Spivak and Rethinking the Agency of Disabled Children

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ABSTRACT
Disability as a marginalised subject position is not conspicuous in Postcolonial Studies, although it does constitute a material presence and is a lived experience in the Global South. Disability Studies in the Global North often downplays social inequality and diversity that is a direct result of inequalities perpetuated by centuries of colonialism. This is problematic for indigenous populations that are disabled, as their ‘agency’ is left out in both the post-colonial and the disability narrative. This article examines the position of the subaltern that exists within subalternity, through the works of Professor Gayatri C. Spivak, and further aims to examine whether the space occupied by the subaltern is characteristically similar as a disenfranchised group to that of disabled people. Spivak’s method of affirmative sabotage and deconstruction in postcolonial studies will be used to rethink the position of disabled children to conclude that the subaltern and the experience of impairment are similarly ‘disabling’, and that disabled subaltern in treaties such as the UN Convention on the Rights of the Child cannot actually speak.

KEYWORDS
Subaltern; Spivak; subaltern studies; disenfranchisement; disabled children; affirmative sabotage; deconstruction; agency.

Introduction

Ethical Concerns and Limitations of the Study
No ethical concerns arose from this non-empirical study. This study of agency of disabled children through the lens of post-colonial studies, and specifically subaltern studies has two main limitations:

1. Historically and within the paradigms of medicine, the author of this article has had to refer to the limited works available whilst confronting power relations and children in institutions such as psychiatry. The language used by Foucault in his work Psychiatric Power: Lectures at the College de France 1973–1974
is not politically correct, identity first, or person first language. Notwithstanding the use of language, which was the language of his times, the message and idea of Foucault’s work nevertheless remains relevant, despite what can be viewed as linguistic stigma used to describe the phenomenon, people, and children with mental illnesses or intellectual disabilities.

2. This study is based on the social model of disability, thereby also using ‘identity-first’ language with a steadfast commitment to disability culture (Shakespeare, 1996, pp.94–113; Andrews et al., 2019). It is also an attempt by the severely disabled author to examine the experiences and realities of children from within the space of critical disability narratives and postcolonial studies.

The inherent Eurocentrism of disability studies being predominantly located in the Global North, and much of its research coming out of the US and the UK, has resulted in the voices and ‘agency’ of disabled people in the Global South to be, in effect, left unheard (Grech, 2009). The violence of colonisation and neo-colonial power, along with the hierarchy of gender relations, changes the meaning of disability based on its location in the Global South or North, which thus requires rethinking of disability based on context and its position (Connell, 2011). The position of the child and the governing of disabled children has shifted terrain, especially in the Global North, to a more rights-based approach, with changes to laws, legislation, and policy, and also through the adoption of international human rights treaties such as the United Nations Convention on the Rights of the Child (UNCRC, 1989) and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006). The CRPD also has a corresponding article on agency of disabled children, Article 7(3) and to some extent Article 4(3). The difference in the framing and the structuring of power relations between both treaties results in some tensions when it comes to the rights of disabled children, resulting in different takes and interpretations on agency, participation, the social value attached to disability, and the different disability models used for children to have access to their rights. The aim of this article is to examine agency and the politics of disenfranchisement in the CRC only, as the emancipatory politics of disability in the Global South are framed in the CRPD in a way that hypothesises critiques of its own (Jenks, 2017).

Along with the ratification of the CRC, the introduction of new social studies of childhood places importance on the recognition of children’s agency within their social and cultural world (James et al., 1998), but has an impact on critical thinking spaces as the narrative leaves out the agency of disabled people in the Global South. Disabled people in the Global South, in theory, occupy the space of intersectional minorities by virtue of being doubly disadvantaged not just as a result of their impairment, but also from the ‘disabling’ experience of having their voices being left out of the politics of impairment, which must be recognised and understood within their own unique social dynamics (Meekosha and Soldatic, 2011). Further, there are limitations on the subjectivity and freedom of disabled children in the conceptualisation of childhood agency, as the dominant narrative and discourse of agency especially in the Global North is that of a particular type of childhood agency, which
is that of the non-disabled child (Wells, 2018). In addition, the notion of child rights and governing childhoods is one that is established on racial privilege, with the racial other being excluded in the bio-political intersection of race and sex (Wells, 2011) and, within the context of this article, the intersection of race and disability.

