

PERFORMING INTERDEPENDENCE: JUDITH BUTLER AND SUNAURA TAYLOR IN *THE EXAMINED LIFE*

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When I was invited to participate in this symposium, I planned to talk about Judith Butler's 1994 essay *Against Proper Objects*.¹ This essay has always been one of my favorite examples of Judith's work: I love its transgression of a boundary between feminism and queer theory that was only beginning to take shape at the time of its publication; its excavation of the voices of dissident feminists that were otherwise often submerged by what was then a wave of support for a dominance approach; its invitation to renew or reconfigure a conversation that had already become difficult, but could potentially bear unexpected kinds of fruit.² *Against Proper Objects* has helped a small but determined group of legal feminists to see new directions for our thinking, and possibilities for collaboration and coalition at times when the most exciting work on sexuality and gender seemed to be happening far from the usual domains of feminist jurisprudence. But a funny thing happened on the way to writing that essay. As I was poking around a bookstore, I came across the book version³ of *The Examined Life*, a documentary film⁴ by Astra Taylor that is comprised of interviews with eight philosophers on the central ideas or themes

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¹ Judith Butler, *Against Proper Objects*, 6 DIFFERENCES 1 (1994).

² See generally *id.*

³ THE EXAMINED LIFE: EXCURSIONS WITH CONTEMPORARY THINKERS (Astra Taylor ed., 2009) [hereinafter THE BOOK].

⁴ THE EXAMINED LIFE (Sphynx Productions 2008) [hereinafter THE FILM].

that animate their work. One of these interviews features Judith Butler, and it is organized around the idea of “interdependence.”⁵ I found it riveting: It has a great deal to say (directly) about the body and (indirectly) about the law—both topics of the panel on which I was invited to participate. I then went out and rented the film: even better. So my comments—perhaps appropriately, for a talk originally presented two days before the Oscars—will focus on Judith Butler’s debut as a star of the silver screen.

This description of my focus requires two qualifications. First, in this essay I will take my bearings not simply from the film but from the text of the larger conversation, though I will consider the way that that text is given a distinctive form of life through the vehicle of the film. Second, a defining aspect of the film is the decision Butler makes *not* to be the star of her particular section. The other seven philosophers respond to questions from Astra Taylor, the director, who remains mostly off camera.⁶ They are, in effect, occupying the entire screen of their segments. Butler chooses to share the frame. She situates herself as the interlocutor, rather than the primary subject, and her segment foregrounds a disability activist—Sunaura Taylor, the sister of the director—whose work might at first seem orthogonal to her own.⁷ The two of them take a walk around the Mission district of San Francisco, and talk about disability, gender, human permeability and solidarity.⁸

As they take this walk, Judith and Sunny Taylor both discuss and perform several kinds of interdependence: interpersonal interdependence, theoretical interdependence between gender theory and disability theory, interdependence between resistance and reform. I argue that these enactments of interdependence work in three ways with respect to law. First, they challenge a range of conventional legal assumptions about

⁵ THE BOOK, *supra* note 3, at 185–213.

⁶ Taylor appears, briefly, in the segment with Avital Ronell, and one of the segments with Cornel West.

⁷ See THE BOOK, *supra* note 3, at 185–214.

⁸ *Id.*

the body: I will detail these assumptions, and the ways they are interrogated by this conversation, in Part I. Second, this performance of interdependence points toward new, or at least less familiar, ways of deploying the law, a focus I take up in Part II. Finally, Judith and Sunny's enactment of interdependence may help those in the legal mainstream to understand the value of that "resistance" which takes place outside the scope of the law. I explore this final point in Part III.

