



LIAT BEN-MOSHE

DECARCERATING DISABILITY

Deinstitutionalization
and Prison Abolition

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Cover description: The cover showcases a circular design on a faded yellow background.

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The title *Decarcerating Disability* is in magenta color. At the top right corner is the author's name, Liat Ben-Moshe, in green, and at the right bottom corner is the subtitle *Deinstitutionalization and Prison Abolition* in magenta color.

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Introduction

Intersecting Disability, Imprisonment, and Deinstitutionalization

Decarceration and Deinstitutionalization

There is no doubt that recent years have brought a surge in media, activist, and scholarly interest in mass incarceration.¹ However, the burgeoning discourse regarding imprisonment and its critique rarely covers disability or madness as a topic that merits attention, even though disability is central to mass incarceration and decarceration in the United States. This is true in terms of both the disabling nature of incarceration in prisons and the pervasiveness of incarceration (whether in so-called therapeutic facilities like psych hospitals or punitive ones like jails) characterizing the lives of many disabled people (whether they identify or are politicized as such or not).

Despite this pervasiveness, disability and madness are largely missing from analysis of incarceration and its resistance.² When disability or madness *is* present, it is conceived of as a deficit, something in need of correction, medically/psychiatrically or by the correction industry, but not as a nuanced identity from which to understand how to live differently, including reevaluating responses to harm and difference. This is not only a scholarly omission but also a real danger to the lives of those most marginalized, especially when many proposals for reform risk increasing surveillance over those already heavily impacted by carceral sites and logics in the United States.

Discussing incarceration and decarceration without referring to disability/madness has several pitfalls. First, it ignores the ways carceral locales and their histories of closure and abolition are interconnected. This is what Chapman, Carey, and I referred to as “carceral archipelago” or carceral matrix.³ By *carceral locales*, I am referring to a variety of enclosures, especially prisons,

jails, psychiatric hospitals, and residential institutions for those with intellectual or developmental disabilities, but I am also referring to particular logics and discourses that abolition (penal/prison/carceral) opposes. As such, this book draws from and connects to the nascent subfield of critical carceral studies.⁴

Furthermore, analyzing incarceration and decarceration without a disability/madness lens casts away ways of understanding disability/madness as lived identity and a way to be in and view the world (i.e., an ontology and epistemology), as it intersects with race, gender, nationality, and other axes. It also results in not taking disability as an analytic. Such lack of what I later describe as a *crip/mad of color critique*⁵ sidesteps disability/madness and their histories of oppression and resistance as ways to inform policy and activist resolutions to vast social problems, such as incarceration. To those who claim that prison abolition and massive decarceration are utopian and could never happen, this book shows that they've happened already, although in a different arena, in the form of mass closures of residential institutions and psychiatric hospitals and the deinstitutionalization of those who resided in them. I suggest that it is essential to interrogate deinstitutionalization as a social movement, a mind-set, a logic to counter carceral logics. I argue that deinstitutionalization is not just something that has "happened" but was a call for an ideological shift in the way we react to difference among us.

Therefore one aim of this book is to construct and activate a genealogy of the largest decarceration movement in U.S. history: deinstitutionalization. Understanding how to activate this knowledge can lead to more nuanced actions toward and understandings about reducing reliance on prisons and other carceral enclosures as holders for people who are deemed by society to be dangerous, abnormal, or disturbed. In so doing, we can build coalitions between queer, racial justice, and disability justice organizing. By connecting deinstitutionalization with prison abolition, I also elucidate some of the limitations of disability rights and inclusion discourses and of tactics like litigation.

Rich lessons for prison abolition are available in the history of deinstitutionalization. And yet deinstitutionalization is repeatedly blamed for the rise of U.S. mass incarceration.⁶ It is often implied that the main reason people with psychiatric disabilities ended up in prisons and jails is the closure of psychiatric hospitals in the early 1960s. Such claims amplify calls that condemn the deinstitutionalization movement as irresponsible and for "leaving

people in the streets.” But as I show in chapter 4, deinstitutionalization did not lead to homelessness and increased incarceration. Racism and neoliberalism did, via privatization, budget cuts in all service/welfare sectors, and little to no funding for affordable and accessible housing and social services, while the budgets for corrections, policing, and punishment (of mostly poor people of color) skyrocketed.

Let me explain what I mean by deinstitutionalization as a phenomenon and logic. The closure of psychiatric hospitals and large state institutions for those with developmental disabilities has been a major policy trend in most U.S. states in the past few decades. The population of people with intellectual and/or developmental disabilities (I/DD) in large residential institutions (more than sixteen persons) peaked at 194,650 in 1967. By 2015, this number had declined to 69,557.⁷ The number of people with I/DD labels living in institutions decreased by 80 percent from 1977 to 2015, while the number of people living in small residences (six or fewer people) increased by greater than 1,900 percent over this same time period.⁸ In the last twenty years, the number of people with I/DD who receive support and services from their state while living in the home of a family member has also increased by 135 percent. As a result, by 2014, fourteen U.S. states had closed all their state-operated institutions for people with I/DD.⁹ These states still have residents with I/DD labels; they have just learned how to accommodate their needs outside of the institutional framework.

An accompanying shift occurred in the field of mental health in the 1960s with the closure of large state mental hospitals in most major cities. In 1955, the state mental health population was 559,000, *nearly as large on a per capita basis as the prison population today*. By 2000, it had fallen to fewer than one hundred thousand.¹⁰ I want to be clear here that I am not suggesting that institutionalization, hospitalization, and imprisonment in jails and prisons are the same, but I am suggesting that they all encompass carceral logics and that those who want to achieve a noncarceral society should examine one specific historical precedent of decarceration in the United States to identify potential pitfalls to avoid (such as the bureaucratization and institutionalization of deinstitutionalization, discussed in chapter 2) as well as useful strategies used during deinstitutionalization that made it happen de facto.

Deinstitutionalization has been largely defined as the movement of people with psychiatric and intellectual or developmental disabilities from state

institutions and hospitals into community living and supports. Deinstitutionalization is also the accompanying closure of carceral locales, the shuttering of large, mostly state-sponsored/funded, institutions and hospitals for people with intellectual and psychiatric disabilities. But by understanding it as a history of (not only but also) abolitionist practices, I argue that deinstitutionalization is not only a historical process but a logic. It was something that people fought for, and won. It was, and still is, a fraught process, but it is also a cautionary tale of success.

This interpretation showcases the gains that deinstitutionalization made in the ways we treat disability and madness. I mean treatment both in terms of the impetus to therapeutically take care of disability (now outside institution walls) but also in terms of social and cultural treatment, a shift in perspective toward disability rights, inclusion, and perhaps justice. By viewing deinstitutionalization in this way, this book brings to the forefront the social critiques that disability/madness conjured up regarding treatment, rehabilitation, choice, and segregation. The book also offers critiques of deinstitutionalization and the ways it helped to construct a narrow liberal approach to liberation through the framework of inclusion by adhering to specific able-racial-gendered capitalist formations.

Genealogy of Decarceration

This book is rooted in queer, crip, and feminist of color intersectional scholarship that is indebted to the knowledge and labor of queer of color and feminist of color scholarship. Cathy Cohen, Dean Spade, and others urge us to frame oppression and state violence, in this case, criminalization and incarceration, through what Roderick Ferguson describes as a queer of color critique.¹¹ This critique questions traditional white liberal approaches to social problems that call for measures like more legislation or incorporation within the system (for example, gaining rights through same-sex marriage or the incorporation of LGBTQ in the military). Furthermore, as Jina Kim explicates regarding her definition of crip of color critique, “as a critical methodology, it would ask us to consider the ableist reasoning and language underpinning the racialized distribution of violence.”¹² It is feminist and queer of color not only in its interrogation of racial gendered dynamics but also in its methodology and directive to shift “the margins to the center.”¹³ Crip of color critique is also important in threading together what I term *race-ability*,

in a critical way that engages, queers (as was Ferguson's original prompt), critiques, and exceeds normative frames. By race-ability, I am referring to the ways race and disability, and racism, sanism, and ableism as intersecting oppressions, are mutually constitutive and cannot be separated, in their genealogy (eugenics, for example), current iterations of resistance (in the form of disability justice, for example), or oppression (incarceration and police killing, for example).

The analysis in this book is also deeply inspired by the work of Michel Foucault, who explored the connected power effects that operate through various regimes of truth (such as science/psychiatry/medicine/pastoral). Foucault's aim was to show that the logic of (both disciplinary and biopolitical) power operated through a variety of technologies and social as well as physical institutions;¹⁴ his prime examples were the asylum, the clinic, and the prison, which are the sites of incarceration pervasive in the contemporary lives of those racialized and pathologized and therefore the main sites of carceral enclosure discussed here.

As Wendy Brown suggests, Foucault's work moves us from typologies of time to geographies of power.¹⁵ Power, for Foucault, works precisely because it is not merely destructive but productive. It produces particular subject formations and, by so doing, constrains and reifies them in the very discourse that created them, for example, through the creation of the medical discourse of psychiatry. Power, in this formulation, is not a centralized external force controlled by a limited few but is inside us, making us operate in particular ways, often by benevolent means, that is, "for our own good," such as is the case with diets, psychotherapy, anger management, and rehabilitation, to name a few examples.¹⁶

This book strives to expand genealogy beyond analysis of instruments of power to the topography of their resistance, in this case, focusing not on incarceration and its logics but on discourses of decarceration in the form of deinstitutionalization and prison abolition. This book is especially inspired by the methodological aspects of Foucault's work. The production of psy and penological discourses and subjects (the "mentally ill," "criminals," "abnormality") are usually taken for granted or seem like they "have always been here."¹⁷ Following Nietzsche, Foucault created the analytical tools of archeology and genealogy, which enable the critic to start taking apart these taken-for-granted notions.¹⁸ In creating "a history of the present," the critical theorist or historian can uncover the conditions of the present

circumstances in the past and create awareness of the current situation, not as transhistoric or as a continuity, but as a contingency.¹⁹ Genealogy therefore does not attempt to capture the “true” story or the essence of an event but the local, dispersed histories attached to it. Genealogy allows the researcher to investigate imagined possibilities and carefully construct not just an alternative historiography but also a narrative of what could have been, in knowledges that have been discredited as nonscientific and forgotten.

We live now in a moment in which resistance to the current penal system, and prison abolition as a practice, is (still) contested. It is apparent to many activists in this movement that the goal of abolition is a long-term one and that we will not see this change in our lifetimes. Therefore what I offer here is about the future as much as it is about the past or present. Genealogy enables me to assess deinstitutionalization as a tactic that some see as incredibly successful in closing down repressive institutions; as an ideology that sought to change the way people with disabilities are perceived and treated; and as an unfulfilled promise seen by activists, policy makers, and social scientists. Genealogy also elucidates the contingencies in the present and future, as seen in current prison abolition work and the (as yet unrealized) vision of a noncarceral and nonsegregationist society.

This book is also genealogical in the sense that it offers a history of ideas—abolition, closure, and the critique of reform. More importantly, it reveals how one form of knowledge or tactic was discredited and seen as irrelevant and nonsensical and how relations of power made one knowledge (penal expansion, biopsychiatry, prison and institutional reform) subsume the other (discourses of abolition or other ways of reacting to harm and difference). As genealogy does not follow a progression or evolutionary model, I also demonstrate how reform and abolition are embedded in each other and live side by side, although one is often seen as legitimate and the other is discredited as belonging to a radical fringe.

To construct this genealogy, I gathered a diverse archive consisting of texts and cultural products written by scholars and activists within prison abolition as well as by those fighting against psychiatric and other forms of institutionalization of people with disabilities (including doctors, scholars, and activists in the consumer, survivor, and ex-patient movements and the field of developmental disability; self-advocates and those currently and formerly incarcerated; and disability advocates, lawyers, and family members). In other words, I look at a wide range of formal and informal players who are

involved in the fight to close institutions and prisons since the 1950s and contemporarily, although the focus is on the era of deinstitutionalization and its aftermath today.

