

# Disability Studies

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This chapter reviews recent publications in the field of disability studies on disability and criminal justice systems, particularly through the processes of institutionalization and incarceration. The main texts that serve as the corpus for this review define disability broadly, though devote analysis to historical constructions of intellectual/developmental disability and psychosocial disorders, labels that are critically evaluated in each text as well as in this review. By concentrating on institutionalization and incarceration, these texts are specifically focused on how ‘disability’ is entangled in the criminal justice systems of Anglo legal structures (USA, Canada, England, Scotland, Wales, Northern Ireland, the Republic of Ireland, New Zealand/Aotearoa, Australia) that developed out of English-speaking imperial forces. Specifically, these texts take issue with the idea that the process of deinstitutionalization, the movement of disabled individuals from enclosed facilities to inclusive community settings, was successful in liberating disabled individuals, specifically disabled black, Indigenous populations. This chapter proceeds in four sections. First, we focus on the contemporary definitions of institutionalization and incarceration across the different legal systems traversed by each author. Second, we consider the organizing tension of neoliberal capitalism as a framework through which to analyze and critique continued forms of institutionalization and incarceration. Third, we observe the need to center disabled black, Indigenous experiences of incarceration and institutionalization under the auspices of ‘inclusion’ in the supposed era of deinstitutionalization. Lastly, we move through the alternatives to the forms of institutionalization and incarceration assessed in these texts and offer directions for further critical thought.

## 1. Introduction

On 26 October 2020, Walter Wallace Jr., a 27-year-old African American man, was shot and killed by police officers in Philadelphia, PA. Reports state

that Wallace Jr. was diagnosed with bipolar disorder and ADHD (ABC News); accounts from the crime scene describe how he was experiencing a ‘mental health crisis’ (Vitale, ‘Walter Wallace Jr.’s tragic death’). The murder of Wallace Jr. became a topic of interest for some students in my disability studies-focused writing seminar at the end of the fall 2020 semester and then in spring 2021. Though we were learning remotely, students still felt connected to our campus in Philadelphia, where many lived, just blocks from the shooting. They immediately sought resources on disability, policing, incarceration, and criminal justice systems. Paper proposals in both semesters ranged from the disabling effects of incarceration, the ableist acts of questioning and detaining that occur in policing, and the overwhelming majority of disabled people of color currently incarcerated. A major question that arose in class was the lack of intersectional research in the field of disability studies. Many students wanted to talk about the Black Lives Matter movement, de-escalation techniques that should be employed by police, and the intersectional identities of disabled Indigenous populations, disabled people of color, disabled, queer, and trans folk. They wanted that magical book or article that did it all. They brought to the classroom space a productive discussion around Chris Bell’s (2006) rightful and thoughtful critique of the field of disability studies for failing time and again to theorize the intersections of race, ethnicity, and disability. This failure, as Bell states, comes despite the plethora of case studies available to theorize in literature, film, and the daily lived experiences of disabled Indigenous individuals and disabled people of color, especially in the context of the criminal justice system. We talked about the importance of Bell’s criticism that disability studies was really ‘white disability studies’ and the implications of that label in 2020 and beyond.

The conversation across the field of disability studies in 2020 was eager to continue unworking ‘white disability studies’ and investigate the intersectional experiences of disabled black, Indigenous individuals ensnared in criminal justice systems and the larger cultural framework that criminalizes such intersectional identities. For ‘disability’ or ‘disabled’ are not monolithic experiences. The importance of terms that follow ‘disabled’ is, significantly, endless. However, the experiences of Indigenous and racialized disabled populations are paramount to the current conversation.

Thus, this chapter reviews recent publications in the field of disability studies on disability and criminal justice systems, particularly through the processes of institutionalization and incarceration. The four main texts that serve as the corpus for this review define disability broadly, though they devote analysis to historical constructions of intellectual/developmental

disability and psychosocial disorders, labels that are critically evaluated in each text as well as in this review. David Treanor offers the term ‘living with an intellectual disability’ and provides some structure to think through the flexibility of disability as a label and an experience: ‘There is no clear-cut argument on the nature of disability or indeed intellectual disability, since our understanding of disability *qua* disability evolves as research reveals new information and persons reveal more about their lived experiences’ (p. 38). Liat Ben-Moshe approaches disability as ‘an intersection optic that deconstructs the normative body/mind and uncovers the radical potential of living otherwise’ (p. 31). Therefore, I alternate between ‘disabled’, ‘intellectual/developmental disability’, and ‘living with an intellectual disability’ as descriptions throughout this chapter, while also acknowledging that those are not static terms.

