

Disability and White Supremacy¹

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Abstract It is widely known that Black Americans are significantly more likely to be killed by the police in the USA than white Americans. What is less widely known is that nearly half of all people killed by the police are people with disabilities. The aim of this paper is to better understand the intersection of racism and ableism in the United States. Contributing to the growing literature at the intersection of philosophy of disability and critical philosophy of race, I argue that theories concerning white supremacy should take more seriously the way in which it functions as a process and apparatus of making abled and disabled. I conclude by discussing the ways in which understanding white supremacy in this manner is a valuable coalitional tool in fights for social justice more generally.

Keywords. Philosophy of Disability, Critical Philosophy of Race, Ableism, Racism, White Supremacy

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“The record is there for all to read. It resounds all over the world. It might as well be written in the sky. One wishes that Americans, white Americans, would read, for their own sakes, this record, and stop defending themselves against it...the fact that they have not yet been able to do this—to face their history, to change their lives—hideously menaces this country. Indeed, it menaces the entire world.”
—James Baldwin²

“The marginalization of disabled people is due not to a lack of determination or hard work or courage but due to pervasive and persistent economic, political, and social exclusions.”
—Alison Kafer³

As the policies of the new Jim Crow and Juan Crow⁴ continue to gain steam at state and federal levels and as white supremacy is on the rise, the stakes of analyzing, understanding, and better responding to the complex intertwining of ableism and anti-Black racism could hardly be higher in the United States.⁵ It is well known that police killings in the USA disproportionately affect people of color. According to information from the FBI gathered in 2012, Black people in particular accounted for 31 percent of police killing victims, even though they make up just 13 percent of the US population.⁶ More recent numbers are actively reported by The Washington Post on their ongoing “Fatal Force” page.⁷

Yet, in 2017, a report by the Ruderman Family Foundation brought to light an additional fact too rarely addressed or analyzed in discussions, debates, and protests concerning police killings: “roughly a third to a half of

² James Baldwin, *Collected Essays* (New York: Library of America, 1998), 722.

³ Alison Kafer, *Feminist, Queer, Crip* (Bloomington, Indiana: Indiana University Press, 2013), 93. There are longstanding and heated debates over language use concerning disability. I will here use the language preferred by the majority of disability rights activists in the United States since at least the 1960s: “people with disabilities.” This trend is admittedly shifting, but there is no genuine consensus at this point in time.

⁴ José Jorge Mendoza, “Doing Away with Juan Crow: Two Standards for Just Immigration Reform,” *APA Newsletter on Hispanic/Latino Issues in Philosophy* 15 (2):14-20 (2015)

⁵ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Revised edition / ed. (New York; Tennessee: New Press, 2012); George Yancy, *Backlash: What Happens When We Talk Honestly About Racism in America* (Lanham: Rowman & Littlefield, 2018).

⁶ Dara Lind, “The FBI is trying to get better data on police killings. Here's what we know now.” *Vox*. Accessed September 1, 2019. <https://www.vox.com/2014/8/21/6051043/how-many-people-killed-police-statistics-homicide-official-black>.

⁷ The Washington Post, “Fatal Force,” accessed March 12, 2020, <https://www.washingtonpost.com/graphics/2019/national/police-shootings-2019/>.

all people killed by police are disabled."⁸ For well over a decade, more people with intellectual disabilities categorized as "mental illnesses" have been incarcerated in jails and prisons than treated in hospitals or other medical facilities by a factor of at least three, returning us to the explicit practices of institutionalization from the 1840s onward. This also returns us to the routine criminalization of multiple types of intellectual disability as they intersect with practices and ideologies of racialization.⁹ Keeping this intersection in mind, in the United States people with disabilities are two and a half times as likely to experience violence than nondisabled people,¹⁰ and people with intellectual disabilities are significantly more likely to face the death penalty than neurotypical people.¹¹

There is a relatively small, yet growing body of scholarship at the intersection of critical philosophy of race, critical disability studies, and philosophy of disability, much of which seeks to understand the specific intersection of ableism and anti-black racism in the context of the United States. However, many of these authors are working across disciplines, traditions, and methodologies, leading discussions and debates to sometimes omit relevant scholarship, repeat old work, misrepresent various claims, or overlap in unhelpful ways.¹² Because of this situation,

⁸ David M. Perry and Lawrence Carter Long, "The Ruderman White Paper on Media Coverage of Law Enforcement Use of Force and Disability," *Ruderman Family Foundation*, http://rudermanfoundation.org/wp-content/uploads/2017/08/MediaStudy-PoliceDisability_final-final.pdf.

⁹ This is based upon data culled between 2004 and 2005. E. Fuller Torrey et al., "More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of the States," (Alexandria, VA: National Sheriffs Association, 2010).

¹⁰ Debra McKinney, "The Invisible Hate Crime," Southern Poverty Law Center, <https://www.splcenter.org/fighting-hate/intelligence-report/2018/invisible-hate-crime>.

¹¹ Michael L. Perlin, *Mental Disability and the Death Penalty: The Shame of the States* (Lanham, Md: Rowman & Littlefield Publishers, 2013).