I also analyzed what was written about these abolitionary movements, as these documents provide insights into reactions to institutional closure initiatives and to prison abolition, specifically under the rubric of the “backlash” to deinstitutionalization and carceral closure. I further took up federal and state policies and case law regarding prison closures, prisoners’ and inmates’ rights, and the deinstitutionalization of those labeled as developmentally disabled, and I looked at policy changes to the closure of psychiatric hospitals and facilities and the shift to community care. Additionally, I analyzed protests, rallies, and testimonies during closure hearings of prisons and large residential institutions to grasp what’s behind the resistance to such closures. Finally, I was able to draw from my own conversations with several key figures in these movements, including Wolf Wolfensberger and Thomas Szasz shortly before their passing as well as many current abolitionists and activists, to understand their own perspectives on “doing abolition” and its consequences.

Disability and Imprisonment

By now we should all be familiar with the figures. The United States has only 5 percent of the world’s population, yet it holds 25 percent of the world’s imprisoned population. Between 2006 and 2008, the U.S. incarceration rate peaked at one thousand inmates per one hundred thousand adults—a record level. By 2016, the incarceration rate was still staggering compared to the rates of other countries but was at its lowest point since 1996, at 830 inmates per 100,000 adults.²⁰ Another whopping 4,537,100 adults were under “community corrections,” which include parole and probation.²¹ Race, gender, and disability are significantly tied to incarceration rates. At its height, in 2006, whites were imprisoned at a rate of 409 per 100,000 U.S. residents, Latinos at 1,038 per 100,000, and blacks at 2,468 per 100,000. The rate for women was 134 per 100,000 residents; for men, it was 1,384 per 100,000.

Disability and impairment (physical, psychological, sensory, cognitive, learning) play a major role in this incarceration matrix. As Jean Stewart and Marta Russell show in their pathbreaking 2001 article, prisoners are not randomly selected and do not represent all strata of society.²² The majority

of prisoners are poor and are people of color. Poverty is a strong conduit to disablement and debilitation (I discuss the difference between the two in the last section of this chapter). In addition, the prison environment itself is disabling so that even if an individual enters prison without a disability or mental health diagnosis, she is likely to get one—from the sheer trauma of incarceration in enclosed, tight spaces with poor air quality and circulation; to hard labor with toxic conditions and materials; to circulation of drugs and unsanitary needles as well as the spread of infectious diseases, some of which result from environmental toxins related to the sites on which prisons are built;²³ to lack of medical equipment and medication, or at times overmedication.²⁴ Add to these factors placements in inhumane conditions, such as solitary confinement (which are especially pervasive for gender-nonconforming, trans, and queer or gay incarcerated people, supposedly for their own protection), and the various impairments that come with aging in prison as a result of prolonged sentencing policies, and the debilitating nature of imprisonment cannot be denied. Trauma is incredibly pervasive in carceral settings, and the trigger and disabling cumulative effects of strip searches (especially on those who experienced sexual violence previously, which is the majority of those held in women's prisoners) leads feminist abolitionists to understand them as state-sponsored violence against women.²⁵

Even if they are already disabled, conditions of confinement may cause further mental breakdown for those entering the system with diagnoses of “mental,” psychiatric, or intellectual disabilities. In general, although several attempts have been made to estimate the number of prisoners who have psychiatric diagnosis, it is impossible to quantify their number with any degree of precision, even if taking the label of “mental illness” as a viable construct (the critique of madness as an illness will be discussed further in chapter 2). The American Psychiatric Association reported in 2000 that up to 5 percent of prisoners were actively psychotic and that as many as one in five prisoners were “seriously mentally ill.” The Bureau of Justice Statistics reports that in 2005, more than half of all prison and jail inmates had a mental health problem. The reported prevalence of “mental health problems” among the imprisoned seems to vary by race and gender. White inmates appear to have higher rates of reported “mental health problems” than African Americans or Hispanics;²⁶ however, African Americans, especially men, seem to be labeled “seriously mentally ill” more often than their white counterparts. It is also reported that, in general, incarcerated women have higher

rates of “mental health problems” than men.²⁷ Gender expression that does not match people’s genitals (as this is the main criterion for the sex-based separation that is the prison system) compounds these factors and leads to a psychiatric diagnosis and/or placement in solitary confinement in the name of protection.

Deaf people who are incarcerated face a vast lack of access to interpreters during arrest, trial, and imprisonment, which may lead to unwarranted incarceration due to lack of basic communication. While incarcerated, Deaf (those who are culturally deaf and use sign language as their main mode of communication), deaf, and hard-of-hearing inmates are at an extreme disadvantage. First, inability to respond to commands because of lack of access to interpreters or communication aids can and often does result in violence, especially from guards who think they are disobeying orders. Second, those incarcerated who are Deaf/deaf or hard of hearing cannot access various programming, including programs that can lead to parole, because correctional facilities or staff are reluctant to provide communication devices or competent interpreters.²⁸

As Dylan Rodriguez and others suggest, it is impossible to espouse, discuss, or practice carceral abolition without an understanding of racial captivity as a core function of carceral logics.²⁹ The availability of black bodies (especially in what we call the United States) and indigenous bodies (especially in what we call Canada) for capture in carceral settings is not about overrepresentation but is a key feature of the carceral racial state. I want also to suggest that the disabling nature of incarceration and whose bodies are available for capture should likewise be understood as a core feature of incarceration. I therefore want to add to the important scholarship and activism around criminalization a focus that connects such criminalization with pathologization as a core feature of state violence and carceral logics.

Despite the prevalence of disability/madness in carceral locales, it is often missing from *analysis* of these sites and logics. In contrast, the framework guiding this book is rooted in the fields of disability studies and mad studies, which engage with disability/madness as an identity and culture and pivot around the knowledge of people with disabilities as a meaningful axis in questioning how we analyze and respond to carceral enclosures in the contemporary United States and historically. Centering disability and mental difference can therefore lead to a more complex understanding of both incarceration and decarceration.

In conjuncture with feminist of color analysis of incarceration, I want to offer here a disability, and especially race-ability, perspective on abolition of carceral enclosures, what could be called crip/mad of color critique of incarceration and decarceration. Crip of color critique focuses on the role of the state in trying to fix ills of its own creation and, in so doing, interpolate those it harms to seek remedies through the framework of the settler racial heteropatriarchal ableist nation-state. Crip of color critique shows that the focus on liberal approaches (legal protection, rights) ends in demands to expand existing frameworks to accommodate marginalized populations, such as disabled people of color, but not in changing the status quo. For example, demands for inclusion of people with disabilities in employment or education do not critique or change the system of exploitative racial capitalism or the settler ableist system of education but only expand it to fit more people.³⁰ This expansion is what abolitionists often term as reform measures, which increase the scope of harm (in this case, of incarceration as state violence on the lives of people with disabilities).

As feminist abolitionists like Beth Richie, Angela Davis, Erica Meiners, Dean Spade, and others point out, a feminist and queer analysis of what has come to be called the prison–industrial complex can shed light not only on those incarcerated who identify as women or gender nonconforming but on the entire rationale of segregation, punishment, and incarceration.³¹ This illumination in turn helps organizing and scholarship that try to chip away at carceral spaces and ultimately aid those who are incarcerated and their/our loved ones and us all.

To those already interested in incarceration, prison reform, or penal abolition, I wish to offer a political look at disability as a lived experience, but especially as an analytic from which to examine, and in some ways indict, our current criminal (in)justice system.³² The framework of disability studies provides an understanding of disability as identity and culture; it gives tools for critiquing notions of pathology and understanding their genealogy and their intermingling with criminalization and racialization. As Simi Linton explained more than twenty years ago, “disability studies takes for its subject matter not simply the variations that exist in human behavior, appearance, functioning, sensory acuity, and cognitive processing but, more crucially, the meaning we make of those variations.”³³ These meanings are socially constructed through ideologies and physical manifestations (such as terminology or the built environment) and become ways of defining human experiences

that take on cultural and historical meaning. I therefore utilize disability studies as a tool to surface suppressed histories of resistance and oppression, especially from those who we often do not think of as viable subjects of knowledge, people with intellectual and psychiatric disabilities, as well as the larger social movements that they constructed and that support them.

Another goal of the book is to redefine what disability studies *is*, to squarely encompass scholarship, activism, and knowledges within the field of I/DD and the knowledges, studies, and movements of those psychiatrized (including consumers, survivors, ex-patients, mad pride, and mad studies) and those critiquing psychiatry. These knowledges are usually seen as marginal to what has come to be called disability studies, often for good reason.³⁴ But if disability as a politicized identity is not just physical or sensory, the “studies” attached to it should not be either. Although certainly not canonical within disability studies, the early scholarship in the 1960s and 1970s of disability as socially constructed came from the fields of I/DD and mental health.³⁵ This is what Steven J. Taylor called “disability studies before it had a name.”³⁶ The reexamination of early scholarship in antipsychiatry and I/DD, whose genealogy in relation to abolition of carcerality I uncover in chapter 2, is meant as an archaeological project but also as a way to reclaim what disability studies is and could be, to push its boundaries as a field and point to its early limitations and promises.

Dis Inc. and the Carceral–Industrial Complex

Even though deinstitutionalization in mental health began before the rise of the prison boom, deinstitutionalization in I/DD and the continuance of closure of psych facilities coincided with what has come to be known as the prison–industrial complex (PIC). As I suggest later in the book, one did not cause the other in a zero-sum game of “new asylums” replacing the old. What I suggest instead is that the era in which deinstitutionalization and its backlash took place as well as the rise in imprisonment and corrections was also the era of the ascent of neoliberalism. Neoliberalism could be understood in several ways—as an economic and political economic measure,³⁷ a shift in cultural understanding of worth and the public good,³⁸ and a change in state functions.³⁹ As an economic structure, neoliberalism manifested in austerity measures, trickle-down economy, privatization, and decimation of the social safety net. This helps account for the growth of investment in

corrections (incarceration via law and order policies and financial investment) at the same time as deinstitutionalization (evisceration of social services).

The prison–industrial complex profits from racialized incarceration by transforming “prisoners” into commodities and by the construction and maintenance of prisons by construction companies as well as suppliers, catering, and telephone companies.⁴⁰ But as Julia Chinyere Oparah clarifies, “it is not, as is sometimes assumed, a pseudonym for prison labor or the private prison industry, although both of those phenomena point to the ways in which economic interests have become wrapped up in contemporary punishment regimes. Neither is it a ‘conspiracy theory’ that relies on surmise and suspicion of illicit deals in shady backrooms.”⁴¹ She attributes the first use of the term *prison–industrial complex* to Mike Davis, in his 1995 article in the *Nation* that described the PIC as a multi-billion-dollar prison boom in California at the time. The term was later popularized by Critical Resistance activists like Angela Davis, Ruth Wilson Gilmore, and Linda Evans. The term helps to explain the prison-building binge of the 1990s and untangles it from traditional explanations tied to crime rates, since such rates (for homicide and property crime) had either plateaued or declined (depending on the state) at that time.

The PIC is not just about profit but solves the inherent crises of racial capitalism. Gilmore’s analysis of California demonstrates the intricate ways in which socioeconomic, geographical, fiscal, racial, and legal processes led the way to the biggest prison expansion in history. For Gilmore, the PIC is a geographical solution to political economic crises, and prisons are the state’s attempt at fixing the crisis of surplus it is in—surplus land, people, capital, and state capacity.⁴² As others put it, those of us who are not housing insecure or are not incarcerated are disciplined into ways of living that legitimate certain forms of protection and security (segregation, slow death, civil death, removal from the public) by extracting value from the abandonment of entire populations (disabled, unemployed, poor people of color, and so on).⁴³ Such analysis is not simply about privatization of incarceration or using those incarcerated for labor but is a framework from which to understand the current political economy as contingency and incarceration as one response to the crises it produces.