I. Reconceptualizing Bodies

One of Butler's signal contributions in this conversation is to pose a new, orienting question about bodies: *what can a body do?*⁹ In formulating this question, she references an essay by Deleuze on Spinoza,¹⁰ which she likes because of its focus on capabilities or possibilities rather than essences or ideals. Butler contrasts this question about the body with more conventional philosophical questions about the body, but I found myself juxtaposing it to the questions that the law most frequently asks about the body, questions like: How should we classify this particular body? Is this body similar to or different from this other body? What has been done, or is being done, to this body? Underlying these questions are certain assumptions about the body that pervade most legal contexts. First, the body has a prior, ontological status. It is the most foundational thing about us: although it can be acted on, injured, partially transformed, there is an underlying, unchanging reality to what it 'is.' Second, the body is the source and manifestation of our separateness from each other. My body is the boundary between myself and you. Ed Cohen, for example, has written a fascinating new book about how the metaphorization of the body in fields from biomedicine to politics have led us to figure the body primarily as a site of separation—bounded by an "epidermal frontier"—and a site of defense against intrusion by others.¹¹ This

⁹ See THE BOOK, *supra* note 3, at 202.

¹⁰ Gilles Deleuze, *What Can a Body Do?*, in *EXPRESSIONISM IN PHILOSOPHY: SPINOZA* 217–235 (1968).

¹¹ See ED COHEN, *A BODY WORTH DEFENDING: IMMUNITY, BIOPOLITICS, AND THE APOTHEOSIS OF THE MODERN BODY* 1–31 (2009).

metaphor, which traces its origins among other things, to legal conceptions of immunity, resonates in contemporary law as well.

The understandings of the body assumed by the question “what can a body do?” are very different. I would argue that the film actually gives this question two different glosses, with different implications for legal thought. The first formulation of this question is, “what is a body *able* to do?” This gloss highlights questions of variety, and of the social context of “ability.” The second is, “what is a body *permitted* to do?” This formulation highlights questions of normalization. The first question begins with a focus or frame that is more characteristic of disability and uses it to reflect on gender; the second begins with a focus that is more characteristic of gender and uses it to think about disability. Both of these questions challenge legal conceptions by refiguring the body as a source of interdependence.

A. What is a body *able* to do?

What a body is able to do is, first of all, various. This is clear from the visual setting of the film: not simply the vivid, varied environment of San Francisco’s Mission district, but also the variety of forms of locomotion and self-presentation that thread their way throughout the segment. But what a body can do also depends critically on factors beyond the boundaries of the physical body itself. Certain features of that body’s built environment play a role, as does its discursive setting. This is a key move in disability advocacy: the distinction between impairment (a unique form of embodiment) and disability (the way impairment is or is not addressed by society)¹² underwrote the original conception of the Americans with Disabilities Act (ADA). But this vision has become increasingly embattled in the

¹²See THE BOOK, *supra* note 3, at 195. Sunny explains, “there’s that embodiment, our own unique embodiments. And then there’s disability, which is basically the social repression of disabled people . . .” Judith then responds, “Would disability be the social organization of impairment? . . . The way impairment is addressed or fails to be addressed by social means?” THE FILM *supra* note 4, at 1:09:15.

courts¹³—some say because the idea of a body constituted by its environment has exceeded mainstream legal norms, which posit the body as this kind or that kind, same or different, the static, determinate starting point for everything else.¹⁴

But if this notion of the body formed by context is already a stretch for disability law, Butler takes this notion further, in two ways. First, she moves from a minoritizing to a universalizing conception.¹⁵ “Nobody goes for a walk,” she observes, “without having something that supports that walk, something outside of ourselves.”¹⁶ What Sunny is able to do is conditioned by her physical context, but that is also true for Judith, and for all the ostensibly able-bodied people moving through the streets of the Mission. The camera is constantly focusing on the determinants of mobility for all of them: the road (with all its bumps and textures), the flow of traffic, the skateboards and bicycles that enable smooth and graceful movement, an abandoned single shoe that Judith and Sunny speculate about.¹⁷ “Maybe we have a false idea,” Butler says at one point, “that the able bodied person is somehow radically self-sufficient.”¹⁸

¹³ See Linda Hamilton Krieger, Introduction to *BACKLASH AGAINST THE ADA: REINTERPRETING DISABILITY RIGHTS* 5–13 (Linda Hamilton Krieger ed., 2003) (noting that supporters viewed the ADA as implementing a “social” model of disability as against an older “impairment” model; also noting that it nevertheless “became clear that the act was not being interpreted as its drafters and supporters within the disability movement had planned”).