By concentrating on institutionalization and incarceration, these texts are specifically focused on how ‘disability’ is entangled in the criminal justice systems of Anglo legal structures (USA, Canada, England, Scotland, Wales, Northern Ireland, the Republic of Ireland, New Zealand/Aotearoa, Australia) that developed out of English-speaking imperial forces. Specifically, these texts take issue with the idea that the process of deinstitutionalization, the movement of disabled individuals from enclosed facilities to inclusive community settings, was successful in liberating disabled individuals, specifically disabled black, Indigenous populations. In *Decarcerating Disability: Deinstitutionalization and Prison Abolition*, Ben-Moshe focuses on the entangled histories of fostering forms of inclusion through deinstitutionalization and prison reform in the United States of America and Canada. In *Disability, Criminal Justice and Law: Reconsidering Court Diversion*, Steele critiques the process of court diversion in the USA, Canada, England, Scotland, Wales, Northern Ireland, the Republic of Ireland, and New Zealand/Aotearoa, and provides a case study of criminalized disabled subjects in Australia. In *Intellectual Disability and Social Policies of Inclusion: Invading Consciousness without Permeability*, Treanor looks at social policies of inclusion across ‘western nations’, suggesting a similar focus on Anglo jurisdictions, and offers a case study of the National Disability Insurance Scheme in Australia. The fourth text under review, the special issue of the *Canadian Journal of Disability Studies, Sites and Shapes of Transinstitutionalization*, looks at the new forms of institutions that emerged out of calls for deinstitutionalization in what is now called Canada with a focus on experiences of disabled individuals indigenous to Turtle Island.

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different legal systems traversed by each author. Second, we consider the organizing tension of neoliberal capitalism as a framework through which to analyze and critique continued forms of institutionalization and incarceration. Third, we observe the need to center the experiences of disabled black and Indigenous populations with forms of incarceration and institutionalization under the auspices of ‘inclusion’ in the supposed era of deinstitutionalization. Lastly, we move through the alternatives to the forms of institutionalization and incarceration assessed in these texts and offer directions for further critical thought.

## 2. Institutionalization / Incarceration

The texts under review here all challenge the notion that the institutionalization of disabled adults is a thing of the past. The accepted premise of each author is that the overwhelming belief of deinstitutionalization that has spread across Anglo jurisdictions is a myth. Ben-Moshe details that many public and private institutions did close between the 1950s and 1990s as a result of a variety of factors: very public exposés about the horrid, dehumanizing conditions of such facilities caused outrage (but not always action) from communities; policy changes and the neoliberal push to privatize these forms of ‘care’; critiques of psychiatry and psychiatric drugs in the 1960s; and shifts in approaching disability as a social construction rather than through moral-pathological lenses. However, in addition to those in the remaining institutions (and the long-standing residents admitted mid-century), disabled individuals are consistently kept in carceral enclosures and isolated from the community settings offered as the institutional alternative. Each author offers contemporary definitions of institutionalization and/as incarceration.

Ben-Moshe offers a detailed history of institutionalization and incarceration primarily in the United States. In putting institutionalization and incarceration in conversation, Ben-Moshe offers a larger consideration around the systems that keep certain individuals enclosed and the implications of deinstitutionalization as a movement versus louder for total prison abolition. A major intervention of Ben-Moshe’s book is the different approaches to and opinions of institutions as opposed to prison systems across the United States. Ben-Moshe situates the history of institutionalization and the move to deinstitutionalize next to the rise of the prison industrial complex and prison abolition movement. Both, Ben-Moshe implores, need to be contextualized as forms of state violence. Most importantly, Ben-Moshe frames this history of state violence and the myth of deinstitutionalization as a larger problem of overarching carceral logics. These logics of carceral enclosure

persist even outside of the walls of institutions and prisons. Control remains in the systems that dictate the well-being, health, and movement of disabled populations. ‘Incarceration’, Ben-Moshe implores, ‘is not just a space or locale but a logic of state coercion and segregation of difference’ (p. 15). As carceral logics, institutionalization and incarceration are operating from the same forms of state violence. These carceral logics persist in the continued expansion of prisons and jails, as well as in disability treatment centers, psychiatric hospitals, chemical incarceration through forced drugging, and the resistance to and lack of funding for community living.