While the concept of the PIC has been incredibly useful for scholars and activists, if we also include institutionalization in the analysis, it is more apt to think in terms of a carceral–industrial complex. I am indebted here to

the work of the late Marta Russell, who suggested that the forces of incarceration of disabled people should be understood under the growth of both the prison–industrial complex and the institution–industrial complex, in the form of a growing private industry of nursing homes, boarding homes, for-profit psychiatric hospitals, and group homes.⁴⁴

Many (including policy makers) believe that disabled people are a strain on the economy, especially under the neoliberal ideology of cost–benefit analyses and austerity measures. But political economists of disability argue that disability supports a whole industry of professionals, such as service providers, case managers, medical professionals, and health care specialists, that keeps the economy afloat.⁴⁵ In the context of capitalism, disability became the category through which people are measured as need based or work based, as I discuss at length elsewhere.⁴⁶ Such interpretations dispel the common belief that people with disabilities are not productive under the capitalist system because they do not hold jobs. As Russell suggests, people with disabilities are commodified and deemed profitable, especially when occupying institutional beds. By clever capitalist alchemy, surplus populations are spun into gold. Disability is commodified through this matrix of incarceration (prisons, hospitals, nursing homes, and more).

Neoliberalism is not only an economic structure but an ideological and epistemological regime as well. As Grace Kyungwon Hong powerfully argues, neoliberalism emerged as a response to the liberation movements of the post–World War II era.⁴⁷ Disability is not often included in discussions of these post–World War II radical movements. This is for several reasons, one of which is ableism and the lack of understanding of disability and madness as (at least also) forms of identity (ontology), culture, and knowledge (epistemology). It is also perhaps because of the later emergence of these movements, which did not reach full force and become visible until the 1970s and 1980s. Because I view antipsychiatry and movements in *I/DD* as an (often contested) part of the larger umbrella of “disability movements” and deinstitutionalization as one manifestation of the struggle for liberation of people with disabilities, the timing and actors I look at are more varied than traditional accounts of “disability rights.” Throughout the book, I show both the radical potential of such actors and movements—and their knowledges, especially as linked to abolition—but also the pitfall of disability rights as a liberal apparatus that is connected with neoliberal governance (in the form of cost effectiveness, choice, free market).

If neoliberalism is, as Hong describes, “a change in the distribution of respectability in response to the crises in racial capital as marked by the social movements of the post–World War II period,”⁴⁸ then incorporation (as social/cultural inclusion and as a form of economic incorporation, whether as commodities via incarceration or as consumers) is one of its important characteristics. As Gilmore further suggests, “intranational conflicts around inclusion and exclusion require this state to ‘fix’ difference in order to maintain internal pacification. . . . The ‘fix’ follows two general trajectories. In good times, the state remedies exclusion by recognizing the structural nature of racism and institutionalizing means for combating its effects—by, for example, extending the vote, banning discrimination in public sector employment. . . . In bad times, when deepened differentiation pacifies widespread insecurity among the herrenvolk, the ‘fix’ formalizes inequality. Examples of the latter include: the 1882 Chinese Exclusion Act; Jim Crow (U.S. apartheid) laws throughout the early twentieth century; . . . The oscillation between reformist and repressive ‘fixes’ is not a simple binary movement but rather overdetermined at the source.”⁴⁹ Inclusion via and in conjunction with exclusion, therefore, is a key feature of racial capitalism and of the neoliberal carceral state.

To add disability/madness into this discussion, throughout the book, I use the concept of Dis Inc. to expand this logic to two aspects of neoliberalism: “disability incarcerated” and “Disability Incorporated.” I am using the word *incorporation* to signal both the cultural and social incorporation of minority difference⁵⁰ into the status quo and incorporation as a structure of political economic profit-making impetuses, whether it is through discourses of cost effectiveness under neoliberalism or literal corporations raking in profits from incarceration and disposability under plain old capitalism, such as group homes, halfway houses, and prisons. As a concept, it simultaneously captures the corporatization of disability for profit by carceral institutions and the ways disability is subjected to incorporation in society, but only by respectability politics and assimilation (by rehabilitation, approximating normalcy, etc.). In other words, under current formations of racial capitalism and able-nationalism,⁵¹ the incorporation of disability is twofold but equally problematic—through capitalist accumulation (on the backs of those labeled as disabled) and through erasure of the transgressive aspects of raceability in order to be and feel included. Throughout the book, I show how the concept of Dis Inc., or the “oscillation between reformist and repressive ‘fixes,’”⁵² works in such cases as resistance to housing integration based on

race-ability; those who fight against the closure of disability residential institutions through utilizing the concept of choice; and through the arena of litigation, which emphasizes rights to inclusion into an oppressive status quo.

Carceral Ableism and Nonreformist Reforms

Incarceration does not just happen in penal locales. In *Disability Incarcerated*, Allison Carey, Chris Chapman, and I expanded on what has come to be classified as “incarceration” to include confinement in a wide variety of enclosed settings, including prisons, jails, detention centers, institutions in the arena of intellectual disability, treatment centers, and psychiatric hospitals. We did not claim that these internments are the same, but we demonstrated and explored the ways that they enact and draw upon both similar and distinct repressive logics. In other words, we tried to explore incarceration writ large, not just in prisons but also in other spaces of confinement, such as psych hospitals, or through chemical incarceration. As we demonstrated, incarceration is not just a space or locale but a logic of state coercion and segregation of difference. And as we showed, it is a racist, colonial, gendered logic at its core.

But today, the argument that “prisons are the new asylums” is often used not as a way to connect to movements that fought to close the old asylums but instead as rationalization for the creation of new jail facilities (for “the good of” those with mental health differences) or of psychiatric wards within existing jails or prisons. As many activists forewarn, and this book details, these will likely increase the scope of incarceration. Because of the rising cost of construction and maintenance of carceral spaces, the corporate world and criminal justice and health care systems are now turning to various “alternatives” to incarceration and institutionalization. But this turn signifies the increased privatization of penalty and health care—not the decline of segregation but its intensification through other means. I want to emphasize that at issue here is not just co-optation or privatization but a change in the discourse that incorporates the punitive with the therapeutic, with vast implications for the embeddedness of criminalization with pathologization.

For example, recent critiques of solitary confinement and supermax facilities (the solitary incarceration of people in a cell the size of a closet for twenty-three hours a day for months and sometimes years) call for screening for mental health issues and the release of those with such issues from these types of confinement. Such advocacy could be a great case of coalition

between prison abolitionists and disability/madness activism. But calling for certain populations to be released from jails and prisons often sends them to be reincarcerated in other institutions or by other means, including by forced drugging or by indefinite detention in detention centers, psychiatric hospitals, or psych forensic units.

In his 1974 *Politics of Abolition*, abolitionist criminologist Thomas Mathiesen follows Andre Gorz's distinction between reformist and "nonreformist" reforms, a heuristic distinction popularized by Ruthie Gilmore and used routinely in abolitionist campaigns. Reformist reforms are situated in the status quo, so that any changes are made within or against this existing framework. Nonreformist reforms imagine a different horizon and are not limited by a discussion of what is possible at present. Mathiesen states that nonreformist reforms that are effective need to be of the abolishing kind. The question is what kinds of reforms are sought and whether they will strengthen the system in the long run.⁵³ For instance, fighting for adequate health care for those currently imprisoned is something abolitionists often support as a nonreformist reform. However, some initiatives, such as mental health jails, are opposed by abolitionists, as these would only expand the scope of incarceration in the long haul.

My claim here, following many scholar-activists in carceral abolition movements, is that suggesting improvements or progressive alternatives is the core problem with reform and not abolition-based approaches. It increases the scope of incarceration, and instead of making the system more just, it spreads an unjust system to more people. Current examples include the increased use of e-carceration,⁵⁴ such as electronic monitoring bracelets, and the use of psych medication discussed by Erick Fabris as chemical incarceration.⁵⁵

This is what James Kilgore referred to as *carceral humanism*.⁵⁶ He wanted a term that captured how the correction discourse changed from security to the welfare of the inmates. Kilgore characterizes carceral humanism as comprising four elements: repackaging punishment as service provisions; normalization of the delivery of social services in carceral services; reimagining of sheriffs and corrections as caring and as service providers; and innovations in new kinds of structures and providers (such as e-carceration).

Today, many manifestations of carceral humanism are embedded with ableism and sanism. *Ableism* is oppression faced due to disability/impairment (perceived or lived), which not only signals disability as a form of difference but constructs it as inferior. *Sanism* is oppression faced due to the imperative

to be sane, rational, and non-mad/crazy/mentally ill/psychiatrically disabled.⁵⁷ As I show in the book, carceral humanism is compounded with carceral feminism and carceral ableism/sanism to expand the net of the carceral state and of carceral logics. Carceral feminism is the belief that the state and especially the criminal justice system can alleviate violence or abuse against women. However, such demands result in punitive measures that often harm women and communities of color.⁵⁸ Carceral ableism is the praxis and belief that people with disabilities need special or extra protections, in ways that often expand and legitimate their further marginalization and incarceration.

The example of carceral ableism and sanism regarding the critique of incarceration of people with mental health issues, especially in relation to placement in solitary confinement, bears this out. The unequivocal claims that the “mentally ill” do not belong in prison or jail only leave the carceral logic intact and even gives it more credence, as there are now clearer divisions among those who truly belong and those who do not belong under carceral regimes. In other words, if the “mentally ill” do not belong in prison, surely others do. Thus the disabling effects and legitimacy of the prison remain intact. If we take carceral abolition as an analytic, there is a need to regard prisons and other carceral enclosures as disability (justice) issues, and not just for those who are disabled or identify or are politicized as disabled in them. Abolition, and especially abolition feminism of color, offers a critique of the prison–industrial complex as a logic, one we should get rid of, not just for the benefit of one population but for the freedom of everyone.⁵⁹ This cripp/mad of color critique and analysis of decarceration compose the framework that guides this book.

Etymology of *Abolition*

What is abolition then? One of my goals here is to trace the genealogy of abolition in resistance to disability-related segregation and confinement and the ways the epistemology of prison abolition is related to such a genealogy. The term *abolition*, as used in the context of penal/prison abolition, emerged from and alludes to demands to end the transatlantic slave trade. In “new/neoslavery” arguments, imprisonment is perceived as acting as a continuation of and through the lineage of chattel slavery.⁶⁰ After the American Civil War, the Thirteenth Amendment abolished slavery, except for those convicted of crimes, leading to the convict lease system in which those convicted (of mostly minor infractions meant to capture so-called free slaves,

such as vagrancy and loitering) were leased for hard labor.⁶¹ This lineage of slavery, and its supposed abolition, reverberates throughout the history of imprisonment (and therefore its resistance) leading to the present day.

As historian Robert Chase remind us, if “outside the South, the discourse that prisons constituted slavery was a metaphorical organizing principle that condemned the entire prison system as a form of American apartheid,” that was not the case in the South, where the rallying cry of prison slavery “had the added physical reality that southern prison farms forced unpaid prisoners to toil on former plantations in racially segregated groups to pick cotton under the supervision of white prison ‘bosses’ and convict guards, and the prisoners faced routine corporal punishment and state-orchestrated sexual assault.”⁶² This analysis offers two insights. The first is that the relation between imprisonment and slavery changes based on race and geography, and second is because it shows imprisonment not as a solution to violence but instead as *de facto* (sexual) violence by the state, a point echoed in various abolitionist work, work discussed throughout the book.