¹⁴ *Id.* at 340 (noting that the ADA may have experienced backlash because it “got too far ahead of most people’s ability to understand the social and moral vision on which it was premised”).

¹⁵ This distinction appears in EVE KOSOFKY SEDGWICK, *THE EPISTEMOLOGY OF THE CLOSET* 3 (1990).

¹⁶ *THE MOVIE*, *supra* note 4, at 1:08:31.

¹⁷ *Id.* at 1:08:21 (Judith observes, “[s]omeone’s missing their shoe.” Recalling the theme of social structures and practices as enabling locomotion, Sunny muses, “I wonder if they can walk without it”).

¹⁸ *Id.* at 1:08:41.

But Butler also takes this insight from the realm of mobility to the realm of gender, when she states that “no one gets to have a gender all on their own.” She continues:

That’s because we’re embodied,¹⁹ we fundamentally depend on other people to recognize who we are and to help us figure out who we are in a social world . . . And if one doesn’t have recognition for one’s gender presentation or one’s gender identification, then there’s a certain kind of suffering . . . one doesn’t get a place in the social order. So that’s a kind of dependency, right . . . ?²⁰

In a way that reflects parallels to disability, having a gender requires a supporting response from the surrounding environment. This reflects a notion of gender performance that focuses not so much on the performance and what it implies,²¹

¹⁹ I was initially puzzled by why Butler says “because we’re embodied” at this point. I think this means that because the body is indeterminate, not the transparent manifestation of a pure idea, we require the recognition of others for what our body reflects.

²⁰ THE BOOK, *supra* note 3, at 208–09.

²¹ For a discussion of what drag as gender performance implies or illuminates, see JUDITH BUTLER, GENDER TROUBLE 175 (1990) [hereinafter GENDER TROUBLE]. In a now-famous passage, Butler argues that drag illuminates the fluidity of the relations among sex, gender and gender performance. She observes:

As much as drag creates a unified picture of “woman,” it also reveals the distinctness of those aspects of gendered experience which are falsely naturalized as a unity through the regulatory fiction of heterosexual coherence. In imitating gender, drag implicitly reveals the imitative structure of gender itself—as well as its contingency.

Id.

but on the relationship between the performer and her audience.²²

If you are a mainstream legal thinker, this vision of gender as requiring social support is a surprising notion. In most legal discourse (indeed probably in most social or cultural conceptions) gender is something you can easily have by yourself: it comes with your biological sex. Of course, the law acknowledges some exceptional cases. There is medicalized transsexualism, in which the rare misalignment between biological sex and social or psychological gender is corrected so you can have your gender—or at least, project it unambiguously—all on your own. And there is the subordinated femininity posited by dominance feminism, in which gender is imposed on you by practices of sexualized violation: once formed by injury—either by stark violence or by the slow drip of pervasive sexual objectification—your gender becomes self-evident, although recognizing the sources of its (mal)formation requires collective effort. These, however, are exceptions that prove the general legal rule of uncomplicated self-sufficiency in manifesting or communicating gender. Butler's notion evokes a different pattern: a performance and its reception, the origination of an idea and its recognition. Because of the indeterminacy of the body and its variable relation to gender, gender is an interdependent phenomenon.

This notion, if embraced, would reflect a conception of the body that is new for legal scholars. But it also raises questions about law as an instrumentality: What kind of a role, in other words, might this understanding of the body entail for the state? One could imagine a very large state role flowing from this conception: regulating and standardizing the built environment or creating large systems of classification, to facilitate the recognition of genders and the social relations that follow from them. This, however, is where the second dimension of the question “what can a body do” comes in. Butler's question can also be interpreted as asking what a body is *permitted* to do, by the social context in which it is embedded.

²² Butler notes: “[G]ender is kind of constituted socially, interrelationally. It doesn't generate from me, it's not an expression of my individual personhood; it's my effort to negotiate a social world on which I'm radically dependent.” *THE BOOK*, *supra* note 3, at 209.