Ben-Moshe provides a macro view of the processes in which disabled individuals are trafficked through different forms of carceral enclosure even after the mass closure of many institutions. A more micro view is offered by Steele, who focuses on a specific type of control over disabled individuals in Anglo criminal justice systems, court diversion. Affecting only a small percentage of disabled individuals who are criminalized, or as Steele states, individuals who become ‘criminally disabled people’, court diversion is the official process of ‘diversion of individuals at court prior to conviction or prior to sentence’ (p. 2). As a practice, court diversion is seen as a therapeutic intervention that keeps disabled individuals out of the criminal justice system and prison. However, Steele argues that this practice is just another form of incarceration, subjecting ‘disabled people in the criminal justice system who might otherwise not be sentenced, or even convicted [...] to coercive intervention through disability and mental health services’ (p. 1). The decision to divert an individual is at the discretion of the judge, and the services are not optional. Therefore, submitting to time in a facility is required for an offense that, if processed through the criminal justice system, could yield a shorter sentence or even an acquittal. Steele argues that this is not ‘freedom’ from incarceration, but another form of enclosure that denies rights exclusively to disabled individuals. Those who are subject to court diversion do not have access to the rights afforded to individuals charged or convicted of a crime. As Steele details, court diversion is coercive and actually serves as a more substantial pipeline to the criminal justice system—individuals who fail to comply with their involuntary diversion to a ‘health’ facility are then subject to the criminal courts and a sentence likely harsher than the previously criminalized behavior.

Both Ben-Moshe and Steele offer important examples of what has come to be known as ‘transinstitutionalization’. In their introduction to the special issue of the *Canadian Journal of Disability Studies, Sites and Shapes of Transinstitutionalization*, LeBlanc Haley and Temple Jones center transinstitutionalization as ‘a complex, deceptive, and deeply racialized, gendered,

classed, and colonial set of processes that are part of our modern lives' (p. 2). In line with Ben-Moshe's descriptions of carceral logics, LeBlanc Haley and Temple Jones suggest transinstitutionalization can take many forms as 'the institution has shifted across various cultural sites and shapes [...] through social policy, care work, education, and incarceration, to name a few' (p. 1). As Ben-Moshe articulates, such carceral logics have yet to find a radical end. Steele offers an example of such a continuation with the rarely contested, but severely debilitating, process of court diversion. Disabled individuals remain within these carceral logics or within the processes of transinstitutionalization. Treanor offers another example of a more philosophical perspective on incarceration. Treanor focuses on how legal and policy frameworks have limited individuals with intellectual disabilities who live in inclusive community settings from having 'a relational, social, economic and political place in society' (p. 13). The closure of institutions in Australia has enabled more robust forms of community living, but without the formation of meaningful relationships between those in the community with intellectual disability and those living without intellectual disability. Treanor suggests this is due to ineffective social policies and 'social role valorization', a systemic lack of education about intellectual disability that offers an 'explanation for negative cultural attitudes and institutional behavior that contributes to the social and economic devaluation of persons living with an intellectual disability' (p. 12). When put in conversation with Ben-Moshe, Steele, and LeBlanc Haley and Temple Jones, Treanor's argument of ineffectiveness is not just located in a local social policy. Rather, it is one more process of transinstitutionalization within a system that devalues and in turn defunds disabled lives.

### 3. Institutionalization / Incarceration under Neoliberal Capitalism

A major critique of deinstitutionalization from outside disability studies scholarship is that the closing of institutions led to and will continue to lead to the overwhelming number of disabled individuals being incarcerated in prisons. Yet the scholars within this corpus do not agree with that simple equivalency. The pressures of neoliberal capitalism serve to complicate that narrative in each text reviewed. Ben-Moshe explains that neoliberalism is multifaceted. It is 'an economic and political economic measure, a shift in cultural understanding of worth and the public good, and a change in state functions' (p. 11). Each Anglo legal system analyzed has been subjected to deregulation, slashing of welfare funding, and a decline in affordable housing.