But there is disagreement in contemporary carceral abolition praxis and thought about how to conceptualize and whether to emphasize the slavery—convict leasing—imprisonment link. For example, political theorist Marie Gottschalk suggests that imprisonment in the United States at present is so vast that it diminishes all other phenomena in comparison, as so few blacks were actually a part of the convict lease system in the South.⁶³ Other scholars critique the slavery-prison nexus as an analogy and state that since only a minority of the prisoners actually get the privilege of labor or of working for wages while imprisoned, the analogy with slavery does not hold.⁶⁴

Many prison abolitionists, however, claim that the slavery argument in abolition activism is about the lineage of oppression and segregation based on race and color in the United States, not necessarily about labor *per se*. These proponents do not perceive imprisonment as exactly *like* slavery but rather view incarceration as a continuation of the same racist (and I would also add settler) logic.⁶⁵ As Kim Gilmore suggests, “the point of retracing this history is not to argue that prisons have been a direct outgrowth of slavery but to interrogate the persistent connections between racism and the global economy. . . . Drawing these links has been important in explaining the relationship between racism and criminalization after emancipation, and in connecting the rise of industrial and mechanized labor to the destructive effects of deindustrialization and globalization.”⁶⁶ The object of the prison–industrial

complex, under these critical perspectives, is not so much profit making from prisoners' labor or private prisons as much it is containment and elimination of certain segments from civil society.⁶⁷ Therefore some draw on the framework of racial capitalism more broadly, of which white supremacy is but one manifestation.⁶⁸

For those taking a broader approach to centering blackness in analyzing politics and resistance, what has come to be called Afro-pessimism, civil society itself is understood as a state of emergency.⁶⁹ According to such theorists, the focus is not on the excesses or crisis of the state or modernity but on its very constitution and existence. The desire of left/radical politics to anchor a politics of liberation in economic conditions, like prisons for profit, is a refusal to grapple with white supremacy.⁷⁰ Categories like exploitation, labor, progress, and hegemony are incommensurable with the black subject under these formulations. Frank Wilderson therefore asks, what does it mean to enter the anticapitalist struggle, not as a worker, but as an excess, a scandal to civil society?⁷¹

A related line of argument and debate can be found regarding the "New Jim Crow" thesis. The thesis, popularized by Michelle Alexander,⁷² states that just as Jim Crow was a response to the abolition of slavery through the Thirteenth Amendment (and the desire for equality and black reconstruction), mass incarceration was a response to the civil rights movement, although the latter was accomplished through race baiting—claiming law-and-order policies as being race neutral—and not through the explicit racism of the Jim Crow era.⁷³ Though the New Jim Crow thesis has helped garner awareness of and support for critiques of the prison-industrial complex, it also falls flat on several counts; Alexander's analysis, and those who follow it, lack in intersectional analysis, especially in relation to gender/sexuality and disability.⁷⁴ Feminist activism and scholarship add a much-needed analysis of the carceral state to arguments such as the New Jim Crow. For example, regarding policing and criminalization, Andrea Ritchie offers a necessary corrective to scholarship and organizing that not only center black men's experiences and oppressions but also completely invisibilize or make insignificant any gender analysis.⁷⁵ For me, this is important to note, because men are gendered too, but such analysis does not seem to figure into the purview of documentaries like *The 13th* or books like *The New Jim Crow* and the organizing they inspire.

Another limitation of slavery or Jim Crow when used as an analogy in anti-prison organizing is that it erases the presence of nonblack prisoners

of color, including the growing incarceration of indigenous, Latinx, and immigrant populations.⁷⁶ But as Chase demonstrates in regard to southern prisons, “the universality of prison abuse in the American South allowed prisoners of non–African American dissent, particularly Chicano prisoners, to share in the discourse that southern prisons created modern slavery.”⁷⁷ This was not the case everywhere, but recent strikes and calls for work stoppages (for paid and unpaid labor) in U.S. prisons show that “prison slavery” offers a unique tool for mobilization and solidarity among incarcerated people and speaks to their experience, even currently.

Relatedly, Oparah offers the term *maroon abolitionists* to refer to the subjugated knowledges of activists and those incarcerated who are of color.⁷⁸ Maroon, as opposed to black–white binaries, could imply the possibility of coalitions as opposed to designations based on simplistic color lines.⁷⁹ As I foreground more in chapter 3, maroon knowledges should be centered on antiblack racism but can also apply to other fugitives, such as queer, indigenous, disabled (white or of color), and those of color who are not black.

As abolition has a lineage connecting it to slavery and to present-day imprisonment, what is its usage and weight within disability-related resistance to carceral enclosures? Within deinstitutionalization, the word *abolition* is not often used. When it does appear, it is usually referring to stopping forced psychiatric confinement and its rationale. I define abolition of psychiatric incarceration in three ways: abolition as the act and process of closing down psychiatric hospitals; abolition of the rationale for long hospitalization; and last, abolition of psychiatry. To understand the genealogy of abolition within discourses critiquing psychiatry, I discuss in chapter 2 the example of the American Association for the Abolition of Involuntary Mental Hospitalization, established in 1970 by Thomas Szasz, Erving Goffman, and George Alexander. Today there are also currents within anti-psychiatry and mad movements that call for the abolition of psychiatry as a whole.⁸⁰

Although the word *abolition* is not used as such, the first meaning of *abolition* as I defined it earlier (the act and process of closing down carceral spaces, such as institutions and hospitals) was certainly at play in deinstitutionalizing those categorized as intellectually or developmentally disabled. Early on in the history of deinstitutionalization, self-advocates (people labeled as intellectually disabled who advocate for rights and equality) called for closing down all residential institutions for those with intellectual disabilities,

which they saw as form of incarceration.⁸¹ But the word *abolition* was not and is not used as the banner for the entire movement/s that sought to close down residential and psychiatric institutions for people with disabilities or those who fought for the desegregation of those with disabilities in separate facilities (in the area of housing, services, or education). Despite the many differences between prison/penal abolition and deinstitutionalization, they share a logic that I argue is anti-carceral and abolitionary.

Race-ability and Criminal Pathologization

The insistence on abolition is rooted in knowledges and lived experiences of people of color, especially black and indigenous people, and their praxis for liberation. This book is indebted to and draws on the work of disability justice scholars/activists/cultural workers for whom the connection between race, disability, state violence, and incarceration is a given. I draw inspiration from the work of Leroy Moore, such as his poem “CAGED, Goddamn Philadelphia”:⁸²

Nina Simone sang in 1964
 I speak my spoken word in 2013
 Responding to what have brought me to my knees

Down right painful
 Some people are too powerful
 This is beyond shameful

Locked in a cage at a young age
 Stories in newspapers
 Page after page

Shit now I'm full of rage
 It was Mississippi Goddamn
 Now it's Philadelphia Goddamn

Locked in a basement
 Sleeping & eating on cold cement
 No, this is not imprisonment

Taking their SSI
 Abuse and neglect from family's ties
 Black on black leaving open wounds & black eyes

No brotherly love
 Oppression lingers around like a stormy cloud
 Can't hear the cries raining out loud

From Joice Helth being displayed in an exhibit
 Now four disabled adults chained up downstairs in their own shit
 This country has a nasty habit

Of treating people with disabilities
 Worst than animals
 Behind four yellowish walls out of sight from our communities

Shit now I'm full of rage
 It was Mississippi Goddamn
 Now it's Philadelphia Goddamn

We don't learn
 Yesterday & today it's New Mexico, San Jose, Missouri
 State by state we continue to get burn

Nursing homes to group homes to our own damn home
 Where can you go when home is not safe?
 Goddamn Philadelphia, where is the love

Nina Simone I hear you loud and clear
 I'll speak my spoken word in everybody's ear
 In the winds of oppression I'll stand solid with no fear

Children to adults
 Where can we lay faults?
 Because this must & will come to a screeching halt

Moore's spoken word poetic exploration of the abuse of disabled people brings to light three interrelated themes that are paramount to this book.

The first is that sites of incarceration are varied and include prisons, nursing homes, psychiatric hospitals, residential facilities for those with intellectual and other disabilities, and, at times, our own homes (or their lack). The second is the necessity to connect racial justice struggles to disability rights and movements (“It was Mississippi Goddamn / Now it’s Philadelphia Goddamn”). Here Moore is alluding to Nina Simone’s important protest song, which is rooted in civil rights and black freedom struggles. Moore’s own work with Krip Hop Nation, Sins Invalid (a Bay Area collective of disabled performers and cultural artists, primarily people of color and gender variant), and the Harriet Tubman Collective brings the suggestion to connect these struggles to a level of imperative, one whose flag he has been carrying for many years.⁸³ Lastly, the 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.

This book grew out of similar sentiments. Being entrenched in disability movements, cultures, and studies and becoming more involved in anti-prison and especially prison abolition movements, the lack of interface between the two was surprising to me. So was the lack of deep racial analysis within some disability rights discourses, deinstitutionalization struggles, and, especially, the literature describing these movements and processes. I refer to these intersections as *race-ability* and in more specific cases as *racial criminal pathologization*. This book is an attempt not so much to ameliorate this gap as it is to bridge, to offer necessary connections as opposed to corrections (a term that is at the core of the critique this book offers).

The call for connecting analysis of incarceration and decarceration with disability is also a call to pay attention to the lives of mostly poor people of color who are incarcerated worldwide, in prisons, detention centers, nursing homes, or institutions for those with labels of “mental illness” and/or “intellectual disability,” and to bring their perspective to bear on what Chris Bell characterized as “White disability studies.”⁸⁴ As I have suggested elsewhere, the history of disability is the his/story of incarceration.⁸⁵ Here I want to suggest that it is also entangled with the history of decarceration, especially in the form of deinstitutionalization. One of my hopes is that this research will create even more useful links between racial justice and critical race theory with disability/mad activism and disability studies as well as related social movements.⁸⁶ By connecting the work of prison abolitionists and theorists who critique the prison-industrial complex to disability studies and disability rights, we can begin understanding the ways in which criminalizing entails

the construction of both race (especially blackness) and disability (especially mental difference) as dangerous. I do not believe one can be separated from the other. I therefore use race-ability as a way to denote this nexus.

This connects with Foucault's discussion of the notion of race in the lectures published as *Society Must Be Defended*.⁸⁷ Foucault defined biopolitics as a power over life (bios) on a population level. Its aim is not to surveil bodies but to control population through managing and measuring mortality and birth rate, quality of health, life expectancy, and so on, of whole populations. Foucault claimed that with the advent of biopolitical control (i.e., the creation of a healthy populace), the state used racism as a mechanism to differentiate between those worthy of living and those who are dispensable to the "healthy" activity of the state. This can be conceived of as a mechanism of biological warfare of sorts, which is used not against an enemy but against a perceived threat to the population. There is an important link here to eugenics and Nazi ideology, which exterminated "degenerate" races and people for the "good of the population." Foucault seems to refer to race as the delineation of categories, a way to sort out or partition populations, and not only in relation to color, creed, or ethnicity. Abnormalities were conceptualized in racist terms, and those designated "abnormal" (including criminals and mad people) were made dispensable. This understanding of race links it to disability in no uncertain terms, without subsuming one into the other, analogizing them or competing in "oppression Olympics." It is this exact link that I highlight throughout this book.