This article attempts to argue that Professor Gayatri Spivak’s 1985 essay titled ‘Can the Subaltern Speak?’, and its work on the elaboration and context of the agency of the woman who is at the center of the essay, Bhuvaneshwari Bhaduri, can offer a distinctive perspective on the agency and participation of disabled people. Spivak poses challenging questions, as a Marxist, a deconstructivist, a trained Europeanist, a teacher, philosopher, critical theorist, and undoubtedly one of the greatest thinkers of our time. She is a professor at Columbia University, as well as being the founder of the Institute of Comparative Literature and Society at Columbia. She juggles roles, between two worlds and between two ends of the socioeconomic spectrum – being a full professor at Columbia but also funding and training teachers through her foundation, which supports and runs primary schools in the rural areas of her home state of West Bengal, India. As a teacher, intellectual, post-structuralist, and an award-winning scholar of Postcolonial Studies, Spivak’s work emphasises the value of the humanities while also addressing issues that affect the economically disadvantaged and marginalised. Striving against and in defiance of ‘intellectual colonialism’, she has relentlessly pursued in her stellar career and through her work the structures of oppression in modern societies that define the very way in which governance occurs (Columbia News, 2012). The schools that she operates in India enrol children of mostly ‘illiterate, landless, the former untouchables and aboriginals’, and the lowest of classes in the casteism in the region, as well as the lowest sector of the electorate (ibid.). Spivak, through her work in subaltern studies, ‘invites one to think and rethink . . . fighting against simple understandings and banal interpretations and the instrumentalisation of idealism and good intentions’ (Rosa-Luxemburg-Stiftung, 2018). She is also responsible for being the pioneer of a technique called affirmative sabotage, a term that describes the practice of ‘entering a text and argument and turning it around by bringing to the surface the contradictions, the apporias’ (ibid.). It is a tool and strategy by which the instruments of colonialism are turned around into tools for transgression and decolonisation (Castro Varela, 2020), ‘poison turned into medicine’, and as Spivak explains it: ‘The invention of the telephone by a European upper class male in no way preempts its being put to the use of an anti-imperialist revolution’ (Spivak, cit. in Alcoff, 1991–2, p.115, in Dhawan, 2014). Thus, affirmative sabotage is a way of using ‘a bad instrument to good ends’ (Davis et al., 2019), to be applied as medicine/poison to transform the site of hegemonic struggle, of agency of disabled children, both as violence and as a site with radical potential, as suffocation and the possibility of breathing (Ore and Houdek, 2020). Despite the marginalisation of disability studies in the Global South, notions that are significant within that demographic, such as the agency of the subaltern that Spivak writes of, can be rethought and reimagined, infusing the colonial with the notion of the disabled body and the disabled mind, as suggested by some disability theorists such as Tom Shakespeare.
In the Indian cultural ethos that the essay by Spivak has been written, a disabled person is considered an incomplete entity, and the ‘deterministic framework of destiny/fate therein allows very few to escape the erosion of agency’ (Ghai, 2012). This is problematic ideologically as well as in lived reality, as it makes the situation that much more challenging for subaltern/disabled people in terms of insertion into the public sphere. In this article, we will use the tools of deconstruction and affirmative sabotage in order to analyse whether disabled children from the Global South in human rights conventions such as the CRC and the subaltern from Spivak’s work are both similarly marginalised groups that are cut off from the lines of social mobility, unable to enjoy the habits of democratic behaviour through exercising their agency.

The Colonised, Disability and Identity Formation

The process of decolonisation of Southern spaces, and of disability therein, becomes then an exploration of the intersectional space that exists when probing disability, dependency, and international relations, which requires an engagement between disability studies and postcolonial studies, an interdisciplinary field of study of examining Western, Global North constructions of non-Western ‘Others’ (Said, 1978). Said further argues that ‘European culture gained in strength and identity by setting itself off against the Orient as a sort of surrogate and even underground self’, thus making the case for Orientalism being central to what constitutes the ‘European identity’, establishing the normativity of an ‘us’ versus ‘them’, and thus framing disabled people as the Other, which is in opposition to the non-disabled (Said, 1978). This raises the question of whether the ‘subaltern’, in this case borrowed from Gramsci to represent disabled people, can speak. Thus, the process of attempting to identify and locate the subaltern is also an attempt at reinstating their agency, as is in Spivak’s work. The binary opposition that results from the establishment of this normativity, be it the coloniser/colonised, disabled/non-disabled or the subaltern/the powerful, can further be studied through the works of one of Spivak’s contemporaries, Homi Bhabha, and his influential book The Location of Culture (Bhabha, 1994). Bhabha tends to view the fixed roles of the binaries as a slippery slope within the colonial discourse though, and the varied forms of resistance that stem from colonial domination to be viewed as far more complex:

"The move away from the singularities of 'class' or 'gender' as primary conceptual and organizational categories, has resulted in an awareness of the subject positions — of race, gender, generation, institutional location, geopolitical locale, sexual orientation — that inhabit any claim to identity in the modern world. What is theoretically innovative, and politically crucial, is the need to think beyond narratives of originary and initial subjectivities and to focus on those moments or processes that are produced in the articulation of cultural differences. These 'in-between' spaces provide the terrain for elaborating strategies of selfhood — singular or communal — that initiate new signs of identity, and innovative sites of collaboration, and contestation, in the act of defining the idea of society itself."