¹² A non-exhaustive sample of such research would include: Tommy J. Curry, "This Nigger's Broken: Hyper-Masculinity, the Buck, and the Role of Physical Disability in White Anxiety toward the Black Male Body," *Journal of Social Philosophy* 48, no. 3 (2017); Christopher M. Bell, *Blackness and Disability: Critical Examinations and Cultural Interventions*, Forecaast (East Lansing: Michigan State University Press, 2011); "Introducing White Disability Studies: A Modest Proposal," in *The Disability Studies Reader*, ed. Lennard J. Davis (2006); Jennifer Scuro, *Addressing Ableism: Philosophical Questions via Disability Studies*. Lanham: Lexington (2014), esp. chapter 3.; Andrew Dilts, "Incurable Blackness: Criminal Disenfranchisement, Mental Disability, and the White Citizen," *DSQ* 32, no. 3 (2012); Mel Y. Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect, Perverse Modernities* (Durham, NC: Duke University Press, 2012); Phil Smith, "Whitness, Normal Theory, and Disability Studies," *DSQ* 24, no. 2 (2004); Eva Feder Kittay, "Deadly Medicine: Project T4, Mental Disability, and Racism," *Res Philosophica* 93, no. 4 (2016); Susan Schweik, "Lomax's Matrix: Disability, Solidarity, and the Black Power of 504," *DSQ* 31, no. 1 (2011); Sami Schalk, *Bodyminds Reimagined: (Dis)Ability, Race, and Gender in Black Women's Speculative*

work at this intersection is uneven, and there is no shared interpretive framework for scholars hoping to move these conversations forward. In this paper, I work towards such a framework by arguing that white supremacy is a process and apparatus of *making abled and disabled*.

In section one, I draw upon work in contemporary critical philosophy of race to argue that whiteness functions as a protection of settler colonialist privilege, a privilege that is invariably wielded via the construction, expansion, and safeguarding of *abilities* (legal, political, social, cultural, embodied, etc.) for those deemed white, whilst simultaneously wielded via the destruction, restriction, and undermining of *abilities* for those deemed non-white. In short, whiteness functions at base as a system of ablement and disablement or “debility,” to follow Jasbir Puar’s apt phrasing.¹³ In section two, I draw upon work in philosophy of disability and critical disability studies to argue that this system is operationalized through an understanding of human bodies as capable of *ontological lack*,

Fiction (London: Duke University Press, 2018). Cristina Visperas, “The Able-Bodied Slave,” *Journal of Literary & Cultural Disability Studies*, no. 1 (2019): 93, <https://doi.org/10/ggcmwk>. I would also point readers to the very helpful section on “Dis/ability Critical Race Studies and Black Disability Studies” in Melinda Hall’s entry on “Critical Disability Theory” in the *Stanford Encyclopedia of Philosophy*. There is also important legal work being done at this intersection. See, for example, Kimani Paul-Emile, “Blackness as Disability?,” *Georgetown Law Journal* 106, no. 2 (2018): 293. And, of course, there is certainly work being done at the intersection of Black studies/African American studies and disability that operates less directly in the more specific orbit of the intersection of critical philosophy of race, critical disability studies, and philosophy of disability. E.g., see Therí A. Pickens, “Blue Blackness, Black Blueness: Making Sense of Blackness and Disability” 50, no. 2 (2017): 93–103, <https://doi.org/10/ggcmwm>. In terms of non-academic exchanges, the discussion between disability activist and artist Leroy F. Moore Jr. and Tommy J. Curry is telling: “Black Disabled Men: ‘Man-Not’”, National Black Disability Coalition, Accessed September 9th, 2020. <https://www.blackdisability.org/content/black-disabled-men-%E2%80%9Cman-not%E2%80%9D%C2%A0>.

¹³ Jasbir K. Puar, *The Right to Maim: Debility, Capacity, Disability* (2017). Cf. also Stacy Clifford Simpican, *The Capacity Contract: Intellectual Disability and the Question of Citizenship* (Minneapolis; London: University of Minnesota Press, 2015). For simplicity and the aims at hand, I will shift between using the terms “disability,” “ability,” and, where appropriate, “dis/ability.” Having said this, I am fond of Sami Schalk’s usage of the term “(dis)ability” as way to think more intersectionally about what often goes under the simpler “disability.” She writes, “I use this term to reference the overarching social system of bodily and mental norms that includes ability and disability. I use (dis)ability because unlike terms such as gender, which references man, woman, genderqueer, transgender, and other gender identities, disability without the parenthetical adjustment merely references disability and impairment. The term (dis)ability also highlights the mutual dependency of disability and ability to define one another. While other scholars use dis/ability or ability/disability to similar effect, I believe the parenthetical curve as opposed to the backslash better visually suggests the shifting, contentious, and contextual boundaries between disability and ability.” Schalk, *Bodyminds Reimagined*, 6.

which is to say, as de facto and de jure capable of being *less than human*.¹⁴ I close by expanding on the claim that critical analyses of race that do not attend to questions of disability and debility as well as critical analyses of disability that do not attend to questions of race and racialization are doomed to theoretical and empirical oversights.¹⁵

I. The Birth of the Racial-Disabled Subject

Moving from national statistics concerning the relationship between disability and race vis-à-vis police encounters as a whole, consider the following: the ACLU reports that “students with disabilities are 3 times more likely than students without disabilities to be referred to law enforcement. Black girls with disabilities are 3.33 times more likely to be referred to law enforcement, and Black boys with disabilities are 4.58 times more likely to be referred to law enforcement.”¹⁶ Tommy Curry, keeping such statistics front and center, argues that “black male vulnerability” is so omnipresent under white supremacy that a “black disabled man” is a “conceptual impossibility.”¹⁷ As Curry explains, “Black

¹⁴ David Livingstone Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*, 1st ed. (New York: St. Martin's Press, 2011).

