, is unsettling. Am I just mildly odd and worth only a moment's extra appraisal? Or am I a freak – tolerated and capable of commanding affection, but a freak all the same?' (Satyamurti, 2001: 52)

This extract reveals how Satyamurti feels continually at risk of being abandoned as a freak. In addition Satyamurti describes her difficulties about how she should think of *herself* as disabled:

> 'If I give up disputing the obvious and fully acknowledge my physical difference, will I be buried alive in a box labelled "invalid?"' (Satyamurti, 2001:53)

Again there is this theme of being 'put' somewhere else, of being abandoned by those she meets.

According to Agamben, it is the act of abandonment which separates out those that are considered to be political beings (citizens, bios) from bare life (biological bodies, zoē) (Agamben, 1998). This leaves homo sacer as bare life, outside the polis, and like Girard's scapegoat 'not protected by norms and rules, which apply to others, and being considered of no worth' (Diken and Laustsen, 2005: 21). If one considers the manner in which disabled people can end up being labelled as a freak or invalid by others, then it could be suggested that disabled people are placed in a *psychic* state of exception. In the spatial states of exception, such as refugee camps and detention centres, it is juridical law that is suspended; in the case of these psychic states of exception it is 'norms' of behaviour which are suspended, 'internal laws', which leave disabled people feeling outside of 'mainstream society', different to others.

For example, in the UK it is generally considered rude to stare, but nonetheless disabled people with visible impairments/impairment effects are often stared at,

beyond what could be considered the point of polite curiosity. This act of objectification has the effect of marking a person with impairments as a non-person, thereby moving them into a different psychic space to the observer. Part of being seen as a non-person means that it is assumed that the impaired person doesn't mind being imitated, called names or avoided – that unlike most non-disabled people, they are not hurt, offended or upset by such experiences. This is particularly true for people with learning difficulties who are perceived as being incapable of feeling emotions such as shame, embarrassment or upset, because of the nature of their impairment (Marks, 1999). It is telling that in the UK, although incitement to racial hatred was made illegal in 1965, hate crimes against disabled people only became illegal in April 2005 – forty years later (Quarmby, 2007).

Methods of objectification move with the times. Shakespeare (2006b) describes the experience of being a victim of 'camera abuse', an everyday occurrence since mobile phones with an inbuilt camera became commonplace:

> 'And somehow, while it's always unpleasant to be the subject of intrusive attention, it feels even more disempowering to be captured on camera phone. There's no possible answer to that click which could make it better. Making a rude response only shows that the perpetrators have succeeded in getting under your skin. There's no point in complaining to the police, because unless the photo is published, then no crime has been committed. If you smash their phone, then you become the criminal.' (Shakespeare, 2006b)

I would regard this form of 'camera abuse' as another example of psycho-emotional disablism, one which is very difficult to challenge or prevent. Shakespeare would argue that it is inevitable that people will always stare at him because no amount of education will eliminate this 'natural curiosity' – rather than being a form of oppression, being stared at is one of the 'dimensions of my predicament as a dwarf' (Shakespeare, 2006a: 63). However whilst curiosity may be part of human nature, being captured on camera phone is far more objectifying and should be treated as unacceptable behaviour.

It is at the point of these direct person-person interactions that the ontological insecurity of homo sacer is most clearly revealed. By its very nature psycho-emotional disablism usually manifests within a relationship between two people, and so a disabled person, like homo sacer is subject somewhat to the 'goodwill' of others within this encounter – people can act as sovereign to the disabled person, either including them or placing them in this ambiguous psychic state of exception. I use the term 'goodwill' reservedly; ignorance plays a big part in many social encounters as there is a lack of culturally 'agreed' rules of engagement (Keith, 1996: 72). All too often fear of 'doing the wrong thing' results in avoidance rather than engagement.

Discussion

I have provided some examples of how Agamben's work, in particular his use of the figure of homo sacer moving within the state of exception represented by a 'camp', can be applied to the experiences of disabled people. In addition to showing how juridical laws around mental health and abortion in the UK can give rise to 'spatial' states of exception, I have suggested that the suspension of 'moral' laws can similarly lead to 'psychic' states of exception. However Agamben is not without his critics. One major criticism is that his work is too apocalyptic (Bull, 2004) and paints an image where there is no escape from the camp. For example in the case of Camp Delta the detainee is only freed when President Bush revokes the 'state of emergency' or a military tribunal takes place – both are sovereign actions. Foucault wrote about the interconnection between power and knowledge and suggested that resistance emerges *because* of the existence of power and in opposition to it (Foucault, 2000b). Resistance can exist because there is something to push against and challenge such as normalising discourses. However Agamben describes a situation which is far more uncertain and precarious, in which chaos is normal and the exception has become the rule. Therefore resistance is a much more slippery concept here simply because there is nothing tangible which can be resisted. The only possible alternative to this would be a form of 'escape' from the camp, which provides an opportunity for 'something other' (Diken and Laustsen, 2005: 13), the possibility of a creative line of escape.

For disabled people, where pragmatic solutions to the problems associated with living in a disabling society are required, this looks like a dead end theoretically. If Foucauldian approaches, like post-structuralism generally, have been criticized for their inability to make a difference to the material disadvantage associated with disablism (Thomas, 1999), then Agamben would appear to offer even less to disability studies. However, the world we live in is becoming more uncertain and fragmented and this affects disabled people as well as others in society. In a recent article in a grassroots magazine, Mike Oliver and Colin Barnes discussed the problems facing the disabled people's movement at the start of the twenty-first century (Oliver and Barnes, 2006). They concluded that focussing on disability as a rights issue will not remove disablism and will only benefit a small minority of disabled people.