(Bhabha, 1994)
What is interesting here is that although Bhabha did not directly write on and work with disability within postcolonial studies, the understanding from his work is that with two opposing groups colliding with one another, it results in the formation of an in-between space, a space that also exists at the periphery where new identities are formed as a cultural or social response to the two opposing binaries, thus creating the notion of what Bhabha refers to as the ‘hybrid’. What Bhabha’s concept of hybridisation implies is that within society or within the parameters of a cultural discourse, when two cultures that have existed in binary opposition to one another – be it man/woman, white/other, or non-disabled/disabled – collide with one another, at the point of collision there forms a new periphery. This is the point where a new identity begins to form and emerge. When this theory of hybridisation is applied to the disability narrative, within or outside of postcolonial studies, the formation or emergence of identity in this context can be summarised from Bhabha’s work – where the postcolonial, or in this case the disabled subject, is ‘displaced’, ‘dislocated’, ‘hybrid’. The disabled person then starts to uncannily resemble the postcolonial subject as ‘an incalculable object, quite literally difficult to place’ (Bhabha, 1986).

Bhabha’s discourse emphasises the fact that no culture, or in this case binary, can be viewed as holistic or uncorrupted, and that the coloniser’s culture, which is here the culture of the non-disabled, is not just a simplistic force of oppression upon the colonised or the disabled person, but is open to a degree of ambivalence in a hybrid space (Ghai, 2012). The creation of these hybrid spaces and interactions and relations between them, and thereby the creation of the identity of oneself, is what leads to the creation of what Bhabha terms as the ‘liminal negotiation of cultural difference’ (Graves, 1998), which Bhabha theorises as the designations and interactions of identity:

*If cultural diversity is a category of comparative ethics, aesthetics or ethnology, cultural difference is a process of signification through which statements of culture or on culture differentiate, discriminate and authorize the production of fields of force, reference, applicability and capacity.*

(Bhabha, 1994)

In the disabled self/identity within or as the postcolonial self/identity narrative, this implies the creation of an identity that is not located at either binaries, but views the identity that exists between and amongst the binaries as slippery and fluid. The creation of this very hybrid makes both the non-disabled and disabled aware of culture not being static; of not being an either or, but more fluid and hybrid, existing amongst and between, alive in this third space serving as a mirror to the very binaries that helped create it. This hybrid, interrogatory space that dominates Western critical thinking as a linear narrative, leads to the formation of the subject, which is here the disabled person, to be understood as a ‘narrative construction’ (Perloff, 1998):
complex, on-going negotiation that seeks to authorize cultural hybridities that emerge in moments of historical transformation.

(Bhabha 1994)

In a disability studies sense, this implies that people with impairments, having disabling and oppressive experiences, cannot be viewed as one lump sum category, as they are not identical to everyone else who experience disability, and therefore cannot be categorised together, leading to the formation of disability as one part of a binary. From a theoretical perspective, the notion seems to be in line with that of the Nobel Laureate Amartya Sen, who views this ‘civilizational approach to identity formation’ as limiting when it comes to understanding this sense of self:

Ignoring the immense richness of the multiple identities that human beings have, given their diversity of affiliations, attachments and affinities, the civilizational approach attempts to put each of us into a little box of a single sense of belonging, to wit, our alleged perception of oneness with our respective ‘civilization’. It is through this huge oversimplification that the job of understanding diverse human beings of the world is metamorphosed, in this impoverished approach to humanity, into looking only at the different civilizations: personal differences are then seen as being, in effect, parasitic on civilizational contrasts. Violence between persons is interpreted, in this high theory, as animosity between distinct civilizations.