¹⁵ An initial caveat is in order. I by no means wish to suggest that there have not been decades of work to integrate disability and racial justice, specifically by people of color. As Leroy Moore, Talila A. Lewis, and Lydia X. Z. Brown, write in “Accountable Reporting on Disability, Race, & Police Violence: A Community Response to the ‘Ruderman White Paper on the Media Coverage of Use of Force and Disability,’” the white paper from which this paper takes its point of departure “does not mention or acknowledge the work of countless disabled and disability-adjacent activists of color on police violence, even though those most affected and most engaged in this work are Disabled/Deaf Black, Brown, and Indigenous people.” Moore, Lewis, and Brown list the names of seventy-five “activists, scholars, attorneys, organizers, artists and cultural workers, journalists, bloggers, philosophers, community builders and advocates” who have done and continue doing work to integrate disability and racial justice. One could defend the Ruderman paper by arguing that it sought to highlight an additional fact too rarely addressed in the national media and did not aim to be either exhaustive or historical in nature. I do not wish to take a stand on that dispute here, and my argument does not require doing so. In framing things as I do, I am hoping to highlight the need for further engagement with all such work and specifically so for scholars who are working at the narrower intersection of critical philosophy of race and philosophy of disability. Moore, Leroy, T. Lewis, and Lydia X. Z. Brown, 2018, “Accountable Reporting on Disability, Race, & Policy Violence: A Community Response to the ‘Ruderman White Paper on the Media Coverage of Use of Force and Disability.” Available at

<https://docs.google.com/document/d/117eoVeJVP594L6-1bgL8zpZrzgojfsveJwcWuHpknCs/edit>.

¹⁶ Susan Mizner, “Children Cruelly Handcuffed Win Big Settlement Against the Police in Kentucky,” *ACLU*, <https://www.aclu.org/blog/disability-rights/disability-rights-and-education/children-cruelly-handcuffed-win-big>.

¹⁷ Tommy J. Curry, “This Nigger’s Broken: Hyper-Masculinity, the Buck, and the Role of Physical Disability in White Anxiety toward the Black Male Body,” *Journal of Social Philosophy* 48, no. 3 (2017). Hereafter cited in text. To some, it may seem as though the focus on disabled Black men that follows falls uncritically in step with Curry’s own focus, offering no justification of my own.

men cannot be disabled because their able-body-ness is needed to fulfill the caricatures of theory and stereotypes. For the Black male to be a rapist, a super predator, he needs to be able to rape and kill. He is theorized as able-bodied to animate the violence others imagine of him.”¹⁸

In addition to engaging large swaths of social scientific evidence, Curry defends this argument by looking to two primary examples: the September 23, 2015 police killing of Mr. Jeremy McDole by officers from Wilmington, Delaware and the fictional trial of Tom Robinson in Harper Lee’s 1960 novel *To Kill a Mockingbird*. In each of these cases, Curry astutely argues that the visible disability of the black man in question, McDole and Robinson, was rendered irrelevant—arguably to the point of invisibility—in the eyes of the white people who killed or sentenced them to death, respectively, as well as to the majority of commentators analyzing the stories.

For sake of space, I am assuming that readers know the now canonical story of Tom Robinson. The story of Jeremy McDole is, however, sadly less well known. In September 2015, four Wilmington, Delaware police officers shot 28-year-old Jeremy “Bam” McDole while sitting in his wheelchair on the city’s west side, murdering him on site. Senior Corporal Joseph Dellose “fired at McDole with a shotgun approximately two seconds after initially ordering him to put his hands up, the report found, creating uncertainty among other officers who, not knowing where the gunfire came from, also turned their weapons on McDole... Dellose and the other officers were responding to a 911 call in which a resident told dispatchers that a man in a wheelchair had shot himself, and that he had a gun in his hand. Investigators later interviewed the woman who called 911, who said she never saw a gun.”¹⁹

Indeed, I do not here offer an analysis of the intersection of ableism and racism that takes gender differences as a central concern. The reason I engage Curry and follow him in his own focus is because he provides an exceptionally potent example of how focusing on the intersection of racism and ableism can go well, in certain respects, and go wrong, in others, without the sort of shared interpretive framework for which I argue here.

¹⁸ Tommy J. Curry, personal correspondence, August 1, 2019. See also chapter five as well as the conclusion of *The Man-Not*. {Citation} Cf. Christine Wieseler, “Challenging Conceptions of the ‘Normal’ Subject in Phenomenology,” in *Race as Phenomena: Between Phenomenology and Philosophy of Race* (Lanham: Rowman & Littlefield, 2019), 69–85 esp. 79–81.1/5/21 8:46:00 PM

¹⁹ Esteban Parra, Adam Duvernay and Jessica Masulli Reyes, “McDole shooting: Wilmington police won’t be charged,” *The News Journal*, accessed on DelawareOnline at <https://www.delawareonline.com/story/news/local/2016/05/12/delaware-cops-wont-charged-jeremy-mcdole-shooting/84245736/>.

Drawing upon Fanon's incisive discussions of phobogenesis, Curry argues, "the fear that the Black man represents—his sight, imagining him as a sex partner—is the origin of white violence against him" (324). Curry continues, "because the Black male body is confined to the realm of terror—a living corporeal horror—I argue the recognition of intellectual disability by white onlookers is subsumed by white fear. In other words, disability in the Black male is unrecognizable by whites because of a very real racial anxiety" (idem). Yet, focusing for a moment on Curry's discussion of Tom Robinson, it is crucial to note that Robinson's impairment was created by unsafe, highly racialized conditions of labor: his arm was caught in a plantation cotton gin.²⁰ That Robinson's disability was irrelevant is not only a question of the specific sexualization and racialization Curry details, but also because disabilities acquired through plantation-related labor are not "real" disabilities in the eyes of the white, "able-bodied" jury. That is to say, one must attend to the economic (racialized) aspects of disability at play in the story as well.