B. What is a body *permitted* to do?

Here the focus is not so much on the good of supporting the expression or performance of gender, but on the risk of normalizing it. The dangerously narrow range of what a body is permitted to do with respect to gender is made clear in a story told by Butler, about a young man in Maine who was attacked and killed because he walked with a little bit too much of a swish.²³ Sunny offers the provocative thought that that normalization of the body goes farther than gender:

When I go into a coffee shop and . . . pick up a cup [with my mouth] instead of using my hands—it's sort of undoing this assumption that people take for granted. It's not even something that people usually think about, that there may be a socially constructed way of using your body.²⁴

As with gender, society's investment in assumptions and expectations about how we use the body is made clear in the price that people pay for transgressing those assumptions. Sunny recalls that, as a child, when she tried to move without her wheelchair, people told her she looked like a monkey.²⁵ Her challenge to the socially constructed norms of movement led to her threatened expulsion from the category of the human. This prompts her to muse that wheelchairs may serve the interests of the able-bodied as much as the disabled: they contain the movements of the disabled in ways that make them acceptable.²⁶ The disabled person moving through the world on her own terms is disruptive in a way that is similar to a person performing in drag: both signal the status as regulative fictions of certain norms we take to reflect natural attributes of the body.

²³ THE MOVIE, *supra* note 4, at 1:15:02.

²⁴ *Id.* at 1:07:45.

²⁵ *Id.* at 1:15:52.

²⁶ THE BOOK, *supra* note 3, at 198.

But this second part of the question “what can a body do” also creates problems for law as an instrumentality: that is, law as a force that operates to produce effects or changes in the world. The ADA gives us an example of law in what we might call its transformative/normative mode: it seeks to change the way that institutions operate, through the imposition of a new norm. Attempting to produce this change has been complicated enough, as the foundering of the “social” model of disability and its related requirement of reasonable accommodation makes clear.²⁷ Yet even “reasonable accommodation” represents access to a highly normalized world, in this case of embodied movement. Accommodation helps Sunny to move among, or to approximate the movements of, the able-bodied. It does not permit her to move in the ways that are most effective or satisfying for her, and it does not challenge legal actors and others to recognize the deep, normalizing construction of what is understood to be natural movement. Enabling Sunny to move, in(to) the public sphere, in the ways that she saw fit would still require easing and pluralizing these restrictive norms. And law in its normative/transformational mode may not be the right instrument for doing this.

II. Interdependent Communities

How might we pluralize restrictive norms about bodies and what they can do? Here, another kind of interdependence comes in. Sunny finds in non-conforming bodies and movements not simply a site for discipline and normalization, but—as with non-conforming gender or sexuality—a source of pleasure, freedom, connection with others²⁸ She finds this when she is at events or settings where there are a lot of people with different forms of embodiment. Sunny paints a vivid picture of this interaction:

[P]art of my favorite thing is just being
completely confused about how to greet
someone. Not knowing how to give that

²⁷ See *supra* text accompanying notes 12 and 13.

²⁸THE BOOK, *supra* note 3, at 192–94 (describing experience of connection with man on plane who used his mouth to do many things because he only had one arm; describing experience of freedom, connection, intimacy in “settings where there are a lot of people with different embodiments”).

physical contact or how to even say hi, or wondering how someone is going to say hi back to me . . . there are positive levels where these different ways of moving or being can lead to freedom of touch and freedom of intimacy in different ways and those moments are really lovely.²⁹

This depiction is reminiscent of other moments in Butler's work where informal communities organize themselves around non-normative or resistant gender practices or identities.³⁰ These groups perform familiar acts—be they modes of greeting or gender presentation—in distinctive or unfamiliar ways. This practice³¹ reflects back on dominant norms, challenging their naturalness or inevitability, and perhaps helping to ease their hold or to pluralize them. When it is directed toward norms regarding what a body can do, this kind of practice becomes part

²⁹ *Id.* at 194.