I am also indebted here to the framework of DisCrit, coined by Subini Annamma, David Connor, and Beth Ferri, which connects critical race theory to disability studies, especially in the field of education.⁸⁸ DisCrit thus highlights the interdependent, intersecting, and mutually constitutive aspects of race and disability. Such intersectional analysis in the field of education, for example, repeatedly demonstrates the overrepresentation of students of color in special education and their labeling in "soft" disability categories such as emotionally disturbed, attention-deficit and hyperactivity disorders, and historically also "mental retardation" and now intellectual disability.⁸⁹ As critical educators Dean Adams and Erica Meiners suggest, classification as special education masks segregation and pathologizes students of color.⁹⁰ In other words, as Ferri and Connor show, after *Brown v. Board*, which prohibited segregation based on color, segregation in education is being justified using disability but disguised as race and gender neutral.⁹¹

If this understanding of the interlinking of race with disability still seems farfetched, I want to propose one avenue from which to understand why these constructions are inseparable—the processes of criminalization and pathologization. Let's take the notorious shooting of Mike Brown by officer Darren Wilson in Ferguson, Missouri, in 2014, which ignited a slew of protests and massive organized resistance after a grand jury refused to indict Wilson in the shooting. If we look at the transcripts of the evidence presented, we get a picture from Wilson of what criminal pathologization is. Wilson said about trying to subdue Brown that “the only way to describe it is that I felt like a five-year-old holding onto Hulk Hogan.” Wilson was only slightly shorter than Brown, but of course, Brown is described as something not quite human. Wilson testified, “I've never seen anybody look that, for lack of a better word, crazy. . . . I've never seen that. I mean, it was very aggravated, . . . aggressive, hostile. . . . You could tell he was looking through you. There was nothing he was seeing.” Brown is described here not just as animalistic but as crazy, pathological, abnormal. Race is coded in disability, and vice versa. It's impossible to untangle antiblack racism from processes of pathologization, ableism, and sanism. Together they justify what Jelani Exum calls “death penalty on the streets.”⁹² Even if Brown had not been killed in that fatal night, he would have most likely ended up subsumed by the prison–industrial complex. He was criminalized as soon as Wilson laid eyes on him.

Andrea Ritchie offers an important critique and supplement to such accounts by focusing on the stories of women and gender-nonconforming people of color who are criminalized and brutalized by policing and incarceration. For example, Ritchie highlights parallels between police officers' public rationales of their murder of Aurora Rain Rosser and Michael Brown: both are described by their killers not just as inhuman/superhuman but as crazy, pathological, abnormal. Race is coded here in disability, and vice versa. Ritchie's intersectional analysis and storytelling approach show that if we were to center the experiences of these women of color, we would also be talking about and resisting on behalf of those “living while elderly, disabled, black, female, and poor . . . and the role that controlling narratives of ‘deranged’ black women of inhumane or superhuman strength play out” in relation to racial profiling and police violence.⁹³ Ritchie quotes Mia Mingus as pointing out that women of color are already understood as mentally unstable.

What I term as racial criminal pathologization has a long history, from eugenics, to resistance to slavery being diagnosed as drapetomania, to projecting the trope onto indigenous people, particularly women who resisted the state when it wanted to take their children to Indian residential schools. As Ritchie illustrates, race and gender/sexuality encase perceptions of disability and, accordingly, police responses to so-called disorder. As Jin Haritaworn implores, “I wish to propose that we further expand our abolitionist imagination by asking how hate is ascribed in tandem with not only crime but also pathology, in ways that defend and expand not only the prison but also psychiatry and other institutions of ‘care’ and reform. In particular, I argue that hate always already emanates from racialised bodies and ‘minds’ in ways that call for their assimilation and segregation in the form of treatment, education, policing, confinement and deportation.”⁹⁴ Therefore pathology and criminalization cannot and should not be separated in analysis and abolition praxis. I take Haritaworn’s call seriously and advance it throughout the book. I am also indebted to the work of Nirmala Erevelles, Subini Ancy Annamma, and Ashley Taylor,⁹⁵ who also connect race to ability (especially intellectual dis/ability) and racialization to pathologization in important ways.

Turning to another highly publicized case of police shooting, in summer 2016, a North Miami police officer shot Charles Kinsey, a behavioral therapist and a black-appearing man, who was laying on his back with his hands raised up.⁹⁶ This incident might not have garnered as much media attention, or any attention from the disability community, if not for the fact that Kinsey was accompanied by his autistic client, Arnaldo Eliud Rios Soto, a person of color who was holding a toy truck. At the time of their encounter with the police, Kinsey was bringing Rios Soto back to the group “home” from which he had (literally) escaped. When the police were first called, it was Rios Soto who was believed to be dangerous by the caller, identified as “holding something like a gun.”⁹⁷ What drew attention and outrage from most in disability communities was that the police dared to shoot at a young person with autism, who obviously was not holding a weapon but a toy. Some outrage was also generated that even caregivers are now unsafe, especially if they are of color. But as disability and Deaf justice advocate and legal scholar T. L. Lewis urges, “when a Black Disabled person is killed by the state, media and prominent racial justice activists usually report that a Black person was killed by the police. Contemporaneous reports from

disability rights communities regarding the very same individual usually emphasize that a Disabled or Deaf individual was killed by the police—with not one word about that person’s race, ethnicity or indigenous roots. In the wake of Charles Kinsey taking a bullet marked for Arnaldo Rios this week, I am renewing the call for Disability Solidarity. Disability solidarity means disability communities actively working to create racial justice, and [nondisability] civil rights communities showing up for disability justice.”⁹⁸

I want to think through two factors that should cause as much outrage among disability communities and communities of color, and especially their intersections. First, as a result of the shooting, both men were even further disabled, both by the trauma of the encounter, which ultimately led Rios Soto to be reincarcerated in a psych facility, and by the shooting that injured Kinsey. But I want to suggest that even if the encounter would have not been disabling, those in disability communities should make incarceration and policing a top priority in their activism. This is also because, second, state violence, including through slow death, incarceration as social death, and state killing, should be on the agenda of disability scholar-activists as much as it is of concern for those seeking racial justice. We therefore must think about *incarceration* as a form of state violence, not only the shooting. Why has Rios escaped from his “group home”? Did he see it as a home? Why are people with disabilities, especially poor and of color, forced to live in a variety of carceral enclosures? Why are these forms of incarceration and state violence not on the agenda of those advocating for racial or gender justice?

In other words, the framework of racial criminal pathologization is also about understanding policing,⁹⁹ incarceration, and its alternatives as disability issues, with everything such reformulation entails—from refiguring alternatives to diagnosing the crisis. It also entails centering the experiences of disablement and ableism in criminal, racial, and social justice movements, for example, the trauma and disabling effects of detention and incarceration.

Cathy Cohen, Dean Spade, and Roderick Ferguson envision a queer politics through a coalitional lens that is related to one’s positionality in relation to power and not identification. Instead, they urge us to understand vast social problems through an intersectional lens that has a broader analysis of what we come to call freedom and what liberation might be, not just for the inclusion of some but for the connected liberation of us all.¹⁰⁰ Following such a

framework, I ask what a disability justice or crip of color critique of incarceration and decarceration would be.¹⁰¹ I suggest that race-ability as linked to a mad/crip of color critique of incarceration and decarceration is not just about those who identify or are politicized as disabled people of color who are caught up in these systems (although it's important to recognize the high numbers of disabled men, women, and trans folks, especially those of color, in carceral systems, including policing). Such framework entails theorizing the disposability of certain populations and their susceptibility to premature death, which is Ruth Gilmore's definition of racism,¹⁰² to understanding the nature of systems of capture and exclusion, to discussing alternatives to these systems and envisioning shared horizons. It is also an understanding that antiblack racism is composed of pathologization and dangerousness, which lead to processes of criminalization and disablement, for instance, constructing people as Other or as deranged, crazy, illogical, unfathomable, or scary.

Crip/mad of color critique and disability justice urge us to move from approaches that look at violence and discrimination as related to individual acts and instead focus, through an intersectional lens, on systemic issues and structural inequalities. The point is not to look for the bad apples and then punish them using the same tools that oppress marginalized communities to begin with. The criminal justice system, psychiatry, and legal-based rights discourses are therefore not seen by these frameworks as the solution to the plight of queer, disabled, or poor persons or of people of color, immigrants, and so on, but are in fact seen often as the source of the problem. Sensitivity training and ensuring diversity within these systems (police, corrections, psy professions) are not a panacea.¹⁰³ Instead, we must seek new ways of reacting to one another, or as disability justice advocate Mia Mingus explains, we need to "change the framework."¹⁰⁴

Debility, Disablement, and Disability

Much of disability studies came out of the disability rights movement, which in some sense is the strength of the field: it emerged out of a desire for liberation of disabled people and articulation of their/our unique epistemology. This link to disability rights and pride is also the field's limitation. The pride framework (love yourself, flaunt your disability and difference) is both powerful and a reversal of power differentials. But there is no denying that it is not a framework rooted in intersectionality theoretically or embodied and

it does not account for questions of who does not and, in fact, *cannot* participate in disability rights and pride—who, essentially, rains on the (disability pride) parade.

The desire to depathologize dis/ability from notions of deficiency, which is at the core of a critical disability studies stance, gets complicated when an intersectional analysis taking account of race, gender, sexuality, class, and other constructs is being introduced. It is important to highlight the tension between the desire to untangle disability from medicalization and diagnostic categories and reclaim it as an identity and culture—and the ability (and sometimes desire) to even become a subject under the medical gaze. As Sandy Magaña and I suggested elsewhere, for many people of color or those who have no access to quality medical care, not being diagnosed is due less to viewing disability as a source of pride or as a fluid state and more to disparities in service provision and the ability to access doctors and medical services, such as therapy, medication, and early detection, because of inequalities based on class, color, language, or geographical barriers.¹⁰⁵ It is clear from the literature that people of color are at greater risk for losing ability capacities, often in conjunction with a lower socioeconomic or an immigrant status. There are also numerous barriers for disabled people of color to obtaining quality health care services.¹⁰⁶

Jasbir Puar's work is of interest at this juncture. She moves us from discussions of disability pride, rights, or even disablement to centering the biopolitics of debility, in which debilitation is "the slow wearing down of populations" of "the bodies that are sustained in a perpetual state of debilitation precisely through foreclosing the social, cultural, and political translation to disability . . . the tension between targeting the disabled and targeting to debilitate."¹⁰⁷ In more Foucauldian terms, some are folded into life while and because others are targeted for premature death (Gilmore's definition of racism) or slow death (per Lauren Berlant¹⁰⁸).

This distinction between disability identification and biopolitics of debilitation pushes a conceptualization of disability as an aspect of biopolitical population management. This is a shift from the seemingly axiomatic statement about "overrepresentation," of children of color in special education or of people of color in prisons, to understanding this debilitation and forces of what I call racial criminal pathologization as a core of institutions that uphold settler racial "democracies." Puar shows that disability under capitalism and empire is not overrepresented, as if this is an unfortunate side effect of these

regimes. Rather, it is the core function of the system as is—to incapacitate, punish, contain.

Beyond critiques of disability studies and culture as being “white disability studies,” Puar adds an analysis of the *incompatibility* of the disability pride framework with the experience of poor people of color (in the United States and globally), especially those who acquired their disabilities by violence, most often due to state violence or negligence (which is also violence). As Puar suggests, following Australian theorist Helen Meekosha, the disability framework that resists discussion of the prevention of disability due to pride frameworks lacks the nuance to talk about these complex experiences, especially in relation to the Global South.¹⁰⁹ Puar writes, “The analysis of ‘southern disability’ is not simply ‘left out’ of disability studies; it is rather a constitutive and capacitating absence.”¹¹⁰

Puar offers the triangulation of debility, capacity, and disability to discuss how disability “is about bodily exclusion that is endemic rather than epidemic.”¹¹¹ Disability and debility in this formulation do not counter each other but are in fact interdependent—the discourse of rights and empowerment relies on the same economy (i.e., neoliberalism, colonialism, and racial capitalism) that capacitates certain bodies (makes them available for identification) and makes others available for injury. I show how this works in the context of labor in chapter 6, disability litigation and rights in chapter 7, and the rejection of “others” into the (white) community in chapter 5.