The twinned processes of racialization and abilitation/debilitation at work here inform the temporal structure of disability as well.²¹ One could say that Robinson is always already disabled (in the social model's sense) via the racialized epidermalization of his body. Yet, if one follows Fanon in understanding Blackness (heard in its relationship with colonization and the Middle Passage) in terms of a "non-zone of being" relative to the white racist, ableist, settler colonialist world, then the negativity of disability doubles back upon itself, rendering him neither abled, nor disabled because he is, in the end, seen as not human.²² Robinson's "disability" is not a disability that a white person would ever have because it is a disability that—in the white, ableist imaginary—a white person *could* not have. In short, it conflicts with white identity.

And even if a white person had the "same" disability (in the banal sense of the same type of physiological shape and function of one's left arm),

²⁰ Harper Lee, *To Kill a Mockingbird*, 1st Perennial Classic ed. (New York: HarperCollins, 2002).

²¹ I realize that the coinage "abilitation" is awkward, but I have not found a better, concise way to refer to processes of "making able-bodied."

²² Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*; Fanon, *Black Skin, White Masks*. I have not here taken up Curry's analysis of the role that gender plays in this active negation. See Tommy J. Curry, *The Man-Not: Race, Class, Genre, and the Dilemmas of Black Manhood* (Philadelphia: Temple University Press, 2017). On questions of the "temporal structures of racialized experience," see Alia Al-Saji's essay, "Too Late: Racialized Time and the Closure of the Past," *Insights* 6, no. 5 (2013).

they would not be disabled in the same way. There are multiple modes of dehumanization at play here, each reinforcing each. As Curry makes clear, given the way racial and gender dynamics intersect with Robinson's bodily form and function, it is in fact not a question of being disabled in a different way, but of Robinson not being "disabled" at all in the regard of the white jurors. As Curry explains, "racism creates peculiar misandric caricatures of Black males that require sexual aggression and violence to function....white cultural schemas hold that the Black man is a rapist. A disabled Black man may be a less efficient rapist, because he is disabled, but he is still a rapist because he is still a Black man."²³

To continue with this focus on the racialized psycho-economics of disability, or the disabling psycho-economics of racialization, consider Achille Mbembe's argument in *The Critique of Black Reason* that "the birth of the racial subject—and therefore of Blackness—is linked to the history of capitalism."²⁴ Mbembe writes,

Capitalism emerged as a double impulse toward, on the one hand, the unlimited violation of all forms of prohibition and, on the other, the abolition of any distinction between ends and means. The black slave, in his dark splendor, was the first racial subject: the product of the two impulses, the most visible symbol of the possibility of violence without limits and of vulnerability without a safety net. Capitalism is the power of capture, influence, and polarization, and it has always depended on *racial subsidies*.²⁵

That is to say, the process and apparatus of making abled and disabled emerges not simply out of capitalism, but out of the racial subsidies upon which it is based, producing the twin needs to humanize those who control the means of production and dehumanize those who do not and do so at varying levels of stratification depending upon context, locale, political exigency, extant social mores, etc. As Ryan Fics puts this matter, "disability and ability aren't necessarily the product of capital, but, rather, they are co-originary with that which informs and arranges capital, especially the white supremacy that undergirds" its historical formation

²³ Tommy Curry, personal correspondence, August 1, 2019.

²⁴ Heeding the work of George Yancy and Linda Alcoff, among others, I imagine one hearing Mbembe in fact say here: "and therefore of Blackness and *whiteness*." Achille Mbembe, *Critique of Black Reason* (Durham, NC: Duke University Press, 2017), 179.

²⁵ *Idem*.

and emergence.²⁶ Yet another component of this co-originary logic is that of extermination. The extreme and systematic acts of violence and murder by white Americans against Black Americans has been an historical mainstay.²⁷ *Making* Black bodies disabled and *making* Black bodies dead is at the center of the structural intertwining of ableism and anti-Black racism upon which this country is founded.

Along with the racial subsidies upon which the power of capture, influence, and polarization is afforded to those who are racialized as white comes also the production of social identity. When James Baldwin claims that whiteness must be seen in terms of the “protection of...identity,” I take him to be pointing to the way that whiteness becomes constitutive of the very sense of self of white Americans, of those who live in its possibilities of violence and capital gains without limits—as well as living *with limits* to their own exposure to certain types of living and labor conditions.²⁸

But a central feature of capitalism, like any economic system, turns on the distribution, accumulation, and transferal of *abilities*. The ability to build, to buy, to negotiate, to insure, or to move capital (both social and financial) just is, among other things, a particular economy of *this way of distributing* ability. And if the birth of the (modern) racial subject is linked to the history of capitalism, then this is at the same time to claim that the birth of the (modern) disabled subject is linked to the history of capitalism. One of the intellectual tasks at hand, I think, is to better see *how the social value of any given “human” ability has become refracted through whiteness*, which is to say, how whiteness inflects (and, certainly, infects) what any

²⁶ Ryan Fics, Personal Correspondence, October 22, 2019. I see this claim supported by disability scholars, and specifically disability historians, whose work has taken the intersection of racism and ableism as central. See, for example, the oeuvre of Chris Bell, Kim Nielsen, Nirmala Erelles, and Jay T. Dolmage, among others.

²⁷ Smith, David Livingstone. *Less Than Human: Why We Demean, Enslave, and Exterminate Others*. 1st ed. New York: St. Martin's Press, 2011. Curry, Tommy J. *The Man-Not: Race, Class, Genre, and the Dilemmas of Black Manhood*. Philadelphia: Temple University Press, 2017. Harriet A. Washington, *Medical Apartheid: The Dark History Of Medical Experimentation On Black Americans From Colonial Times To The Present* (New York: Anchor Books, 2008); Paul A. Lombardo, ed., *A Century Of Eugenics In America From The Indiana Experiment To The Human Genome Era* (Bloomington: Indiana University Press, 2011); Rana A. Hogarth, *Medicalizing Blackness: Making Racial Differences in The Atlantic World, 1780-1840* (Chapel Hill: University of North Carolina Press, 2017); Alison Bashford and Philippa Levine, *The Oxford Handbook Of The History Of Eugenics* (Oxford; New York: Oxford University Press, 2010).