In addition to a lack of funding for community living, these neoliberal policies position disabled individuals as abnormal for needing community supports. The neoliberal paradigm discussed in these texts enforces an ideology of the individual who is independent and thus requires no assistance. For Treanor, the neoliberal focus on the individual dismisses the importance of interdependence, a way of living and being that is central not only to critical disability studies scholarship, but to the lived experiences of individuals (see Carey, *On the Margins of Citizenship* (2009); Kittay, 'The Ethics of Care' (1999) and *Love's Labor* (2011)). Steele states that, under neoliberal capitalism, '[d]isabled people become increasingly constructed as pariahs and burdens on the state's finances' (p. 13). The neoliberal capitalist pursuit of wealth and betterment does not coincide with constructions of disability that often come down to an inability to do or perform work. The supposed burden on the state that is individuals requiring support through subsidized healthcare, monthly payments, or home assistance has been critiqued within the field of disability studies as a product of Reagan-era neoliberal policies and the 'pull yourself up by your boot straps' mentality (for brief context, see Kafer, *Feminist Queer Crip* (2013); McRuer, *Crip Theory* (2006), and *Crip Times* (2018)). These tenets of neoliberalism are central to the persistence of carceral logics and processes of transinstitutionalization beyond the mass closure of many institutions across the globe.

Ben-Moshe argues that the accepted narrative of the *closed-institution-to-open-prison pipeline* is an attempt to let neoliberal policies get away with impunity. Deinstitutionalization did not lead to the overpopulation of disabled individuals in prisons. Rather, Ben-Moshe makes clear, 'racism and neoliberalism did', with cuts to social services and welfare, decreased access to affordable housing, and increased budgets for 'corrections, policing, and punishment' (p. 3). As Ben-Moshe reminds us, institutions did successfully close in the US and Canada during the 1970s and 1980s. The cuts to financial supports for individuals and lack of access to community housing prevented individuals from living outside the institution and in the community. In addition, the failure to educate citizens on disability culture enabled exclusion, which, Ben-Moshe details, led to communities expressing fear and anger over the inclusion of disabled individuals as members of their neighborhoods. Ben-Moshe describes neighborhood campaigns and protests against even the idea of community homes for disabled individuals. 'Not in My Backyard' or NIMBY became a rallying cry to assert that these individuals were harmful and dangerous, leaving individuals homeless and thus subject to further incarceration.

While Ben-Moshe historicizes the effects of neoliberal capitalism on disabled communities as institutions closed, Treanor offers a more theoretical perspective on how these neoliberal policies led to the isolation of disabled individuals, even those living in community settings. Treanor uses theory and the act of theorizing as forms of emancipation that serve as ‘individual and collective means of conceiving alternative lifestyles’ (p. 6). He works from Julia Kristeva’s theory of ‘persons in the situation of disability’ (qtd. in Treanor, p. 39) to assess how disabled persons are often not viewed or treated as agentic persons even within a supposedly inclusive model. In conversation with Kristeva, Treanor argues that individuals with intellectual and developmental disabilities may be larger parts of communities, but the goal of inclusion continues to fail. Though some disabled individuals are geographically integrated in communities, they are still kept separate in terms of emotional and social support. The lack of comprehensive education about intellectual disability, Treanor argues, leads to negative assumptions about intellectual disability that leave individuals ostracized. The onus then is on people not experiencing an intellectual disability to develop ‘relationships and friendships with persons with varying disabilities’ (Treanor, p. xiii). Treanor argues that the main area in which some sort of relationship does develop is through paid labor inside care facilities, nursing homes, or community spaces. For an attendant earning an hourly wage to engage with an individual is not friendship. Friends, Treanor states, are ‘persons who are freely choosing to spend time with each other socially, sharing emotional intimacies and being part of each other’s lives’ (p. 117). The lack of access to meaningful, non-paid relationships is part of the larger neoliberal capitalist system that Ben-Moshe refers to as Disability Inc. or ‘disability incarcerated and incorporated’ (p. 71). In Dis. Inc., ‘minority difference’ is incorporated for the purpose of profit through prisons, institutions, group homes, and halfway houses, many of which are not publicly funded but corporately owned and operated. In this context, disabled individuals serve as opportunities for profit *for other people* rather than complex people with desires and needs to be shared with the community outside of a profit-making scheme. The monetary benefits disabled individuals receive from federal programs, such as Social Security Insurance in the United States and the Australian National Disability Insurance Agency, go directly to group homes or institutions, and those incarcerated are often enclosed in for-profit prisons. Though supports are available to disabled individuals within these Anglo legal systems, whiteness is often centered as a pre-requisite. As the next section will articulate, the texts reviewed worked through the histories

of disabled black, Indigenous populations in colonized Anglo legal systems under neoliberal capitalism.