(Sen, 2008)

Thus a theoretical positioning of the epistemologies of the Global South cannot be separated and decontextualised from an analysis of gender, race, sexuality, ethnicity, caste, and class, and presented within the ‘universal narratives of sameness’ provided in the North (Soldatic and Grech, 2014). The dominant Western narrative that homogenises and simplifies a people, that disembodies and is ahistoric towards the subaltern of the South by asserting the dominance of a Western epistemology, only reemphasises geopolitical power: ‘Universalism is produced through specific assumptions about [disabled people] as a crossculturally singular, homogeneous group with the same interests, perspectives and goals, and similar experiences’ (Mohanty, 2003). However, this is not to say in any way that muting the marginalised, non-dominant view is not a reality that does not exist in the Global South, but more suggests an engagement with impairment and disability outside of a singular, Orientalist gaze and transitional knowledge (Campbell, 2009).

Who Is the Subaltern?

In a talk given for the Rosa-Luxemburg-Stiftung lectures on ‘Global Marx, Class and Politics’ in 2018, Spivak answers the very existential question of what is a subaltern, and who is one:

What is subalternty? No one can say I am a subaltern in whatever language. I think the relationship between the subaltern and the popular may well be somewhat like the relationship between class and poverty, or race and colour, or gender and sex. That kind of structuring, yes? Subalternty remains something that you don’t establish again and again by recounting a certain positivist, historical way
the details of the practice of disenfranchised groups. Without access to the lines of social mobility, subaltern in the piece, subaltern in the sense of without access to lines of social mobility, rather than the name of a difference. The example was a woman. Subalternty has always been in binary opposition to the nation state, as it is now, called international civil society.

(Rosa-Luxemburg-Stiftung, 2018)

In this way, and in relation to the child with disabilities, the subaltern can be viewed as those who are in binary opposition to the dominant discourse, and therefore the issues that come with being in that space and speaking from the space of the subaltern are the problems that arise with subjectship and agency. This results in the need to build infrastructure in a sense of what Spivak calls the colloquial, meaning enabling agency to emerge against what she views as normative, which is the Marxist sense of agency being centred around institutional validation. The Marxist infrastructure that Spivak refers to is derived from the notion where Marx presents the notion of class formation as a subject, where certain classes need representation because they are unable to represent themselves. In the original German, Marx says in his work the *Eighteenth Brumaire* ‘Sie sind daher unfähig, ihr Klasseninteresse im eigenen Namen, sei es durch ein Parlament, sei es durch einen Konvent geltend zu machen’, (roughly translated as ‘They are therefore unable to make their class interest valid in their own name, may it be through a parliament or through a convention’). In the same text, Marx goes on to elaborate ‘Sie können sich nicht vertreten, sie müssen vertreten werden’ (‘They cannot represent themselves; they must be represented’) (Marx and De 1898). What is of interest when following through on the thought that Marx had with the idea of representation quoted here is that it begins to then border on the existential. As the sociologist Jeff Guhin suggests, ‘the quote is important . . . for asking questions about the nature of representation and the politics that inevitably happen along the way’ (Guhin, 2011).

For throughout the long period of colonial rule we were always represented by the colonizers, and it is through them — their academics and other intellectuals, their publications and other media — that the West had come to know about us. The fact that the colonized in the subcontinent had been writing about themselves not only in their own languages but also in English since the beginning of the nineteenth century made little difference, and the legacy of alien representation seemed destined to continue even after decolonization. We accepted this as a sort of fate.

(Guha, 2011)

Grounding Marx’s work in the context that it was written, which was political rather than theoretical representation, Spivak makes a striking observation on the translation of the passage from the original German to English, in elaborating that in the German the words ‘vertreten’ and ‘darstellen’ both translate into English as ‘represent’ but mean two different things (Nelson and Grossberg, 1988). Indeed, one means direct representation in this sense, but ‘darstellen’ is far more nuanced, to mean re-presentation or, in other words, to illustrate or to depict. This difference is important not just in postcolonial studies but also in reading, re-readings, translations, and re-thinking of Marx, but it remains beyond the scope of this article to
ruminate upon the political context of Marx’s work to make a meaningful conclusion as to what Marx actually meant. What Spivak’s thought and interpretation does offer to us within the context of this article, though, is that her stance and contention with representation and re-presentation within the use of language and the politics of agency of the subaltern is one that is rooted in ‘epistemic violence’.