Puar’s analysis stresses the importance of centering both disability and debilitation to understand the workings of empire and their central role in the maintenance of statehood and state violence. As I show throughout the book, these sites of violence (prisons, psych hospitals, and other carceral locales and logics) are incredibly disabling and, as Puar shows, sites of targeted biopolitical debilitation. But at the same time as I critique debilitation through state violence (through incarceration) and critiquing rights and pride discourses, I want also to insist that disability cannot be articulated solely through the lens of pathology. The potential peril of discussing disability solely on the level of the biopolitics of debilitation is that we are left with prevention and assimilation discourses as the only available frameworks that can account for ways of effectively living with disability. The biopolitics of debilitation can’t explain or account for what becomes of/to people on the level of activism or ontology once they are disabled/debilitated.

Such analysis can result in reproducing a zero-sum game of two nodes of disability exceptionalism—disability as assimilation (rehabilitation and rights, as Puar critiques) or prevention (in this case, as prevention of the conditions of debilitation). I worry that calls to close carceral enclosures because they are disabling can be taken up as a biopolitical tool by state and social justice agents through what I am calling carceral ableism/sanism to “improve” or extend carceral locales. This could look like, for example, stopping the debilitating conditions of confinement by providing better health care in sites of incarceration or even releasing those with debilitating conditions but not others—all of which will result in increasing the net scope of carcerality and state violence.

It can also result in furthering ableism, especially through the frame of racial criminal pathologization, the results of which strip those who are disabled of their epistemology and ontology as disabled. If disability is understood through the lenses of avoidance or pathology, those who are already disabled and debilitated lose the opportunity to understand their disability or impairment as part of their identity, which can result in lack of efforts to collectivize based on their/our shared culture and histories. Therefore it is imperative to connect the analysis of state violence and its resulting population level slow death and targeted debilitation, including by carceral apparatuses and logics, to disability as identity and culture. Disability as a political entity is important because it offers a site of collective resistance to such violence—in the form of deinstitutionalization, antipsychiatry, and self advocacy.

Disability studies offers the powerful idea of disability as empowering, enabling, productive, and political. Not everything disability produces is beautiful, but as a productive force, in the Foucauldian sense, disability produces specific sensibilities and discourses. I want to affirm the life that’s already here in the form of the knowledges of disabled and mad people, at the same time as calling to end violent debilitation and the conditions that make them viable. This book therefore understands disability as an (intersectional) optic that deconstructs the normative body/mind and uncovers the radical potential of living otherwise. In other words, I wish to ask, what can be gained from the presence of disability, or from disability justice or crip critiques of the carceral emanating from disability/mad movements, especially those related to deinstitutionalization, anti-prison, and antipsychiatry?

Road Map and Suggested Usage

I want to be clear that I am not suggesting that prison/penal abolition is about facility closure; it is about abolishing a society that could have prisons. More precisely, as contemporary abolitionists Angela Davis, Beth Richie, Ruth Wilson Gilmore, Mariame Kaba, and other black feminists discuss, abolition is about creating a world without the necessity and footprint of incarceration and segregation, with all that entails for distribution of resources and social values. Thus prison abolition insists not only on ridding ourselves of imprisonment but of imagining a “new world order” in the absence of the carceral archipelago. As Davis further advises, “the call for prison abolition urges us to imagine and strive for a very different social landscape.”¹¹² This book takes up only one string of this complex web. I acknowledge that incarceration is not merely a place (the prison, the institution). But it’s *also* a place. Decarceration is certainly not the only route to carceral abolition, as carceral logics reside outside of specific locales, but this diffusion does not dissolve the necessity to coalesce against walled carceral enclosures and demand their closure. Connecting, and distinguishing between, the ethics and politics of capture and enclosure of those whose incarceration is legitimated by “care” versus “punishment” is another implicit goal of this book.

The first part of the book *conceptualizes* decarceration, as I trace the genealogy (origin story, birth narrative, history of ideas) of deinstitutionalization and epistemologies (knowledges) of abolition. I begin with a two-part genealogy of deinstitutionalization. The first part excavates and complicates the hegemonic narrative of deinstitutionalization in mental health and intellectual disabilities as occurring due to exposés, policy changes, financial factors, and psychiatric drugs. Chapter 2 adds an emphasis on expert knowledge that moved the pendulum of reform toward abolition in deinstitutionalization. I specifically focus on Wolf Wolfensberger’s theorization of *normalization* in the field of intellectual disability and Thomas Szasz’s view of the *myth of mental illness* within antipsychiatry and showcase how such theories were perceived, taken up, and entangled in deinstitutionalization, its consequences, and its backlash.

Chapter 3 conceptualizes what abolition is, especially as it applies to carcerality. There are various critiques laid out against prison abolition and deinstitutionalization. They can be summarized into three main prongs: that this form of activism is abstract and does not focus on prescriptive and specific

solutions and alternatives to incarceration; that it is an optimistic and utopian vision of the world; and that it is unrealistic to share this worldview in the world we currently occupy. In this chapter, I demonstrate how these critiques can be conceptualized as strengths as a dis-epistemology of abolition.

The second part of the book focuses on *resistance* to decarceration. Here my case studies are the prevalence of those defined as mentally ill in prisons and jails and the ways deinstitutionalization was blamed for it; resistance to community living and integration in housing; and resistance to closure of carceral enclosures, especially institutions and prisons. In chapter 4, I analyze discourses that were used to construct a particular (punitive and medical) narrative around the “homeless mentally ill” and “jails as the new asylums,” which created a backlash against deinstitutionalization and prison abolition. I deconstruct these claims and discuss what is at stake in such discourses now, decades after the closure of psychiatric hospitals.

In chapter 5, I interrogate various forms of resistance to community living also known as the not in my backyard (NIMBY) phenomenon and the way it relates to criminal pathologization and race/ability. I also demonstrate how desegregation (or inclusion) in the disability arena followed, paralleled, and intersected with racial desegregation in the 1960s and 1970s.

Chapter 6 focuses on the triad of parents of those institutionalized and incarcerated, unions, and employees of these facilities in advocating for or fighting against closure of carceral locales. It examines who supports carceral enclosures (especially institutions for those with intellectual disability labels and prisons), why others advocate for their closure, and how the rationalities embedded in such efforts are part of political and affective economies related to discourses of safety/danger, innocence, choice, community, care, and labor.

I end the book with the vexed relation between abolition and decarceration. In chapter 7, I investigate the role class action litigation played in the closure of carceral enclosures (prisons and institutions) and the consequences of utilizing it as a technique of decarceration. I contest the belief that disability-related litigation replaced prison reform litigation and instead point to the ways gender and disability became primary avenues from which to legally critique imprisonment. I also critique such approaches by discussing the potential ableism entrenched in this form of litigation. I conclude the book by summarizing how decarceration and excarceration worked, or not, in deinstitutionalization and show what can be learned from deinstitutionalization

for prison abolition, and vice versa. I also caution against current “alternatives” that expand the carceral state through the decarceration–industrial complex and carceral ableism and sanism.

In sum, this book is a call to address incarceration and decarceration as disability issues, whether those oppressed by it are disabled or identify or are politicized as disabled or not. On the flip and related side, I show the need to view radical mental health and disability justice and organizing as carceral abolition issues. Activists and scholars of imprisonment and incarceration need to be more versed in the lived experience, history, and culture of mad, disabled, and Deaf people to chart a way out, which I demonstrate through the historical example of deinstitutionalization. But it also requires being attentive to forces of carceral ableism and sanism that seek to expand the carceral state in the so-called service of disability/madness (such as accepting people with disability into community housing and services as long as they are “not criminals”).

As a scholar (trained in the social sciences) and activist (in prison abolition and disability arenas), this call for connecting decarceration, disability, and deinstitutionalization runs on dual tracks. The first is the need to construct a more critical genealogy to add to research on deinstitutionalization, one that encompasses the complexity of its history and origin story (beyond the public imagery of “dumping people in the streets” and “jails as the new asylums”), and that focuses on the closure of residential institutions for people with intellectual disabilities in tandem with the closure of psychiatric hospitals. Connectedly, I want to put deinstitutionalization as part and parcel of discussions on decarceration, inclusion, and abolition. The second track is a call to those of us who engage in social change work to understand these genealogies, movements, and knowledges as connected so we can implement their lessons and the spirit of dis-epistemology in our own work.

How can creating coalitions around the need for community mental health and affordable and accessible housing in the community be aided by understanding the shift that occurred in the 1970s onward that decreased the social safety net while increasing the reach of the carceral state? What if we understand these forces in tandem as opposed to causal effects, that is, deinstitutionalization caused the rise of incarceration and the rise of the “mentally ill” in prisons and jails? What if categories like the “mentally ill” are not simply taken for granted in research or activism but understood as constructed categories contested and changed over time, changes that both necessitated

and hindered a force like deinstitutionalization? What if, as I suggest following activists in these movements, deinstitutionalization is not merely a process or policy change but a mind-set, a logic? What were the limits and gains from using strategies like exposés and litigation in gaining people's freedom from sites of incarceration? Who resists decarceration and deinstitutionalization, and how can coalitions be created to oppose such resistance? How would understanding deinstitutionalization as a form of residential desegregation that paralleled and intersected with racial desegregation aid in making white policy papers on disability relevant to the lives of disabled people of color?¹¹³ What can be gained from taking up an abolitionist perspective? How did the concept of abolition play out in different arenas of incarceration—in antipsychiatry, the field of intellectual disabilities, and the fight against the prison–industrial complex? I hope this book incites some of these questions and provides some answers that can be activated in other contexts and struggles for freedom.

Notes

Introduction

1. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012); Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics*, rev. ed. (Princeton, N.J.: Princeton University Press, 2016); and for a discussion of the difference between mass incarceration and hyperincarceration, Loïc Wacquant, "Class, Race and Hyperincarceration in Revanchist America," *Daedalus* 139, no. 3 (2010): 74–90.

2. When I use the term *disability* throughout the book, I mean to encompass a variety of identities, fields of scholarships, and social movements under this umbrella, including Deaf/deaf/hard of hearing, mad/psychiatrized, intellectual/developmental/cognitive disabilities, neurodiversity, those with nonvisible disabilities, and so on. I do this heuristically, to encompass the broad range of diagnosis or lived experience that can fall under the "disability" label, although of course there are vast differences between these categorizations. Many under the above grouping do not necessarily politically identify as disabled, and when applicable I make this division explicit.

3. Liat Ben-Moshe, "Disabling Incarceration: Connecting Disability to Divergent Confinements in the USA," *Critical Sociology* 39, no. 3 (2013): 385–403, <https://doi.org/10.1177/0896920511430864>; Liat Ben-Moshe, Chris Chapman, and Allison C. Carey, eds., *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (New York: Palgrave Macmillan, 2014).

4. Michelle Brown and Judah Schept, "New Abolition, Criminology and a Critical Carceral Studies," *Punishment and Society* 19, no. 4 (2017): 440–62.

5. Crip of color critique is an extension of Roderick Ferguson's queer of color critique to disability studies and crip theory. It was separately and simultaneously discussed by me, in relation to incarceration, and Jina Kim, and first published in Jina B. Kim, "Anatomy of the City: Race, Infrastructure, and U.S. Fictions of Dependency" (PhD diss., University of Michigan, Ann Arbor, 2016). "Crip" refers to a politicized disability identity and disability as an analytic. In relation to queer theory, see Robert McRuer, *Crip Theory: Cultural Signs of Queerness and Disability* (New York: NYU Press, 2006).

6. Monographs on incarceration, such as Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006), and Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, N.C.: Duke University Press, 2009), mention deinstitutionalization briefly, but often only to blame it for the rise in imprisonment.