#### 4. Centering Indigenous and Racialized Histories

In focusing on Anglo jurisdictions rooted in colonial histories, Steele, Ben-Moshe, and Nicole Ineese-Nash, in ‘Disability as a Colonial Construct’, make productive connections between the construction of disability, settler colonial violence, criminal justice systems rooted in white supremacy, and systemic violence against disabled black and Indigenous populations. A major critique within this conversation is the prospect of ‘inclusion’ within contemporary ‘social policies of inclusion’ under neoliberal governments working towards ‘progress’. As Jasbir Puar argued in *Terrorist Assemblages* (2007), the neoliberal push for inclusion and progress is just a way to include certain subjects into the straight, white, able-bodied, able-minded paradigm to the exclusion of mainly people of color. For Ben-Moshe, inclusion under neoliberal capitalism is similarly fraught. In some regards, inclusion has been successful in educational spaces to promote anti-segregationist policies in public schools. Yet in most situations inclusion is more akin to incorporation, as in Ben-Moshe’s concept of ‘Dis. Inc.’, in which attempts at inclusion are often only open to individuals who ‘don’t act or look transgressive, whether by race, class, sexuality, or disability’ (p. 186). Inclusion often serves as another way to incorporate individuals into the carceral logics that serve as extensions of the institutions, or transinstitutionalization, which LeBlanc-Healy and Temple Jones argue is sustained by the neoliberal push for inclusion.

Steele acknowledges these faults of inclusion by explicitly centering an intersectional analysis of race, disability, policing, and incarceration under such inclusionary frameworks. Steele premises her research by acknowledging that critical disability studies has been working to advance intersectional research. However, the larger scholarship on disability and the law has so far failed to reckon with race and ethnicity. Introducing the phrase ‘criminalized disabled people’, Steele makes clear the ‘deep entanglement of criminality and disability in terms of how control by law becomes possible and legitimate *through* disability for certain bodies marked as unfit and deviant (including those who are racialized, poor, Indigenous/First Nations), rather than “disability” (as an a priori state of being) and “criminal justice” being separate phenomena’ (p. 11). Steele explains that this entanglement operates within a legal system ‘founded on legitimating the white, fit, settler subject and nation’ (p. 16). Ben-Moshe acknowledges that her work also emerged

out of a ‘lack of deep racial analysis within some disability rights discourses’, an intersection she terms ‘race-ability’ or more specifically, ‘racial criminal pathologization’ (p. 23). Ben-Moshe explicitly puts ‘race-ability’ in conversation with the murder of disabled people of color by police. In those instances, race and ethnicity are pathologized—‘race is coded [. . .] in disability and vice versa’ (p. 25). Both Steele and Ben-Moshe intervene on a gap within the scholarship to make paramount the relationship between criminality and disability and make clear that conversations about disability, criminal justice, and incarceration are always predicated on race and ethnicity.

In an effort to de-center colonial settler narratives and histories, this corpus makes an important contribution to experiences of Indigenous and First Nations populations and their relationship to disability. Ben-Moshe, Steele, and Ineese-Nash all highlight how Anglo criminal justice and legal systems are rooted in settler colonial violence and predicated on the capture of Indigenous sovereign land that remains unceded to colonial powers. This history of colonial violence and capture, Steele makes clear, is linked to the persistent pathologization of Indigenous and First Nations individuals. Diagnoses of disability have been utilized to ‘pathologize and dehumanize Indigenous and First Nations people and legitimate genocide and, in contemporary contexts, can be a barrier to collective self-determination and nation-building’ (p. 7). In addition to this history, Steele also acknowledges that Indigenous and First Nations people are much more likely to experience ‘considerable violence and premature death through policing and incarceration’ (p. 7). Steele positions court diversion as a signature of settler colonial violence. In this context, disability is used to further oppress and depoliticize Indigenous and First Nations individuals, a practice that has been paramount to settler colonial violence in pursuit of a ‘fit’ and ‘healthy’ nation. In pathologizing Indigenous and First Nations populations, especially children, Steele argues, coercion of court diversion in Anglo legal systems is connected to the history of coercion and denial of agency and self-determination of Indigenous and First Nation individuals for the prosperity of colonial nation-building.