In the analysis of the subaltern in her essay, Spivak challenges the manner with which the ‘other’ is both perceived and analysed. In what Spivak revealed much later on, the protagonist in her essay was her grand aunt (grandmother’s sister). As an act of political rebellion in 1926 colonial India, the protagonist dies by suicide but has waited till she menstruated in order for her suicide not to be perceived as resulting from an unwanted pregnancy stemming from an illicit affair. Despite this, her actions in the context of its times was viewed as a ‘Sati’, or widow self-immolation, resulting from illicit love. What Spivak intends to convey with this is that even when the subaltern does speak, as did Bhuvanseshwari Bhaduri through the actions of her suicide, she still cannot be heard (Spivak, 1988), despite her ‘courageous’ act. The ‘widow’s’ own voice is ignored the entire time, irrespective of all the signs that were intentionally left behind of the political cause that led to these actions. Spivak thus notes that:

> Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears … There is no space from which the sexed subaltern can speak.  

(Spivak, 1988)

Analysing the practice of sati/suicide in her essay, Spivak contends with the fact that ‘knowledge is not innocent, and expresses the interest of its producers’ (Spivak, 1988). Therefore, any effort that addresses the state of and speaks on behalf of the subaltern is rife with ‘epistemic violence’ (Spivak, 1988). Here, Spivak notices the ‘epistemic violence’ that is inflicted upon the Indian subaltern and says, while answering the question of who is a subaltern, by stepping away from the epistemic violence of the Western subject’s construction of the Oriental Other, it is that which/who exists in the margins due to and by way of the epistemic violence of the coloniser/imperialist:

> Subalternity is the name I borrow for the space out of any serious touch with the logic of capitalism or socialism. Please do not confuse it with unorganised labour, women as such, the proletarian, the colonized … migrant labour, political refugees, etc. Nothing useful comes out of this confusion.  

(Spivak, 1995)

Thus the position of the subaltern as a ‘historically muted non-elite’, building also upon Guha’s work in subaltern studies, aims to ‘learn to speak to (rather than listen to or speak for) the historically muted subject of the non-elite’ (Spivak, 1988).

From a critical disability studies perspective, disabled people have been historically absent from the narrative – physically and metaphorically. If present at all, they are representative of the grotesque, and in the light of the tragic, of the horrors of a life that is less than that of the normative ‘other’. Within postcolonial studies, the
non-representation of disability continues to hold space, and therein exists a gap of theoretical understandings with this clear lack of critical understanding. In itself, disability is viewed as a ‘master metaphor for social ills’ (Mitchell, 2002). What the study of subalternity offers us from a critical disability studies perspective is that both the disabled person in everyday life and the colonised in Spivak’s essay occupy similar spaces in both the political sense and in the sense of subject formation that is characterised as that of a marginalised subject position.

**Deconstruction**

Nearly four decades after publishing Spivak’s acclaimed translation of Jacques Derrida’s *Of Grammatology* from French to English, the 40th anniversary edition of Derrida’s work is not just an updated translation of the work itself, but also serves as a revisitation of the text. In the afterword in Derrida’s *Of Grammatology*, Spivak writes:

> The word ‘ethnocentrism’ is on the first page of Of Grammatology. And it is indeed a critique of the ethnocentrism and ‘Europocentricism’—that is the word that Derrida used in the mid- to late 1960s—of the dominant philosophical tradition, indeed, intellectual tradition, of northwestern Europe.

At the centre of the idea of deconstruction, as we learn through Spivak, is the ability to disencumber the relationship between text and its meaning, offering a critique of the very methodology that is central to Western philosophy and thinking, notwithstanding the underbelly of inherent Eurocentrism in the given text or thought. It is this technique that Spivak has applied to her work in subaltern studies, that of a discourse where for centuries the focus has remained on the dominant group, be that of the centring of academic discourse in the Global North, or the ‘subaltern’ that Spivak refers to in her essay, or for the sake of a rigorous academic engagement, that of white-male dominance overpowering and overruling disabled children from the Global South as the marginalised ‘other’. In an interview with Steve Paulson to commemorate the 40th anniversary edition of *Of Grammatology*, Spivak elaborates:

> That’s what de-construction is about, right? It’s not just destruction. It’s also construction. It’s critical intimacy, not critical distance. So you actually speak from inside. That’s deconstruction. My teacher Paul de Man once said to another very great critic, Fredric Jameson, ‘Fred, you can only deconstruct what you love.’ Because you are doing it from the inside, with real intimacy. You’re kind of turning it around. It’s that kind of critique.