> 'At worst, it will legitimise further the rhetoric of those who support an inherently unjust and inequitable society and hamper further the struggle for meaningful equality and justice.' (Oliver and Barnes, 2006: 12)

For these two writers, the growing professionalisation of disability rights and the gradual closures of organisations of disabled people such as centres for independent/integrated living (CILs) has contributed to the decline of the disabled people's movement. The government has adopted 'social model speak' but has failed to improve significantly the life of many disabled people (Prime Minister's Strategy Unit, 2005). As far as the general population are concerned, disabled people are protected by anti-discrimination law, the Disability Discrimination Act. However terms like 'reasonable adjustment' mean that exclusion is still the reality for some disabled people; but it can be difficult to continue protesting about

exclusion when others assume the 'problem' has gone away because ramps and disabled parking spaces are now more commonplace. Therefore disabled people live in an age where inclusion and exclusion can and do co-exist in many areas of their lives and it is becoming increasingly difficult to challenge disablism effectively. Thus the work of Agamben can be applied to the current situation we find ourselves in, if only to understand the effects of the slippery usage of social model terminology by the government and other public bodies.

Agamben also describes how every society, however modern, decides who its homo sacer is, whose life is seen as 'life devoid of value' (Agamben, 1998: 139). Recent proposed changes to the welfare system include the moving of one million disabled people off incapacity benefits and into some form of paid employment (Preston, 2006). This emphasis on employment as the only appropriate route out of poverty has led to the concern that those disabled people who are unable to work because of their impairment/impairment effects will:

> 'feel "written off" and of no value because they are not able to work. Disabled people need a decent income (so comprehensive benefits advice is crucial), good social and health care, as well as access to education, and training, in order to play their full part in society according to their abilities. *Non-workers should not be written off as non-citizens*.' (Reith, 2005: 8, my emphasis)

Thus disabled people who are unable to work could end up being seen as non-citizens just like homo sacer, as bare life (zoē) outside the polis.

I have offered some starting suggestions as to how the ideas of Agamben might be applied to the experience of disablism and whilst some useful insights can be gained, it is not easy to see how successful escape attempts might be made from some of the states of exception I discussed earlier. In the case of prenatal diagnosis the law needs to be changed (a sovereign decision) to ensure that late termination is only allowed in cases where the life of the mother is at risk or if the foetus will die before birth or during the first 28 days of life (Shakespeare, 2006a); the state of exception will then disappear. In addition, prospective parents need much more accurate information about what it means to have a disabled child so that they make an informed choice about the fate of an impaired foetus (Shakespeare, 2006a). Parents who then decide to continue with the pregnancy provide the escape route for the impaired foetus by allowing him/her to be born. Similarly it will be down to legal processes to ensure that people experiencing severe mental distress do not become subject to 'indefinite detention'.

However, creative lines of escape are far more feasible if one considers the psychic states of exception I discussed earlier. In part this is because one is dealing with informal, conventional 'rules' of behaviour rather than juridical laws. In the example of interaction with strangers, I discussed how people with visible impairments can be left feeling invalidated and vulnerable when stared at by others, or when asked intrusive questions. One solution to this problem will come with time – the 'rules of engagement' with disabled people will become more

widely known and accepted as disabled people become more visible in society, supported by the gradual erosion of disablist images and prejudices. Inclusion in schools will produce future generations of people who are accustomed to having disabled friends and colleagues. However in the short-term, lines of escape can be observed as individual disabled people find ways of dealing in a creative way with the prejudices of others. For example some will take on the role of being an educator, showing the other person that disabled people do not need to be feared (Reeve, 2006). However this does take effort and a certain amount of emotion work on the part of the disabled person to help the other person 'deal with *their* fears and prejudices [about disability]' (Reeve, 2006: 104). Whilst this should not be necessary, it does smooth the social interaction and has the potentially altruistic outcome in easing future interactions between that person and other disabled people. It also returns control to the disabled person over the social encounter and they can then move out of the state of exception and back into the social world, effectively returning zoē to the polis.

Conclusion

I have used the work of Agamben, drawing on his concepts of homo sacer and states of exception, to consider various examples of structural and psycho-emotional disablism. These reveal contemporary states of exception – spatial and psychic – which provides a valuable description of the increasingly uncertain, contradictory and fragmented world that disabled people can find themselves in. Foucauldian approaches have been useful in understanding the technologies of power which differentiate the normal from the abnormal; the focus on the suspension of law and production of exception described by Foucault's student Agamben offers additional insight into the uncertain world which many disabled people face in the UK, and elsewhere, at the start of the twenty-first century. In particular I have introduced the concept of psychic states of exception to explore psycho-emotional disablism within interpersonal interactions, in which others act as sovereign to the disabled person, their attitudes and actions either including or excluding homo sacer from the mainstream.

The bodies of homo sacer are all around us – in addition to the well documented figures of the refugee and political detainee, I would include the impaired foetus, the person with severe mental distress, the disabled person experiencing hate crime. The consequences of longer life expectancies in Western societies means that more people will experience impairment at some point in their life – anyone can become disabled. Thus the continual 'taken-for-granted non-impaired body' represents a theoretical oversight in this post-structural turn where uncertainty and difference are fundamental considerations in contemporary social theory about the body. Whilst there is an interest in theoretical figures such as cyborgs and monsters, no connection is made between these figures and the lived experience of disabled people (Garland-Thomson, 2005). As well as applying Agamben's ideas within disability studies, it is vital that the lived experience of disabled people becomes part of the mainstream of social theory

with the impaired body being acknowledged as providing yet more examples of contemporary homo sacer.

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