Ineese-Nash extends this critique further by arguing that the ‘label of disability is a construct that exists as a mechanism of colonialism which does not align with Indigenous perspectives of difference’ (p. 28). ‘Many Indigenous languages of Turtle Island (North America)’, she continues, ‘have no word describing the concept of disability’ (p. 29). To consider the labeling of disability as a colonial construct is to deepen the discourse around not only the social model of disability, but the political/relational model introduced by Alison Kafer in *Feminist Queer Crip*. This model calls for

an interrogation of medical approaches to disability and makes clear the inherent political dimension of medicine (the access to and types of care). Kafer also uses this model to position disability as relational, ‘experienced in and through relationships’ (p. 8). In relation to colonial violence, ‘disability exists [...] through explicit structures of oppression’ (Ineese-Nashe, p. 28). Within the Anglo legal system, disability is a consistent form of oppression used to cast out populations that do not align with a white, fit, able-bodied imagination of the nation. In detailing the relationship between disability and colonial oppression, Ineese-Nashe also makes clear her stakes as an Anishinaabek scholar of disability studies who draws on the knowledge of Indigenous communities, citing in full the ‘Gift of the Stars (Annangoog Meegiwaewinan)’, an Anishinaabe story about the importance of children to the physical world and to the community. In this story, children who would be considered disabled are seen as ‘gifts’ to the community. When ‘a child presents as disabled, there is an understanding that there is something to be learned from that experience to strengthen the community as a whole’ (p. 40). This differs drastically from the high numbers of Indigenous children in Canada who are removed from the community to receive supports in a completely different cultural context, furthering the construction of disability as oppression. Ineese-Nashe also intervenes on the relationship between scholar and subject in the realm of academic scholarship by offering the following author statement:

I am sharing what I have come to know, as an able-bodied, cis-gendered, white-passing Anishinaabe woman, in the hope that I might advocate for the disruption of the colonial norms that harm my family and relations across Turtle Island. (p. 27)

Ineese-Nashe’s hope of disrupting colonial norms sets up a needed space for further disruption in the field of disability studies, not only to center experiences of Indigenous populations, but to facilitate the research and promotion of Indigenous scholars.

## 5. Alternatives

Within the purview of disability studies scholarship there is a commitment to imagining different futures, theorizing alternatives to ableist pasts and present. The authors in this corpus follow that commitment and consider alternatives to disrupt the colonial norms that keep carceral enclosures thriving. Ben-Moshe positions her entire text around the possibility of abolishing carceral logics. To fully deinstitutionalize, full abolition of all forms of

incarceration is needed. Ben-Moshe focuses in on the fact that many institutions did close by the end of the twentieth century, and the call to abolish such spaces led to some meaningful reforms. By looking at deinstitutionalization as another type of logic, Ben-Moshe imagines total abolition could be possible. 'Abolition', she states, 'can be further conceptualized as a strategy beyond resistance' that 'envisions and creates a new worldview in which oppressive structures do not exist' (p. 133). For Ben-Moshe, the logic of deinstitutionalization was and is transformative. It just continues to run up against the neoliberal policies maintaining the parameters of Dis. Inc. As a corpus, I position the texts reviewed here as extensions of Ben-Moshe's call to abolish the carceral logics that invade our systems of government, laws, policing, and interactions with one another.

Steele's alternative to court diversion works from Ben-Moshe's directive to move outside dominant carceral logics. For Steele, that looks like ensuring that disabled black, Indigenous populations have access to supports that do not become available only after apprehension by law enforcement. Such supports should 'assist [disabled black, Indigenous individuals] to live their lives in the way they wish and provide opportunities for them to consent (or not consent) to boundaries or constraints they might find useful' (p. 198). These initiatives, she implores, should be led by disabled black, Indigenous and First Nations people through performance, literature, fine arts, film, and curatorial practices that 'challenge dominant, medicalized understandings of disability and the necessity of therapeutic intervention and carceral control' (p. 209). As a different logic, Steele calls for a total transformation of 'legal, criminal justice and disability and mental health systems', rather than support of state platitudes for 'criminal justice reform' (p. 198). In the context of disability studies scholarship, Steele states, 'anti-colonial pedagogies' (p. 210) should be implemented in curriculums that work to de-center whiteness. Such curricular changes should also be made within legal education pedagogical practices. Steele makes the important point that law students require more substantive education about disability and disabled black, Indigenous experiences to better advocate for future clients.