³⁰ See JUDITH BUTLER, *Gender is Burning*, in BODIES THAT MATTER 124–37 (1993) [hereinafter BODIES THAT MATTER] (reading of Jennie Livingston's film PARIS IS BURNING which emphasizes the ambivalent relation of drag to subversion).

³¹ She describes this concept in BODIES THAT MATTER as a kind of “subversive repetition”:

[It is] neither an efficacious insurrection nor a painful resubordination, but an unstable coexistence of both . . . [It is] not an appropriation of dominant culture in order to remain subordinated by its terms, but an appropriation that seeks to make over the terms of domination, a making over which is itself a kind of agency, a power in and as discourse . . . which repeats in order to remake—and sometimes succeeds.”

Id. at 137.

of a “morphological politics,”³² in which disability activists and gender dissidents can function as allies, in the effort to generate dissident norms and expectations. Members of these groups may also experience identification with each other, through elements of confluence in their socially-imposed identities. As theorists such as Tobin Siebers³³ and Robert McRuer³⁴ have argued, those with disabilities are often constructed as gender non-conforming, in the sense of being viewed as feminine when they are men, or as asexual regardless of their acts or desires; sexual dissidents have been constructed as diseased or otherwise infirm, and many in the LGBT community have confronted the physical and socially-imposed disabilities associated with HIV/AIDS. A sense of common substantive purpose, as well as subjection to

³² See THE BOOK, *supra* note 3, at 200. Butler observes:

So that just makes me think about what kinds of norms people live with regarding what their body parts are for. Like what do you use your mouth for? What's the proper use of your mouth? And it just strikes me that there's a broader form of morphological politics that we could talk about that would include gender, people who live with intersex conditions, disability, race

Id. Butler's reference to “morphological politics” suggests something broader than activism along the lines of dissident, norm-challenging performances—it references the way assumptions about the proper operations of body parts work as politics, an analysis that challenges, or deconstructs those assumptions—but it would seem to include those performances as well.

³³TOBIN SIEBERS, *Sex, Shame, and Disability Identity (with regard to Mark O'Brien)*, in DISABILITY THEORY 157 (2009).

³⁴Robert McRuer, *As Good as It Gets: Queer Theory and Disability*, 9 GLQ 79 (2003).

common stereotyped understandings, can motivate collaboration in these dissident practices.³⁵

What role—if any—might law play in this process of challenging and pluralizing norms about what bodies can do? The most obvious answer to this question is that law should step back, and permit group-based practices to pluralize norms in peace. Law, as Robert Cover famously observed, is “jurispathic”: It kills the *nomoi* that emerge from different communities en route to establishing its own hegemonic norm.³⁶ Recognizing this jurispathic dimension of law, in the context of gender or disability, is an important shift from the intuition prevalent in the legal mainstream, or even among progressive law reformers, that the strong arm of the law—its “jurisgenerative” or norm-creating capacity³⁷—should be deployed to bring about everything we want to accomplish.

But asking law to step back, to respect the norm-generating work of dissident communities, may not be quite enough: these communities do not spring spontaneously into being, or

³⁵The academic literature, as well as some forms of activism, reflects collaborations or mutual explorations between queer theorists and disability theorists. See, e.g., TOBIN SIEBERS, *supra* note 33; Robert McRuer & Abby Wilkerson, *Desiring Disability: Queer Theory Meets Disability Studies*, 9 GLQ (2003); Robert McRuer, *Compulsory Able-Bodiedness and Queer/Disabled Existence*, in *DISABILITY STUDIES: ENABLING THE HUMANITIES* 88 (Sharon L. Snyder, Brenda Jo Brueggemann, Rosemarie Garland-Thomson eds., 2002). There is also a growing literature exploring the intersectional position of being queer and disabled. See, e.g., JOHN DECECCO, BOB GUTER, JOHN R KILLACKY, *QUEER CRIPS: DISABLED GAY MEN AND THEIR STORIES* (2004); ELI CLARE, *EXILE AND PRIDE: DISABILITY, QUEERNESS AND LIBERATION* (1999).