²⁸ Baldwin, *Collected Essays*, 127.

individual or group is taken to be able to do and whether that ability is held to carry any value, any capital.

Sylvia Wynter explicitly links disability (both physical and intellectual) with the meaning of Blackness and the legacy of anti-black racism and settler colonialism in the US more generally. “The bottommost role of Black Americans in the United States is systemically produced...a parallel and interlinked role is also played by the category of the Poor, the jobless, the homeless, the ‘underdeveloped,’ all of whom, interned in their systemically produced poverty and expendability, are now made to function in the reoccupied place of the Leper of the medieval order and of the Mad of the monarchical, so as to actualize at the economic level the same dysgenic or dysselected-by-Evolution conception.”²⁹ On my reading, Wynter is here claiming that white supremacy in the US has relegated Black Americans to *disabled outcasts*. This means, among other things, that being disabled cannot somehow offer protection for those who are black, as Curry’s analysis assumes in principle, whether through increased pity, consideration, social supports, or what have you.

Focusing on Black males in America, Sylvia Wynter argues this exact point in her essay, “‘No Humans Involved’: An Open Letter to My Colleagues.” She writes, “the category of young Black males to which it [the category of “no human involved” used by the LAPD to refer to incidents involving young black males] refers, leads, whilst not overtly genocidal, are clearly having genocidal effects with the incarceration and elimination of young Black males by ostensibly normal, and everyday means.”³⁰ We should ask, she suggests, why the LAPD conceives of “what it means to be both *human* and *North American* in the *kinds of terms* (i.e. to be White, of Euroamerican culture and descent, middle-class, college-educated and suburban) within whose logic, the jobless and usually school drop-out/push-out category of young Black males can be *perceived*,

²⁹ Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation—an Argument,” *CR: The New Centennial Review* 3, no. 3 (2003): 304.

³⁰ See Sylvia Wynter, “No Humans Involved: An Open Letter to My Colleagues,” in *Forum N.H.I.: Knowledge for the 21st Century*, 1994. My thanks to Tommy Curry for pointing me to this reference. As Wynter explains, “You may have heard a radio news report which aired briefly during the days after the jury’s acquittal of the policemen in the Rodney King beating case. The report stated that public officials of the judicial system of Los Angeles routinely used the acronym N.H.I. to refer to any case involving a breach of the rights of young Blackmales who belong to the jobless category of the inner city ghettos. N. H. I. means ‘no humans involved.’” *Ibid*, 42.

and *therefore behaved towards*, only as the *Lack* of the human, the Conceptual Other to being North American?" White Americans can still be perceived to have lacks and yet be human—it is, in the light of such an analysis, no accident that the vast majority of disabled activists who helped push through the Americans with Disabilities Act were white and that the issue of racism, and anti-Black racism in particular, has been too often submerged by disability activism in the USA writ large.

White supremacy, as a process and apparatus of making abled and disabled according to an intertwined logic of ableism and anti-Black racism, demands that Black bodies, especially Black male bodies, be rendered not as lacking or fulfilling due to their way of being in the world, but as lacking *humanity* and lacking it *fundamentally*. This is why Jeremy McDole and Tom Robinson are not seen according to the usual white logic of disability—they are seen instead through the white supremacist lens of anti-Black dehumanization.

This larger economic, psycho-social observation is crucial to more accurately interpret how the meaning of disability shapes the meaning of race—which is always to say, of course, how *practices* of disablement shape *practices* of racialization—and the obverse. As I argue in more detail in the following section, the disabled body is *worth less* only when it is deemed a body that could have worth in the first place; insofar as Robinson's and McDole's humanity is already in question for the white jurors and police officers due to how they are racialized (and, Curry would heed us to remember, the specific intersection with their gender as well)—the meaning of disability changes. Yet, I think the analysis under discussion inadvertently falls prey to tropes of disability, especially that of disability pity, that assume the meaning of disability is in fact static.³¹

For example, Curry writes, "Mr. McDole was murdered because the white officers rationalized him as a threat, a savage, and a danger to white life,

³¹ In a personal correspondence, Tommy Curry responded to this by saying, "I see where you are going, but my emphasis in that essay was about how racism requires able-bodied caricatures of disabled Black men. So one way to think of it is to focus on the wheelchair, the other is to think of it as the wheelchair not existing or being seen the erasure of disability b/c the Black male is already always a social threat in need of disposing. I was talking about the latter." I agree that that is the larger point relative to the article being cited, but I think, however, that the *meaning* of the wheelchair is a central issue here, and one that requires far more reflection if it is to be thought in a non-ableist way.

despite his confinement to a wheelchair.”³² On this logic, the derogatory idea that wheelchairs are confining, as opposed to freeing (which is how many wheelchair-using people talk about their wheelchairs) is supposed to counter the idea that McDole is a threat. Yet, using a wheelchair doesn’t preclude one from having or using a gun. Curry intends the wheelchair to function as an extrinsic sign that McDole can’t be threatening, but for this to work, the use of a wheelchair has to be understood as ontologically negative, as clearly signaling a lack of McDole’s abilities even when such a lack in fact doesn’t apply in the example.