*(Spivak, 2016)*

It is this technique of deconstruction, when applied to disabled children within the frameworks of human rights treaties such as the CRC that mandate what national and social policies should look like when governing them, that has the ability to take and combine ‘high theory’, away from its ivory high tower, to the subaltern. When applied, deconstruction becomes a tool of engaging with text and rhetoric, and enables one to look at the marginalised in such detail that what exists at the margins – be it the woman Bhuvaneshwari Bhaduri who was at the center of Spivak’s essay, or disabled children – is then centered as that which was being marginalised.
As a strategy, the appeal of applying the method of Derrida’s *deconstruction* to explaining the construct of disability is one that criticises the political and moral hierarchy of disability (Danford and Rhodes, 1997). In a way, what Derrida and Foucault, who Spivak studies formally as a Europeanist, can offer with their philosophies of difference is to be able to think about this very construction of ability and disability; in rethinking and ‘thinking otherwise’ (Ball, 1994), in the theoretical sense to engage with the politics of difference and the marginal subject position that is affected and represented by it. Each of these thinkers and ideas offer not solutions to the question or problems of subalternity or disability, but rather offer an affirmative philosophy from a political standpoint that can offer through its ‘provocations’ (Bains, 2002), the ‘knocking down of partitions’ in a way that is coextensive with the world (Deleuze, 1994). The way towards approaching any given text or discourse, be that of subalternity, disability, justice, democracy within or outside of postcolonial studies, and applying the tools of deconstruction to it, is a two-step process of reading. The two-step process involves entering and reading a text in two ways, with two possible interpretations, and the first one that is repeated is that of the ‘dominant interpretation’. These multiple readings of the text have to be maintained together at once, and separately, with two ways of listening, reading both from the inside and the outside (Derrida, 1998). Deconstruction attempts in this manner to enter into a text and locate the point of the ‘other’, and open up a discourse of the other through logocentricism (Critchley, 1999). Therefore, in this manner, deconstruction shifts the narrative of the subaltern/disabled, in the context of our article, to centre them in a way that privileges their voices, and by mobilising around their political subjectivity (Allan, 2011).

How the initial discourse of Eurocentricism and deconstruction come together here is because of how Derrida views Western philosophy itself, and how it influences our thoughts as well. Derrida's stance is that Western philosophy is based upon structuring in dichotomies: man/woman, non-disabled/disabled and so on, and that we perceive of the world in much the same way, as an either or and never as a both. By attempting then to ‘deconstruct’ a discourse is to also critique the dichotomy within that discourse by undermining the philosophy that it asserts, or the hierarchical oppositions on which it relies, by ‘identifying in the text the rhetorical operations that produce the supposed ground of argument, the key concept or premise’ (Culler, 1983). Shaun Grech and Dan Goodley, whilst discussing Derrida in their seminal article ‘Doing Disability Research in the Majority World: An Alternative Framework and the Quest for Decolonising Methods’, pose the question: how, in an increasingly globalised poststructural world, are disability/developing/indigenous connecting together as components of a binary that is in opposition to the Global North’s able/developed/metropolitan (Grech and Goodley, 2012), in modernity’s privileging of one (abled, sighted, independent) over the other (disabled, blind, dependent) (Goodley, 2011, p.9)? Thus, research in itself can contribute towards deconstructing ‘particular forms of foundationalism’ (Thomas and Corker, 2002) when extended to the idea of disabled people in the Global South (as the *Other*) facing an effacement by disability studies of the Global North (Grech and Goodley, 2012).
Can the Disabled Subaltern Speak?

Using the concept of Spivak’s *subaltern* and the tools of Derrida’s *deconstruction* that Spivak writes about and has translated into English, one can begin to examine the language of equality in human rights treaties such as the United Nations Convention on the Rights of the Child (CRC), to critically examine through constructivist epistemology the agency of disabled children, and the rhetorics of equality of the marginalised in a much broader sense. The question we will be asking, notwithstanding the Eurocentricism of the text, is whether the position of disabled children as the subaltern in the CRC has agency? Using Spivak’s method of *affirmative sabotage*, we shall examine the agency of disabled children in the CRC, entering the text from a point of critical intimacy, turning it around from the inside, with the aim of deconstructing the hegemonic discourse with intimacy, as ‘everything is both medicine and poison in itself’ (Brohi, 2014). In the theory and notion of agency, and within essentialist spaces where ‘the personal is political’, Spivak comments on the relationship between female agency and the constitution, like that of the protagonist in her work in question:

> The question of female agency is dependent upon constitutions. Constitutions are extremely historical things that are produced quite often by the dismantling of a colony or an empire, and, therefore, in the constitution, the mark of the former masters is still present. A constitution is a cusp document, a transitional document. And yet, the possibility of female agency is written in that discourse.

*(Danius et al., 1993)*

It is with these tools, methods, notions, and context that we begin to enter the text governing the agency of disabled children in the CRC, where, in this particular analogy, disabled children assume the role of the subaltern and the CRC that of the constitution.