³⁶Robert M. Cover, *Nomos and Narrative*, 97 HARV. L. REV. 4, 40–44 (1983). Cover explains:

[B]ut the jurisgenerative principle by which legal meaning proliferates in all communities never exists in isolation from violence. Interpretation always takes place in the shadow of coercion. And from this fact we may come to recognize a special role for courts. Courts, at least the courts of the state, are characteristically “jurispathic.”

Id. at 40.

³⁷Cover’s work acknowledges this capacity as well. See *id.* at 11–19.

coalesce, persist, or flourish equally well under all circumstances. Sunny observes, for example, that she lives in San Francisco because the curb cuts in the city allow more disabled people to be out and about; this development permits people with disabilities to find each other, and also to be present in a way that shapes the awareness of able-bodied people.³⁸ By mandating a practice as seemingly routine as curb cuts,³⁹ the law helps to bring into the public sphere, and into connection and collaboration with each other, a growing population of disabled people whose presence in turn challenges restrictive norms about what bodies can do.

This limited, facilitative role for law may prove more broadly fruitful in fostering dissident norms. Legal actors might focus on creating the conditions of possibility that permit non-conforming groups to coalesce, to become visible, and—by proliferating new norms and practices—to ease the normalizing force of dominant understandings. At the very least, legal actors might try to avoid the kinds of corrosive regulatory interventions that discourage the formation and activity of such interdependent groups. Michael Warner has written, for example, about how forms of quotidian legal intervention, from the enforcement of health codes or cabaret licenses at gay bars, to the zoning out of adult bookstores or cinemas where queer patrons congregate, has affected the flourishing of queer sexual communities in New York City.⁴⁰ As the “body trouble” of Butler’s central question confronts the assumptions that comprise the legal norm, sympathetic legal actors may consider how law encourages or

³⁸ THE BOOK, *supra* note 3, at 189.

³⁹ In the discussion following the initial presentation of this essay, Judith Butler suggested that one might see the film version of her conversation with Sunny as a kind of “petition for curb cuts.” Judith Butler, Address at Symposium Honoring Judith Butler’s Contributions to the Scholarship and Practice of Gender and Sexuality Law (Mar. 5, 2010).

⁴⁰ MICHAEL WARNER, *Zoning Out Sex*, THE TROUBLE WITH NORMAL: SEX, POLITICS, AND THE ETHICS OF QUEER LIFE 149 (1999).

impedes dissident groups who are doing the most important pluralizing work.⁴¹

III. Contingent Interdependencies

But there are other kinds of interdependent communities that do critical work in pluralizing norms around the body. These are small scale, transient interdependencies like the one created between Judith and Sunny themselves. Stressing the theme of interdependence in political action, Butler states:

[T]here's a limit to individualism, although each of us are obviously negotiating our individual solutions to the problems of ability, disability, gender normativity, all these issues, we can't do that as radical individuals. We can only do it by *entering social space, demanding different kinds of recognition, producing certain kinds of bodily scandals in the world, and, also, acting in concert with other people as a way of changing what is normative and what is not . . .*

*I think underlying all of this is the idea that we are interdependent as we try and attract certain social transformations that affect us at very personal levels . . .*⁴²

⁴¹For a discussion of the ways in which law might be used to support feminist varieties of "subversive repetition," see Kathryn Abrams, *Sex Wars Redux: Agency and Coercion in Feminist Legal Theory*, 95 COLUM. L. REV. 304, 356–61 (1995). At the conclusion of her provocative essay *Theorizing Yes* Katherine Franke also offers a glimpse of a role for law in supporting dissident communities. She observes:

[I]t may be that the best we can aspire to, as feminist legal theorists, is a *set of legal analyses, frames, and supports that erect the enabling conditions* for sexual pleasure. If that modest work is the best we can expect from law, that still leaves us much work to be done.

Katherine Franke, *Theorizing Yes: An Essay on Feminism, Law, and Desire*, 101 COLUM. L. REV. 181, 208 (2001) (emphasis added).