By “ontologically negative,” I follow the work of Fiona Kumari Campbell, who has argued that the meaning of disability, before and above all else, has historically been a question of *lack*. For Campbell, the assumption that being in a wheelchair elicits a “despite” — elicits an automatic relation to negation of the otherwise open possibilities of a person — is nothing more than ableism. It is an assumption based upon the idea that fitting the fictive ideal of “able-bodied” is always already better than being “disabled” and that to be anything but “able-bodied” is to be *missing something*. This ontological negativity bears not simply on how bodies are interpreted, but also on how they are experienced — and in that respect, it bears upon how bodies *are*. That is to say, it is only through an ableist logic that McDole being in a wheelchair can be conceived as potentially or assuredly protecting him from the violence of white supremacy. By seeing the way in which ableism and anti-Black racism are inextricably intertwined, the fact that his being disabled in that way is *rendered moot* becomes, on the contrary, expected.

To drive this point home, let us assume that one has one leg, not two. To take up one’s body as lacking is to agree the idea that bodies *must* have two legs, that “normal” bodies simply *eo ipso have* two legs. It is to take up one’s body in light of a particular ontology of human form and function. On such a view, one can hold up the value of difference as much as they want, but the underlying logic is nevertheless one of lack. This is so ingrained in us, so “common sense,” that the idea that we would think of someone born with one leg, or who ends up with one leg due to any number of events, as having a “normal” human body is seen as *absurd*. This is despite the fact that an extremely wide range of socio-political philosophy has actively argued against the idea that human rights, moral

³² Ibid, 339.

worth, and the like, should have anything to do with the form or function of one's body. To put things bluntly, the concepts of humanity and normality are in conflict.

Still, the value and conceptual inertia of normality and the way it shapes our thinking, even against our better angels, is hard to overstate. And, I hope to have demonstrated, normality is not merely a question of the binary ability/disability, but also of white/black. For the purposes of this study, I have focused on the relationship of these two binaries, though I think the binary ability/disability extends to a far greater set of cases and problematics. Ableism powerfully and essentially intersects with anti-Black racism in the United States, but that is by no means the only ethically, socio-politically, historically, et al., reproachable system with which it interacts.

To return to the death of Jeremy McDole and to be very clear, I'm not arguing that the police *should* have thought McDole a threat because people in wheelchairs are just as likely to have guns. My aim is to explore how the deeply problematic medical model of disability slips into an otherwise insightful and needed intersectional analysis provided by Curry. Namely, the model on which disability is an individual tragedy resulting from genetic or environmental accident: disability as *lack*, as something automatically suffered and causing disadvantage. Ableism—in short, the idea that being able-bodied and “normal” is automatically better than being disabled and “abnormal” and that it affords one more “abilities”—is hard to root out.

One should note here the ways in which a problematic assumption about disability refracts back onto questions of racialization. To better understand this process, consider the definition of ableism provided by Talila A. Lewis: ableism is

a system that places value on people's bodies and minds based on societally constructed ideas of normalcy, intelligence, and excellence. These constructed ideas of normalcy, intelligence, and excellence are deeply rooted in anti-Blackness, eugenics, and capitalism. This form of systemic oppression leads to people and society determining who is valuable and worthy based on people's appearance and/or their ability to satisfactorily produce, excel, and

‘behave.’ You do not have to be disabled to experience ableism.³³

Noting that “disability is disproportionately represented in every single marginalized group,” Lewis further argues that “the root of racism is ableism; and the root of ableism is anti-Blackness.”

It is with such considerations in mind that I argue that white supremacy can be productively understood as a process and apparatus of *making abled and disabled*. This process and apparatus functions thanks to a simple, yet potent understanding of human bodies as capable of *ontological lack*, as capable of being *less than human*. Within the Western intellectual tradition, the meaning of disability has been defined primarily in one manner: lack or privation.³⁴ The idea of ontological lack—etymologically built into the very term ‘*dis-ability*’—keeps the gears of ableism-racism churning as a primary driver of dehumanization.³⁵

II. Bodies That Lack – On Racialization/Disablement

Curry, riffing off Wynter, writes, “to be non-white is to be abnormal—evolutionarily behind—in the phylogenetic order of human development. Those who are raced have historically been constructed as the degenerate/inferior/nonhuman opposite to the rational prototype of the human/superior/(Western) (abled) human” (322). If one accepts the idea that whiteness and white racism function as a system of ablement and disablement, then there is an important sense in which (a) white (anti-Black) racism is constitutively formed by ableism and (b) ableism is constitutively formed by white (anti-Black) racism.

In a phrase, *ability is white*, which is to say, racism and ableism function by situating whiteness and ability as *full, actual, and present* humanity and non-whiteness and disability as *partial, potential, or non-humanity*. As Fiona Kumari Campbell contends:

We need to keep returning continually to the matter of disability as negative ontology, a malignancy, a body constituted by what

³³ Talila A. Lewis, Blog, <https://www.talilalewis.com/blog>, accessed Sep. 1, 2019. She asks that if one cites this definition, they mention that this is a working definition grounded in community work and conversation with other disabled activists and scholars.

³⁴ Joel Michael Reynolds, *The Life Worth Living: Pain, Disability, and the History of Morality*. Minneapolis: University of Minnesota Press, forthcoming.

³⁵ Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*.