7. David L. Braddock, Richard E. Hemp, Emily S. Tanis, Jiang Wu, and Laura Hafner, *State of the States in Intellectual and Developmental Disabilities*, 11th ed. (Washington, D.C.: American Association on Intellectual and Developmental Disabilities, 2017).

8. The figures are for people who are identified as I/DD and who receive support and services from a state I/DD agency. James Houseworth, Renáta Tichá, John Smith, and Roqayah Ajaj, *Developments in Living Arrangements and Choice for Persons with Intellectual and Developmental Disabilities*, Policy Research Brief 27, no. 1 (Minneapolis: University of Minnesota, Institute on Community Integration, 2018).

9. Houseworth et al.

10. Bernard E. Harcourt, "Reducing Mass Incarceration: Lessons from the Deinstitutionalization of Mental Hospitals in the 1960s," *Ohio State Journal of Criminal Law* 9 (2011): 53.

11. Cathy Cohen, "Death and Rebirth of a Movement: Queering Critical Ethnic Studies," *Social Justice* 37, no. 4 (2011): 126–32; Dean Spade, *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*, rev. and exp. ed. (Durham, N.C.: Duke University Press, 2015); Roderick A. Ferguson, *Aberrations in Black: Toward a Queer of Color Critique* (Minneapolis: University of Minnesota Press, 2003).

12. Jina B. Kim, "Toward a Crip-of-Color Critique: Thinking with Minich's 'Enabling Whom?,'" *Lateral* (blog), May 15, 2017, <https://csalateral.org/issue/6-1/forum-alt-humanities-critical-disability-studies-crip-of-color-critique-kim/>.

13. bell hooks, "Choosing the Margin as Space of Radical Openness," *Framework* 36 (1989): 15.

14. Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason* (New York: Pantheon Books, 1965); Foucault, *Mental Illness and Psychology* (Oakland: University of California Press, 2008); Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd ed. (New York: Vintage Books, 1995).

15. Wendy Brown, *Politics Out of History* (Princeton, N.J.: Princeton University Press, 2001).

16. Shelley Tremain, *Foucault and the Government of Disability* (Ann Arbor: University of Michigan Press, 2015); Nikolas S. Rose, *Governing the Soul: The Shaping of the Private Self*, 2nd ed. (London: Free Association Books, 1999).

17. In mad studies and movements, *psy* is shorthand for discourses like psychology, psychiatry, social work, and similar others.

18. Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-memory, Practice: Selected Essays and Interviews by Michel Foucault*, ed. D. F. Bouchard, 139–64 (Ithaca, N.Y.: Cornell University Press, 1980).

19. Michel Foucault, *The Birth of the Clinic* (New York: Vintage Books, 1994).

20. John Gramlich, "America's Incarceration Rate Is at a Two-Decade Low," Pew Research Center, May 2, 2018, <https://www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/>.

21. Bureau of Justice Statistics, *Annual Probation Survey, Annual Parole Survey, Annual Survey of Jails, and National Prisoner Statistics Program, 2006–2016*, April 2018. Summary can be found at <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>.

22. Jean Stewart and Marta Russell, "Disablement, Prison, and Historical Segregation," *Monthly Review*, July 1, 2001, <https://monthlyreview.org/2001/07/01/disablement-prison-and-historical-segregation/>.

23. Liat Ben-Moshe and Jean Stewart, "Disablement, Prison and Historical Segregation: 15 Years Later," in *Disability Politics in a Global Economy: Essays in Honor of Marta Russell*, ed. Ravi Malhotra, 87–104 (London: Routledge, 2017); Rose Braz and Craig Gilmore, "Joining Forces: Prisons and Environmental Justice in Recent California Organizing," *Radical History Review* no. 96 (2006): 95–111.

24. Stewart and Russell, "Disablement."

25. Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); Justice Now, <https://www.justicenow.org/>; INCITE! Women of Color against Violence, ed., *Color of Violence: The INCITE! Anthology* (Durham, N.C.: Duke University Press, 2016),

26. Patricia Erickson and Steven Erickson, *Crime, Punishment, and Mental Illness: Law and the Behavioral Sciences in Conflict* (New Brunswick, N.J.: Rutgers University Press, 2008).

27. Human Rights Watch, "U.S.: Number of Mentally Ill in Prisons Quadrupled," September 5, 2006, <https://www.hrw.org/news/2006/09/05/us-number-mentally-ill-prisons-quadrupled>.

28. For more information on the plight of Deaf prisoners, refer to <https://behearddc.org/>.

29. Dylan Rodriguez, *Forced Passages: Imprisoned Radical Intellectuals and the U.S. Prison Regime* (Minneapolis: University of Minnesota Press, 2006).

30. By *settler*, I am referring to a system of settler colonialism, prevalent in nations like the United States and Canada, and in this case how education is related to it. For example, Eve Tuck and K. Wayne Yang, "Decolonization Is Not a Metaphor," *Decolonization: Indigeneity, Education, and Society* 1, no. 1 (2012).

31. A masterful example of the centrality of gender/sexuality (and race) to any critical analysis of imprisonment can be found in the classic Davis, *Are Prisons Obsolete?*, and in Beth E. Richie, *Arrested Justice: Black Women, Violence, and America's Prison Nation* (New York: NYU Press, 2012).

32. Refer to note 2 on page 285.

33. Simi Linton, *Claiming Disability: Knowledge and Identity* (New York: NYU Press, 1998), 2.

34. Peter Beresford, "What Have Madness and Psychiatric System Survivors Got to Do with Disability and Disability Studies?," *Disability and Society* 15 (January 1,

2000): 167–72; Elizabeth J. Donaldson and Catherine Prendergast, “Introduction: Disability and Emotion: ‘There’s No Crying in Disability Studies,’” *Journal of Literary and Cultural Disability Studies* 5, no. 2 (2011): 129–35; Bradley Lewis, “A Mad Fight: Psychiatry and Disability Activism,” in *The Disability Studies Reader*, ed. Lennard J. Davis, 331–54 (New York: Routledge, 2006); Margaret Price, *Mad at School: Rhetorics of Mental Disability and Academic Life* (Ann Arbor: University of Michigan Press, 2011); Nev Jones and Robyn Brown, “The Absence of Psychiatric C/S/X Perspectives in Academic Discourse: Consequences and Implications,” *Disability Studies Quarterly* 33, no. 1 (2012).

35. Robert Bogdan and Douglas Biklen, “Handicapism,” *Social Policy* 7, no. 5 (1977): 14–19; Thomas S. Szasz, *The Myth of Mental Illness: Foundations of a Theory of Personal Conduct* (New York: Harper Perennial, 1974).

36. Steven J. Taylor, “Before It Had a Name: Exploring the Historical Roots of Disability Studies in Education,” in *Vital Questions Facing Disability Studies in Education*, vol. 2, 289–306 (New York: Peter Lang, 2016).

37. David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007).

38. Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2004); Grace Kyungwon Hong, *Death beyond Disavowal: The Impossible Politics of Difference* (Minneapolis: University of Minnesota Press, 2015).

39. Gottschalk, *Caught*; Wacquant, *Punishing the Poor*; Wacquant, *Prisons of Poverty* (Minneapolis: University of Minnesota Press, 2009).

40. Julia Chinyere Oparah (formerly Sudbury), “A World without Prisons: Resisting Militarism, Globalized Punishment, and Empire,” *Social Justice* 31, no. 1/2 (2004): 11–12; Linda Evans and Eve Goldberg, *The Prison Industrial Complex and the Global Economy* (Montreal, Quebec: Kersplebedeb, 1998).

41. Oparah, “World without Prisons.”

42. Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).

43. Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham, N.C.: Duke University Press, 2011); Craig Willse, *The Value of Homelessness: Managing Surplus Life in the United States*, 1st ed. (Minneapolis: University of Minnesota Press, 2015).

44. Some of the major corporations in the institution/hospital industry in North America are Res-Care; Beverly Enterprises of Fort Smith, which employs more people than the entire automobile industry; Healthsouth Rehabilitation Corporation; the Columbia/HCA hospital chain; Humana; and Summit Health.

45. Michael Oliver, *The Politics of Disablement: A Sociological Approach* (New York: St. Martin’s Press, 1990); James I. Charlton, *Nothing about Us without Us: Disability, Oppression, and Empowerment* (Berkeley: University of California Press, 2000); Wolf Wolfensberger, “Human Service Policies: The Rhetoric versus the Reality,” in *Disability and Dependency*, ed. Len Barton, 23–41 (Lewes, U.K.: Falmer Press, 1989).

46. Deborah Stone, *The Disabled State* (Philadelphia: Temple University Press, 1994); Liat Ben-Moshe, "Disabling Incarceration: Connecting Disability to Divergent Confinements in the USA," *Critical Sociology* 39, no. 3 (2013): 385–403.
47. Hong, *Death beyond Disavowal*.
48. Hong, *Death beyond Disavowal*, 19.
49. Ruth Wilson Gilmore, "Fatal Couplings of Power and Difference: Notes on Racism and Geography," *Professional Geographer* 54, no. 1 (2002): 21.
50. Ferguson, *Aberrations in Black*.
51. Sharon Snyder and David Mitchell, "Introduction: Ablenationalism and the Geo-politics of Disability," *Journal of Literary and Cultural Disability Studies* 4, no. 2 (2010): 113–25.
52. Gilmore, *Fatal Coupling*.
53. Ben-Moshe, "Tension between Abolition and Reform"; Kaba, "Prison Reform's in Vogue."
54. <https://www.alternet.org/2016/10/electronic-monitoring-restrictive-and-wrong/>; also the project <https://www.challengingcarceration.org/about-project/>.
55. Erick Fabris, *Tranquil Prisons: Chemical Incarceration under Community Treatment Orders* (Toronto: University of Toronto Press, 2011).
56. James Kilgore, "Repackaging Mass Incarceration," *Counterpunch*, June 6, 2014, <https://www.counterpunch.org/2014/06/06/repackaging-mass-incarceration/>.
57. Michael L. Perlin, "On Sanism," *SMU Law Review* 46 (1993): 373–407.
58. Richie, as well as the work of INCITE! Women of Color against Violence, offers a critique of this kind of "feminism" that calls for equality in the results in punitive measures. Victoria Law discusses the term *carceral feminism* in her 2014 article in *Jacobin*: <https://www.jacobinmag.com/2014/10/against-carceral-feminism/>.
59. Mariame Kaba, "Free Us All: Participatory Defense Campaigns as Abolitionist Organizing," *New Inquiry*, May 8, 2017, <https://thenewinquiry.com/free-us-all/>.
60. Angela Y. Davis, "Racialized Punishment and Prison Abolition," in *The Angela Y. Davis Reader*, ed. Joy James, 96–107 (Malden, Mass.: Blackwell, 1998); Kim Gilmore, "Slavery and Prison—Understanding the Connections," *Social Justice* 27, no. 3 (2000): 95; Joy James, ed., *The New Abolitionists: (Neo) Slave Narratives and Contemporary Prison Writings* (Albany: SUNY Press, 2005).
61. Angela Y. Davis, "From the Convict Lease System to the Super-Max Prison," in *States of Confinement*, 60–74 (New York: Palgrave Macmillan, 2000); Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866–1928* (Columbia: University of South Carolina Press, 1996); Douglas A. Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008).
62. Robert T. Chase, "We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners' Rights Movement," *Journal of American History* 102, no. 1 (2015): 73–86.
63. Gottschalk, *The Prison and the Gallows*.