⁴²THE BOOK, *supra* note 3, at 209 (emphasis added).

This observation points to a final, important lesson that legal scholars and actors can learn. Resistance, rearticulation, localized transgression of dominant norms are notions that have been a hard sell with large portions of Butler's legal audience. This includes not only those who do not like the idea of change at all, but those who are sufficiently in thrall to the shock and awe of major legal intervention that resistance and rearticulation sometimes get figured as a cop-out.⁴³ For many legal scholars, two people walking through the Mission having a conversation could not possibly present a promising vehicle for change: this intervention is simply not big enough, not systematic enough, not applied to the right pressure points. This film, to my mind, signals how limited this mainstream legal conception turns out to be. The film is an illustration of what interdependence might mean on such a scale, and a tribute to the worlds that can be created through it.

This promise of such small-scale, contingent interventions was best illustrated, for me, in the portion of the film where the weather turns cold, and Sunny suggests they step into a store to buy her a sweater.⁴⁴ Now this, I thought, is a potentially challenging situation. The pair has entered a small, crowded, funky store with no dressing rooms. Sunny's physical

⁴³This kind of skepticism about Butlerian resistance was voiced, for example, by Columbia Law School's Center's 2009 honoree, Martha Nussbaum, in a scathing review of Butler's work in the *New Republic*. See Martha Nussbaum, *The Professor of Parody*, *NEW REPUBLIC*, Feb. 22, 1999, at 45. In one of her more moderate critiques of Butler's approach to power, Nussbaum states:

In Butler, resistance is always imagined as personal involving no unironic or organized public action for legal or institutional change . . . [T]he institutional structures that shape women's lives have changed. The law of rape, still defective, has at least improved; the law of sexual harassment exists where it did not before . . . These things were changed by feminists who would not take parodic performance as their answer, who thought that power, where bad, should and would yield before justice.

Id.

⁴⁴ This scene occurs in both, *THE FILM*, *supra* note 4, at 1:11:30, and *THE BOOK*, *supra* 3 at 201–02, but it is one of the times in the conversation in which the visuals add substantially to the transcript of what is being said.

impairment makes it difficult for her to lift her arms. Judith is going to have to assist her in an intricate and, in some ways, intimate task: this is a person she does not know well, whose body moves in ways that are different from her own. And all of this is going to take place with customers milling around and a camera rolling. But what is remarkable about this scene is that it turns out to not to be so hard: what one body needs from another can be readily supplied with care, interest, and goodwill, even in a new and complicated situation. Having chosen and put on a sweater with aplomb, and even humor,⁴⁵ Judith and Sunny proceed to tackle a bureaucratic negotiation. The store uses a system of paying by the weight of the items purchased, which—if followed to the letter—would require them to get the new sweater off of Sunny and on again.⁴⁶ With a few words of suggestion offered in a refreshingly offhand manner, they persuade the clerk to guess at the weight of the sweater. Sunny then instructs the clerk on how to hand back her change so she can hold it, and the two sail out of the store with mission accomplished.⁴⁷ The barriers we expect the body to impose fall readily; possibilities for pleasurable collaboration and preservative interdependence, between two people who are only beginning to get to know each other, become clear to everyone who observes them. I particularly relished the bland but accepting expression on the face of the store clerk who witnessed this series of transactions: no big deal, just another day selling vintage clothing in the Mission.⁴⁸ These are interventions that progressive legal actors should see not as isolated or ineffectual, but as a worldmaking form of activity that is intertwined with their own work.

Another product of this interdependence—both the conversation between Judith and Sunny and the way it is filmed

⁴⁵ THE FILM, *supra* note 4, at 1:12:18 (Sunny quips, “It’s gonna bc a new show: It’s shopping with Judith Butler!” And Judith adds, “For the queer eye!” *Id.* at 202. At this point in the film, both are in a visibly jocular mode, with Butler literally bugging her eyes at the camera.).

⁴⁶ *Id.* at 1:12:20.

⁴⁷ *Id.* at 1:12:58.