Michael Oliver terms ‘the personal tragedy theory of disability,’ wherein [...] ‘disability is some terrible chance event which occurs at random to unfortunate individuals.’ Disability is assumed to be ontologically intolerable, inherently negative. Such an attitude of mind underpins most claims of social injury within the welfare state and is imbricated in compensatory initiatives and the compulsion towards therapeutic interventions. The presence of disability, I argue, upsets the modernist craving for ontological security.³⁶

The “bad,” “corrupted,” “defective,” “malignant,” or “abnormal” body is one whose worth is always already judged as *less*, one whose worth is certain enough to often end or curtail its own possibility. None of this makes sense without the assumption that bodies are the sorts of thing that can lack and that, correlatively, there is such a thing as normality, as the “normal” human.³⁷

Let us not forget, as disability historian Douglas Baynton reminds us, that “a common argument for slavery was that the impaired intelligence of African Americans made them incapable of equality with other Americans. Medical authorities explained that it is the ‘a deficiency of cerebral matter in the cranium, and an excess of nervous matter distributed to the organs of sensation and assimilation, [caused] that debasement of mind, which has rendered the people of Africa unable to take care of themselves.’ Education was ‘at the expense of the body, shortening the existence,’ resulting in bodies ‘dwarfed or destroyed’ by unnatural exertion.”³⁸ Similar arguments were made to keep patriarchal and misogynist systems in place.³⁹

³⁶ Fiona Kumari Campbell, “Inciting Legal Fictions: ‘Disability’s’ Date with Ontology and the Ableist Body of Law,” *Griffith Law Review* 42 (2001): 43. See also her *Contours of Ableism: The Production of Disability and Aabledness* (New York: Palgrave Macmillan, 2009).

³⁷ Rosemarie Garland-Thomson, *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature* (New York: Columbia University Press, 1997).

³⁸ Douglas Baynton, “Disability and the Justification of Inequality in American History,” in *The New Disability History: American Perspectives*, ed. P. K. Longmore and Lauri Umansky (New York: New York University Press, 2001), 33–57.

³⁹ “During the debate over women’s suffrage, suffrage opponents pointed to women’s physical, intellectual, and psychological defects. Paralleling slavery arguments, they claimed both that women’s disabilities made them incapable of equality and that its burden would result in even greater disability. Their ‘great temperamental disabilities,’ the fact that ‘woman lacks endurance in things mental,’ that ‘she lacks nervous stability,’ meant that political participation would lead to ‘nervous prostration’ and ‘hysteria.’ A prominent neurophysiologist, Charles L. Dana, estimated that enfranchising women would increase insanity among them...” (idem).

They were also used as means of nation-building and to control the power of citizenship. Jay Timothy Dolmage reports that

When Ellis Island surgeon E. H. Mullan later wrote about the mental inspection process for Public Health Reports, he emphasized the ways that the mental and the physical overlapped, and the ways that “feeble-mindedness” might be a way to enforce racial typing and exclusion as well. Mullan wrote that “the physical details in the medical inspection of immigrants have been dwelt on at some length, and necessarily so, because a sizing up of the mentality is not complete without considering them. Speech, pupil symptoms, goiters, palsies, atrophies, scars, skin lesions, gaits, and other physical signs, all have their meaning in mental medicine. . . Knowledge of racial characteristics in physique, costume and behavior are important in this primary sifting process.” Mullan [reinforced] the idea that any good American should be able to co-identify racial, mental, and physical deficiency, suggesting that “experience enables the inspecting officer to tell at a glance the race of an alien. . .”⁴⁰

Drawing on the work of Michel Foucault and Ladelle McWhorter and specifically focusing upon Foucault’s claim that racism is “racism against the abnormal,” Shelly Tremain has argued that “within modern racist regimes of power, nonwhite skin and non-Christian religious and cultural affiliation are marked as abnormal, but so too are (for example) low IQ test scores, seizures, cleft palates, intersex, trans identity, and same-gender coupling.”⁴¹ Authors like Curry, Wynter, and Tremain bring to light the potent historical and contemporary links between colonialist processes of racialization and processes of disablement/debility. These links are all the more worrisome in the specific context of the United States, where late nineteenth/early twentieth century eugenics programs promoted themselves openly and proudly in terms of a twinned racist and ableist imaginary.⁴²

⁴⁰ Jay Timothy Dolmage, *Disabled Upon Arrival: Eugenics, Immigration, and the Construction of Race and Disability*, Columbus: Ohio State University (2018).

⁴¹ Shelley Tremain, *Foucault and Feminist Philosophy of Disability* (Ann Arbor: University of Michigan Press, 2017), 71.

⁴² Rosemarie Garland-Thomson, “Eugenics,” in *Keywords for Disability Studies*, ed. Rachel Adams, David Serlin, and Benjamin Reiss (New York: NYU Press, 2015); Douglas Baynton, “Disability and the Justification of Inequality in American History,” in *The New Disability History: American Perspectives*, ed. P. K. Longmore and Lauri Umansky (New York: New York University Press, 2001).

At the same time, however, many scholars have been understandably wary to analogize between or otherwise draw out loose similarities between the types of oppressions and discriminations faced by people along lines of race, on the one hand, and disability, on the other. For example, Shelley Tremain argues, “the assumption that ableism and the exclusion of disabled philosophers from the profession are produced through the same techniques and mechanisms as the exclusion of non-disabled philosophers (however gendered and racialized)—obscures the distinct forms of discrimination that disabled philosophers confront.”⁴³ This obscuration runs deep. Erevelles and Kafer note that “for example, Deaf/disability studies likens disability experiences to that of race, while race theorists describe their own oppression as disability. In each case, rather than interrogate the relationship, each group borrows other’s oppressive associations in an attempt to explain its own oppression.”⁴⁴ This is, it seems to me, a reason why some of the best contemporary intersectional work between ableism and racism fights against analogy, instead arguing for a critical *juxtaposition*.⁴⁵

While there is no question that claims concerning the lived experience of Black Americans and disabled Americans obtain in crucial and at times incommensurable ways, this is not to say that the more general logics behind racialization and disablement, or the logics behind whiteness and ablebodiedness, may not be similar in informative ways. It is also not to say that their larger function, the primary goals they serve in our society as a whole, may not be similar—at minimum with respect to the ways in which they underwrite white supremacy.⁴⁶ As Cornel West has put it, “ableism is as evil as racism, sexism, anti-Semitism and anti-Arabism,”

⁴³ Shelley Tremain, *Foucault and Feminist Philosophy of Disability* (Ann Arbor: University of Michigan Press, 2017). 36.