Article 12(1) of the CRC states:

> State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

*(UNCRC, 1989)*

This is perhaps the most troubling aspect of the rights of disabled children in the CRC, and the stance of the Eurocentric institutions that represent the rights of disabled children and which govern and mandate laws, policies, and legislations of countries that ratify the treaty: it is that of ‘the child who is capable of forming his or her own views’. Research shows that the child is able to form views from the youngest age, even when he or she may not be able to express them verbally (Lansdown, 2005).

There is a lack of clarity within the CRC itself as to how to interpret the phrasing of this particular article, who the CRC deems as ‘capable of having a view’, and if there is any criteria for holding or being able to hold a view. Further, it also brings up the question of who actually determines whether a child has said capacities – who, then, actually holds power over the lives of disabled children, and places them then into a binary?
There is a fundamental difference between the assigning of the right to agency to those disabled children who are ‘capable’ of participation, and giving blanket rights of participation to disabled children, irrespective of the nature and extent of their ‘personal’ circumstances. This is how and where the personal becomes political.

This peculiar phrasing of Article 12(1) of the CRC and the lack of clarity therein of ‘the child who is capable of forming his or her own views’ makes one consider the question of where the recognition of personhood begins, and the resultant morality and ethics in the categorisation of the individual disabled children that stems from it. Specifically:

_They are struggles which question the status of the individual: on the one hand, they assert the right to be different, and they underline everything which makes individuals truly individual. On the other hand, they attack everything which separates the individual, breaks his links with others, splits up community life, forces the individual back on himself, and ties him to his own identity in a constraining way._

(Foucault, 1978)

Thus, extending Foucault’s study of identity to the disabled identity, and the question of status brought about by querying the very capacity of holding a thought itself, makes the individual disabled child subject to control and dependence, thus subjugating him/her in the social order to the dominant class who are not in the same bracket as _the other_ by virtue of ability, capability, or their position within the hierarchies of social class.

When looking at the capability of being able to hold a view from a clinical standpoint, what is the standard that disabled children in Article 12(1) will be measured against? It is this non-recognition of agency that can be seen as a parallel, at least for the sake of academic engagement, to the ‘agency’ of disabled children in the CRC, where agency is given but based only on a capability approach, where one is left with the question that begs to be asked – who decides who is capable of having a view, and thus is able to form and have a right to recognition of their agency?

Even within a strictly adult population, there is difficulty in creating a standardisation for capacity assessment instruments; the cognitive conception relies on the assumption that capacity is an objectively measurable phenomenon (Kim, 2006). In the case of children with intellectual disabilities, Foucault further goes on to quote Seguin saying:

_He is not someone whose development has been halted. He is not someone whose development is arrested, but someone who develops more slowly than children his age; he is behind their progress from start to finish, and this daily increasing backwardness ends up establishing an enormous distance, an insurmountable distance, between him and them._

(Foucault, 1974)

This is where the emergence of the power problem in the CRC begins to arise, and one that particularly affects the agency of those who exists at the periphery of social mobility, making their world situational, and bringing up the notion then of whether there can be such a thing as a free agent? As Spivak theorises:
Agency is institutionally validated action and, therefore, it is necessary to develop the criticism of institutions that offer validation, and this is the role of the intellectual.  

(Brohi, 2014)

In both the theoretical, postcolonial, and the sociological sense, this is the point of climax of the agency of disabled children in the ‘constitution’ that Foucault’s work seeks to reach, which is reflective of the fundamental power equation that we have been trying to arrive at and address with respect to the phrasing of Article 12(1):

[I]mportant thing is that we see a double normativity taking shape. On the one hand, inasmuch as the idiot is someone halted at a certain stage, the scale of idiocy will be assessed by reference to the adult as the norm: the adult will appear as both the real and ideal end of development; so that the adult will function as the norm. On the other hand, the variable of slowness – Seguin’s text says it very clearly – is defined by other children: a retarded child is someone who develops more slowly than the others. A consequence of this is that some kind of childhood average, or a particular majority of children, will continue the other norm in relation to which the retarded child will be situated.  