⁴⁸ *Id.* at 1:12:52.

by director Astra Taylor—is the way that Sunny herself appears in the context of the film. Sunny emerges as a subject in this film utterly, resonantly apart from the familiar tropes that have been used to capture people with disabilities: the abject, desexualized, handicapped person;⁴⁹ the barrier-busting “supercrip”;⁵⁰ even the more neutral figure who is still defined primarily by her physical limitations. This all offers a wonderful illustration of another Butlerism that legal audiences have been slow to assimilate: the

⁴⁹ For a thoughtful and provocative exposition of this stereotype or set of assumptions, developed through an analysis of the life and poetry of Mark O’Brien (whose early affliction with polio required him to live most of his life in an iron lung), see TOBIN SIEBERS, *Sex, Shame, and Disability Identity (with regard to Mark O’Brien)*, in *DISABILITY THEORY* 157 (2007). Siebers argues:

Disability represents a significant pivot point where the difference between sex and gender becomes problematic. Gender in the presence of the disabled body does not overlay sex in the typical way because the difference between ability and disability trumps the difference between Ladies and Gentlemen, suppresses the assignment of gender, and denies the presence of sexuality.

Id. at 174.

⁵⁰ See, e.g., CLARE, *supra* note 35, at 2–3. In this section, Clare describes “one of the dominant images of disabled people, the supercrip.” He notes: “[these stories] focus on disabled people ‘overcoming’ our disabilities. They reinforce the superiority of the nondisabled body and mind. They turn individual disabled people, who are simply leading their lives, into symbols of inspiration.” *Id.* Clare emphasizes the failing of supercrip stories:

[They] never focus on the [material, social, legal] conditions that make it so difficult for people with Down’s [syndrome] to have romantic partners, for blind people to have adventures, for disabled kids to play sports. . . . The dominant story about disability should be about ableism, not the inspirational supercrip crap, the believe-it-or-not disability story.

Id. at 2–3.

materialization of the body through discourse.⁵¹ Sunny's foregrounding in the conversation figures her as a vivid, particularized, subject; the substance of that conversation figures her as a thinker, an activist, a person who lives with certain physical impairments. She does not seem apart or isolated, in part because she is constantly in relation to Butler—a person with her own distinct forms of embodiment—and to her surrounding environment. Sunny, as an embodied human subject, as a true Deleuzian bundle of different abilities, emerges in the context of her walk and talk with Judith Butler, and through the conceptual frame that it creates. The point is not that we “don't see her as disabled”: viewers are aware that she has limited movement in her arms and legs. It is that each of us has a constellation of different abilities and these are hers: they include not only this limited movement in her limbs, but an ability to use her mouth to carry objects and to produce art, a ability to engage both a challenging interlocutor and a varied audience, and a capacity to theorize disability in a startling and illuminating fashion in the course of a casual conversation. The most conspicuous thing about Sunny Taylor, as she emerges in the film, is *not* that she moves through the world in a chair. In a culture as alert to physical disability as ours is, this perception is a striking tribute to what resistant interdependence can achieve.

Most of us walk, or take walks, every day, but we give very little thought to the physical conditions that make them possible and the norms and assumptions that give walking, and other forms of locomotion, their meaning. In Astra Taylor's film, Judith Butler and Sunny Taylor make the act of taking a walk part of *The Examined Life*. Their interdependence, both in negotiating the streets of the Mission and in interrogating dominant social and legal assumptions about embodiedness, points toward a politics in which we acknowledge our inevitable need for each other, and explore the possibilities created by collaborative resistance, with and without the support of the law.

⁵¹ See GENDER TROUBLE, *supra* note 21, at 164 (“Is ‘the body’ or ‘the sexed body’ the firm foundation on which gender and systems of compulsory sexuality operate? Or is “the body” itself shaped by political forces with strategic interests in keeping that body bounded and constituted by the markers of sex?”). Butler's subsequent book, BODIES THAT MATTER, *supra* note 30, is devoted to a more thorough exposition of the notion of the materialization of the body through discourse.