⁴⁴ Erevelles, Nirmala and Alison Kafer, 2010, “Committed Critique: An Interview with Nirmala Erevelles”, in Susan Burch and Alison Kafer (eds.), *Deaf and Disability Studies*, Washington, DC: Gallaudet University Press, 217.

⁴⁵ See Desiree Valentine, The Curious Case of Cramblett v. Midwest Sperm Bank: Centering a Political Ontology of Race and Disability for Liberatory Thought, *Journal of Speculative Philosophy* 34 (3):424-440 (2020).

⁴⁶ Linda Alcoff notes that there is an overall “lack of analogy between racial/ethnic/cultural identities, on the one hand, and identities such as age, disability, and sex on the other. All are generally visible identities, naturalized as marked on the body without mediation. But the markings that signify age, disability, and sex are qualitatively different in significance from those signifying race, ethnicity, and culture.” But in the footnote to this sentence, she qualifies her statement: “In regard to disability, this is an ongoing debate.” Linda Alcoff, *Visible Identities: Race, Gender, and the Self*, Studies in Feminist Philosophy (New York: Oxford University Press, 2006), 165.

and it is worth questioning what formal similarities underwrite such forms of injustice, just as it is worth questioning their distinct differences.⁴⁷ I hope that this study, and the insights of the many resources upon which I have drawn, leads one to ask: “Is ableness a necessary condition for racist stereotypes of Black Americans and both racist and misandric stereotypes of Black males in particular? And if it is, what does the disabled Black person mean/represent in the mind of whites to not fulfill those stereotypes of Blackness as savage and predatory?”⁴⁸

III. Today’s (Yesterday’s) Eugenics

I have explored the connection of anti-Black racism and ableism in the context of the US, arguing that these ideologies are inextricable from one another, especially with respect to their function to confer or deny humanity to human beings. Eugenics is always already racialized eugenics, as Fanon and Foucault suggested decades ago, and I hope to have added to details of such a claim how white supremacy is always already able-bodied supremacy. The racialized and ableist eugenics of mass incarceration, police murders, and systemic gun violence are of a kind with policies intended to systematically strip social supports from economically-insecure citizens and redistribute wealth upwards, as codified in the most recent tax bill.⁴⁹ These in some respects “velvet eugenics,” to borrow Rosemarie Garland-Thomson’s phrasing, are also of a kind growing state and federal-level attempts to weaken the Americans with Disabilities Act, undermine equal access to education on multiple fronts, and destabilize just forms of care for people with disabilities, including our quickly growing aging population. This is the form “racism against the abnormal” today takes in the USA.

As historian Michael Rembis notes in his contribution, “The New Asylums,” to the 2014 volume *Disability Incarcerated*, “punitive (carceral)

⁴⁷ The quote from Cornel West is taken from Mel Duncan, “From Our Community: Race/Disability Are Starting Points for Redemption,” Access Press: Minnesota’s Disability Community News Source, Jan. 8, 2016, <http://tinyurl.com/z9uavg3>.

⁴⁸ My thanks to Tommy Curry for these two questions. Tommy Curry, Personal Correspondence, August 1, 2019.

⁴⁹ Public law no. 115-97. Liat Ben-Moshe, “Disabling Incarceration: Connecting Disability to Divergent Confinements in the USA,” *Critical Sociology* 39, no. 3 (2013); Liat Ben-Moshe, Chris Chapman, and Allison C. Carey, *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (New York, NY: Palgrave Macmillan, 2014); Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

solutions to medical problems show no signs of abating largely because politicians on both the left and right continue to support neoliberal fiscal policies that slash domestic spending on health, education, and welfare, while leaving fiscal support for law enforcement nearly untouched. State budgets for mental health care, which have been declining steadily (in the aggregate) since the 1970s, have fallen by an additional \$2 billion since 2008.”⁵⁰ Writing specifically about US state laws concerning guardianship, political theorist Andrew Dilts argues, “there is a deeper and more prevalent connection between race and disability [than mere assumptions about “ability” tacked to each], and it has in part to do with the formation and maintenance of racial categories marked expressly through mental disability and criminality.”⁵¹ Put more provocatively, if the legal, social, and political framework set up via white settler colonialist institutions has long understood race and disability intersectionally, perhaps scholars should more carefully attend to doing the same.

If critical philosophy of race is not to unwittingly reinforce ableist ideologies that, in theory and in praxis, underwrite racism and especially anti-Black racism in the context of the US and if philosophy of disability is not to unwittingly reinforce racist ideologies that, in theory and praxis, underwrite ableism and especially anti-Black ableism in the context of the US, then scholars in each of these fields need to do more work to understand the intersection of practices of racialization and ability/disability/debility. If, as Talila Lewis argues, ableism is a system that fundamentally shapes modern societies and is an integral facet of racism—and specifically anti-Black racism—then taking into account how white supremacy functions as a process and apparatus of *making* abled and disabled valuable might prove a coalitional tool in fights for social justice more generally.

⁵⁰ Michael Rembis, “The New Asylums,” in Ben-Moshe, Chapman, and Carey, *Disability Incarcerated: Imprisonment and Disability in the United States and Canada*, 149. But if, as he also argues a bit in that piece, “the move from asylum to jail or prison...is the direct result of the increasing medicalization and biologization of madness in the late twentieth century,” then it seems that debates over the materiality of disability, including intellectual disability, are a discursive field in which the materiality of criminality cannot but play out—and the reverse as well (150).

⁵¹ Andrew Dilts, “Incurable Blackness: Criminal Disenfranchisement, Mental Disability, and the White Citizen,” *DSQ* 32, no. 3 (2012), fn 21.

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