(Foucault, 1974)

Thus, viewing the agency of disabled children in the CRC from the spaces and theories of the disenfranchised in postcolonial studies, the right to participate is not a blanket, equal right given to all children. It is given to some children, a large majority, that subscribe to normative binaries. It is also reflective of how Foucault describes power being dissipated – just the fact that it is not distributed equally, placing some children in spaces of hierarchy that are unequal with certain other children, thus also giving them more ‘power’ over children in intersectional minority spaces. Thus, it is especially unequally distributed towards those children who enrich society by contributing towards and directly being part of its inherent diversity. In terms of disabled children in the CRC as a social class, it is therefore easy to see how they can be deemed as lower ranking than their non-disabled peers, and how in both a subaltern and a constitutional sense, the sustainable development of human rights that the CRC aims to achieve globally also leads to sustainable underdevelopment, based on the social class, race, ethnicity, caste, etc., that one belongs to. Therefore, within subalternity, nested power relations, formations of social classes, and intersections of race, class, gender, and ability, and in an egalitarian post-structuralist sense, and from the engagement between disability rights and post-colonial studies, it appears as if the disabled subaltern in the CRC cannot speak.

Conclusion
Gayatri C. Spivak’s influential essay ‘Can the Subaltern Speak?’ underscores the predilections and contractions of the dominant discourse, and the institutions that enable the marginalisation, disempowerment, and disenfranchising of the ‘subaltern’. As an academic trained in the traditions of Western intellectual thought and philosophy, Spivak both borrows and critiques in somewhat equal measure the works of thinkers such as Marx, Foucault, Deleuze, and Gramsci, etc. While engaging with
this Western intellectual tradition, Spivak examines the political and ethical positions that Western intellectual traditions have embodied in order to dominate the Orient, the Other. Framing her narrative around the practice of Sati, or widow sacrifice in India, where it was common practice for a widow to self-immolate in the funeral pyre of her husband, she examines the British reformative practice of the abolishment of this ‘tradition’ in what she comes to phrase as ‘White men saving brown women from brown men’ (Spivak, 1988). She enters this text, and this narrative, so to speak, in order to highlight the stark contrasts in the positions of each: the White man’s social mission to save the brown woman from the brown man, versus the brown man’s propagating and encouragement of this practice as a symbolic act of purity and courage of the brown woman. In both discourses, what is left out is, of course, the voice and agency of the brown woman, the gendered subaltern, the one at the centre of the epistemic violence of the essay. Spivak notes here that, ‘Between patriarchy and imperialism, subject-constitution and object-formation, the figure of the woman disappears. . . There is no space from which the sexed subaltern can speak’ (Spivak, 1988). With the example of her great aunt, who died by suicide as a political act, she ends her essay by saying that even when the subaltern does speak, she cannot be heard. Spivak writes her essay as a postcolonial critic, but for the sake of academic discourse, as with this article, her argument and construction of the structures that support and enable marginalisation and the agency of the subaltern has been extended to the position of the disabled person or child. Spivak and Edward Said together maintain the stance of Western hegemony sustaining its power over the Third World by way of Orientalism. The process of the ‘Othering of the Orient’ has been further examined in tandem with concepts such as Spivak’s ideas of affirmative sabotage and her take on deconstruction, to arrive at the functioning of the machinery of what Spivak calls much later in her works as the formations of ‘Class Apartheid’. The challenge that Spivak tries to steer us towards is that of a direct encounter with the subaltern, which is a ‘speaking to’ rather than a ‘speaking for’. It is this thought through ethical, political, and social engagement that has been applied to disability studies, in examining the agency of the disabled person as the ‘disability narrative’ gets inadvertently left out of the postcolonial, and the postcolonial narrative, at the same time as it is left out of disability studies in the Global North. Spivak’s scrupulous constructions, narration, and representation of the marginalised ‘other’ has been studied simultaneously with the other works that she is best known for, such as the preface and new afterword in the translation of Derrida’s Of Grammatology, to deconstruct the very constructions of the agency of disabled children in human rights treaties such as the CRC. By affirmative sabotage and critical intimacy with the text itself, the vulnerability and oversight in perhaps one of the most important human rights for the child recognises that the person with disabilities occupies a position of the marginalised like the subaltern, and that, much like the subaltern, disabled children in the CRC cannot speak. This exposes a large ethics-shaped hole in the agency of disabled children in the CRC.

To borrow a quote from bell hooks, ‘The achievement of colonialism does not require the assumption of power in someone else’s country. Colonialism can be
accomplished by dominant and normative hegemonies through social apartheid’ (hooks, 1995). A quote that is valid in the epoch and cultural ethos of our times, for instance through everything that the Black Lives Movement globally exemplifies, it goes on to validate that we have created systems of oppression that have contributed towards the creation of class/social apartheid. It is only through rigorous engagement with this class apartheid, and with the subaltern within it, that we can deconstruct and begin to address the dominant normative hegemony, be it in the post-colonial sense or that of gender/race/class and ability.

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REFERENCES