Treanor's way out of carceral logics is to imagine a change in philosophy around understandings of human dignity and intellectual disability. 'A focus on human dignity', he offers, 'challenges neoliberal anthropological assumptions that imagine persons as consumers' (p. 175). He implores 'persons living with and without an intellectual disability to embrace a new mantle of leadership and offer societies a vision of what a flourishing life can look like' (p. 199). He also devotes space to the possibilities offered by the L'Arche communities that exist across the globe. Though these communities foster

meaningful relationships and friendships between individuals living with an intellectual disability and those not living with an intellectual disability, they raise concerns over diversity and access. Individuals have to apply and be accepted into these communities that are also faith-based, rooted in Christianity. Though L'Arche accepts individuals of all religious backgrounds and practices, this affiliation might alienate many disabled individuals. Working again within the larger neoliberal paradigm, it also puts the onus on the individual as consumer to choose a private company or organization rather than receive support directly through federal, state, or local accommodations.

'Reflections on Advocating for Age-Appropriate Care in B.C.: An Intricate Dance of Crip Time and Governmental Processes', Michelle Hewitt's contribution to the *Canadian Journal of Disability Studies* special issue on transinstitutionalization, imagines that a 'new dance' needs to be choreographed among all the agencies and actors that dictate disabled lives. For Hewitt, the process of applying, waiting for, and then reviewing supports through an often confusing, uncoordinated collaboration between government agencies, politicians, private companies, medical personnel, and staff is conceived as a dance that often excludes disabled individuals as agentive partners. These dances serve the interests of the private companies and government agencies that profit from the lives of disabled black, Indigenous individuals. Hewitt focuses on young people with multiple sclerosis (MS) and calls for those individuals to lead the dance, but choreographed in such a way that all partners work in service of the individual 'for whom the change is most relevant' (p. 117). Though Hewitt's alternative centers a specific population within the intersectional identities of disability, her 'new dance' works to synthesize the futures imagined by Ben-Moshe, Steele, and Treanor. As an act of re-choreographing, disabled black, Indigenous individuals are positioned as leaders of their chosen forms of interdependent support partners. This dance respects and centers the human dignity of difference and conceptualizes a logic of deinstitutionalization that serves disability rather than uses disabled individuals in service of a profit.

As extensions of Ben-Moshe's call to abolish carceral logics, these texts share a common objective to conceptualize logics of deinstitutionalization and decarceration with actionable steps for disrupting colonial norms under neoliberal capitalism. Ben-Moshe states that she drew inspiration for a continued logic of deinstitutionalization from Leroy Moore's spoken-word poem 'CAGED, Goddamn Philadelphia'. The poem centers on the abuse and exploitation of disabled adults in Philadelphia, PA and the larger history of abuse across the United States. Ben-Moshe points out that Moore's 'poem

carries with it rage and ends with a cry not for help but to action. It is not enough to point to the oppression of those incarcerated and abused; we must join in their resistance' (p. 23). The texts under review here give us clear ways to join in their resistance. As scholars of disability studies we must continue this work to center histories and experiences of disabled black, Indigenous populations and interrogate the systems of oppression that persist within colonial Anglo legal systems.

## Books Reviewed

- Ben-Moshe, Liat, *Decarcerating Disability: Deinstitutionalization and Prison Abolition* (Minneapolis: University of Minnesota Press, 2020). ISBN 9 7815 1790 4432.
- Steele, Linda, *Disability, Criminal Justice and Law: Reconsidering Court Diversion* (Abingdon, Oxon: Routledge, 2020). ISBN 9 7808 1537 5265.
- Treanor, David, *Intellectual Disability and Social Policies of Inclusion: Invading Consciousness without Permeability* (London: Palgrave Macmillan, 2020). ISBN 9 7898 1137 0557.

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- Ineese-Nash, Nicole, 'Disability as a Colonial Construct: The Missing Discourse of Culture in Conceptualizations of Disabled Indigenous Children', *Canadian Journal of Disability Studies*, 9.3 (2020), 26–51.
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