64. Wacquant, *Punishing the Poor*.

65. James, *New Abolitionists*; Dylan Rodriguez, *Forced Passages*; Julia Oparah (formerly Sudbury), "A World without Prisons: Resisting Militarism, Globalized Punishment, and Empire," *Social Justice* 31, no. 1/2 (2004): 9–30; Sudbury, "Maroon Abolitionists: Black Gender-Oppressed Activists in the Anti-prison Movement in the U.S. and Canada," *Meridians* 9, no. 1 (2009): 1–29.

66. Gilmore, "Slavery and Prison," 95.

67. Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis* (New York: Verso, 1999); Gilmore, *Golden Gulag*.

68. Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (Chapel Hill: University of North Carolina Press, 1983); Gilmore, "Fatal Couplings of Power and Difference."

69. Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York: Oxford University Press, 1997); Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass.: Harvard University Press, 1982).

70. Steve Martinot and Jared Sexton, "The Avant-Garde of White Supremacy," *Social Identities* 9, no. 2 (2003): 169–81.

71. Frank Wilderson, "The Prison Slave as Hegemony's (Silent) Scandal," *Social Justice* 30, no. 2 (2003): 18–27.

72. Alexander, *New Jim Crow*.

73. I use the term *race neutral* as opposed to *color-blind*, which I find to be a confusing and ableist term.

74. Regarding class, legal scholar James Forman Jr. shows that for African American men with some college education, the probability of being imprisoned actually decreased slightly between 1979 and 1999. So the issue is not only antiblack racism but its deadly coupling (to paraphrase Stuart Hall) with class and capitalism. Forman, "Racial Critiques of Mass Incarceration: Beyond the New Jim Crow," *New York University Law Review* 87, no. 21 (2012): 101–46.

75. Andrea Ritchie, *Invisible No More: Police Violence against Black Women and Women of Color* (Boston: Beacon Press, 2017).

76. Forman, "Racial Critiques," for example.

77. Chase, "We Are Not Slaves."

78. Sudbury, "Maroon Abolitionists."

79. *Maroon* refers to the communities of runaway slaves and indigenous people that have formed in the Americas since the seventeenth century.

80. Not intentionally using the term abolition in deinstitutionalization is perhaps not surprising since race and racial capitalism were not central in these liberation struggles, as discussed in chapters 2, 3, and 5. For current examples of psychiatric abolition refer to Bonnie Burstow, Brenda A. LeFrançois, and Shaindl Diamond, eds., *Psychiatry Disrupted: Theorizing Resistance and Crafting the (R)evolution* (Montreal, Quebec: McGill-Queen's University Press, 2014).

81. In 1979, for example, self-advocates in Nebraska held a press conference stating that all institutions should be closed. B. Shultz and P. Williams, “We Can Speak for Ourselves,” 1982. Also refer to <https://www.sabeusa.org/meet-sabe/policy-state-ments/closing-institutions/>.

82. Leroy F. Moore Jr., “CAGED, Goddamn Philadelphia,” SoundCloud, March 27, 2013, <https://soundcloud.com/blackkrip/caged-goddamn-philadelphia>.

83. For more information, visit <https://kriphopnation.com/>, <https://harriettubmancollective.tumblr.com/>, and <https://www.sinsinvalid.org/>.

84. Chris Bell, “Introducing White Disability Studies: A Modest Proposal,” in *Disability Studies Reader*, ed. Lennard J. Davis, 2nd ed., 275–82 (New York: Routledge, 2006).

85. Liat Ben-Moshe, “‘The Institution Yet to Come’: Analyzing Incarceration through a Disability Lens,” in *The Disability Studies Reader* 4th. ed., ed. Lennard J. Davis, 132–43 (New York: Routledge, 2013).

86. Bell, “Introducing White”; Beth A. Ferri and David J. Connor, *Reading Resistance: Discourses of Exclusion in Desegregation and Inclusion Debates* (Bern, Switzerland: Peter Lang, 2006); Nirmala Erevelles, *Disability and Difference in Global Contexts: Enabling a Transformative Body Politic* (New York: Palgrave Macmillan, 2011). Also Jasbir K. Puar, *The Right to Maim: Debility, Capacity, Disability* (Durham, N.C.: Duke University Press, 2017), for further critiques on this gap.

87. Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, trans. David Macey, 1st ed. (New York: Picador, 2003).

88. Subini A. Annamma, David Connor, and Beth Ferri, “Dis/ability Critical Race Studies (DisCrit): Theorizing at the Intersections of Race and Dis/ability,” *Race, Ethnicity, and Education* 16, no. 1 (2013): 1–31; Annamma, *Pedagogy of Pathologization*.

89. Beth Harry and Janette K. Klingner, *Why Are So Many Minority Students in Special Education? Understanding Race and Disability in Schools* (New York: Teachers College Press, 2005); Audrey Trainor, book review of *Why Are So Many Minority Students in Special Education? Understanding Race and Disability in Schools* by B. Harry and J. Klingner, *Remedial and Special Education* 29, no. 1 (2008): 58–59; Robin M. Smith and Nirmala Erevelles, “Towards an Enabling Education: The Difference That Disability Makes,” *Educational Researcher* 33, no. 8 (2004): 31–36.

90. D. L. Adams and Erica Meiners, “Who Wants to Be Special? Pathologization and the Preparation of Bodies for Prison,” in *Critical Urban Education: Dismantling the School to Prison Pipeline*, ed. A. Nocella, P. Parmar, and D. Stovall, 145–64 (New York: Peter Lang, 2014).

91. Ferri and Connor, *Reading Resistance*.

92. Jelani Exum, “The Death Penalty on the Streets: What the Eighth Amendment Can Teach about Regulating Police Use of Force,” *Missouri Law Review* 80, no. 987 (2015), <https://ssrn.com/abstract=2881511>.

93. Ritchie, *Invisible No More*, 89.

94. Jin Haritaworn, “Beyond ‘Hate’: Queer Metonymies of Crime, Pathology and Anti/violence,” *Global Jindal Law Review* 4, no. 2 (2014): 44–78.

95. Nirmala Erevelles and Andrea Minear, "Unspeakable Offenses: Untangling Race and Disability in Discourses of Intersectionality," *Journal of Literary and Cultural Disability Studies* 4, no. 2 (2010): 127–45; Annamma, *Pedagogy of Pathologization*; Ashley Taylor, "The Discourse of Pathology: Reproducing the Able Mind through Bodies of Color," *Hypatia* 30, no. 1 (2014): 181–98.

96. "Mom of Autistic Man at Center of Charles Kinsey Shooting: My Son Is Traumatized," *Miami Herald*, July 23, 2016, <https://www.miamiherald.com/news/local/community/miami-dade/north-miami/article91472342.html>.

97. For a brief analysis of the case, refer to Tanja Aho, Liat Ben-Moshe, and Leon J. Hilton, "Mad Futures: Affect/Theory/Violence," *American Quarterly* 69, no. 2 (2017): 291–302.

98. Talila A. Lewis, "Honoring Arnaldo Rios-Soto and Charles Kinsey: Achieving Liberation through Disability Solidarity," *Talila A. Lewis* (blog), July 22, 2016, <https://www.talilalewis.com/blog/achieving-liberation-through-disability-solidarity>.

99. I am using the broad term *policing* here, as opposed to *police brutality*, which implies that there is policing that is not violent or brutal.

100. Cathy Cohen, "Death and Rebirth of a Movement: Queering Critical Ethnic Studies," *Social Justice* 37, no. 4 (2011): 126–32; Spade, *Normal Life*; Ferguson, *Aberrations in Black*.

101. Patty Berne, "Disability Justice—a Working Draft," *Sins Invalid* (blog), June 10, 2015, <http://sinsinvalid.org/blog/disability-justice-a-working-draft-by-patty-berne>.

102. "The state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death." Gilmore, *Golden Gulag*.

103. E.g., Leroy Moore's critique of sensitivity training in regard to the Rios case, "Yes, It Goes Deeper than Training, Police Shooting Arnaldo Rios Soto Interview with Matthew Dietz, Attorney for the Family of Arnaldo Rios Soto," *Poor Magazine*, July 9, 2016, <http://poormagazine.org/node/5564>.

104. Mia Mingus, "Changing the Framework: Disability Justice, How Our Communities Can Move beyond Access to Wholeness," 2011, <https://leavingevidence.wordpress.com/2011/02/12/changing-the-framework-disability-justice/>.

105. Liat Ben-Moshe and Sandy Magaña, "An Introduction to Race, Gender, and Disability: Intersectionality, Disability Studies, and Families of Color," *Women, Gender, and Families of Color* 2, no. 2 (2014): 105–14.

106. In the I/DD context, for example, refer to Sandra Magaña et al., "Racial and Ethnic Disparities in Quality of Health Care among Children with Autism and Other Developmental Disabilities," *Intellectual and Developmental Disabilities* 50, no. 4 (n.d.): 287–99.

107. Puar, *Right to Maim*, xii.

108. Lauren Berlant, *Cruel Optimism* (Durham, N.C.: Duke University Press, 2011).

109. Helen Meekosha, "Decolonising Disability: Thinking and Acting Globally," *Disability and Society* 26, no. 6 (2011): 667–82.

110. Puar, *Right to Maim*, 110.

111. Puar, xvii.

112. Angela Y. Davis, "From the Convict Lease System to the Super-Max Prison," in *States of Confinement: Policing, Detention, and Prisons*, ed. Joy James, 60–74 (New York: Palgrave Macmillan, 2000).

113. "Response of the Harriet Tubman Collective to the THE RUDERMAN WHITE PAPER ON MEDIA COVERAGE OF LAW ENFORCEMENT USE OF FORCE AND DISABILITY: The Harriet Tubman Collective," Harriet Tubman Collective, <https://harriettubmancollective.tumblr.com/post/174479075753/accountable-reporting-on-disability-race-and>.

1. The Perfect Storm

1. Dae-Young Kim, "Psychiatric Deinstitutionalization and Prison Population Growth: A Critical Literature Review and Its Implications," *Criminal Justice Policy Review* 27, no. 1 (2016): 3–21.

2. Michel Foucault, "Nietzsche, Genealogy, History" (1977), in Bouchard, *Language, Counter-memory, Practice*, 139–64.

3. Foucault, 140.

4. Gavin Kendall and Gary Wickham, *Using Foucault's Methods* (London: Sage, 1999).

5. Paul Di Georgio describes the role of necessity and contingency in Nietzsche's genealogy as "anything could have happened (contingency), but only certain things did happen, and these things that did happen are necessary." Paul di Georgio, "Contingency and Necessity in the Genealogy of Morality," *Telos* 162 (2013): 97–111.

6. Marie Gottschalk, "Cell Blocks and Red Ink: Mass Incarceration, the Great Recession and Penal Reform," *Daedalus* 139, no. 3 (2010): 62–73; Bernard E. Harcourt, "Reducing Mass Incarceration: Lessons from the Deinstitutionalization of Mental Hospitals in the 1960s," *Ohio State Journal of Criminal Law* 9 (2011): 53.

7. David L. Braddock, Richard E. Hemp, Emily S. Tanis, Jiang Wu, and Laura Haffer, *State of the States in Intellectual and Developmental Disabilities*, 11th ed. (Washington, D.C.: American Association on Intellectual and Developmental Disabilities, 2017).

8. David L. Braddock, Richard Hemp, Mary C. Rizzolo, Emily Shea Tanis, Laura Haffer, and Jiang Wu, *The State of the States in Intellectual and Developmental Disabilities: Emerging from the Great Recession* (Washington, D.C.: American Association on Intellectual and Developmental Disabilities, 2015).

9. Liat Ben-Moshe, Chris Chapman, and Allison C. Carey, eds., *Disability Incarcerated: Imprisonment and Disability in the United States and Canada* (New York: Palgrave Macmillan, 2014).

10. Bernard Harcourt, "From the Asylum to the Prison: Rethinking the Incarceration Revolution," *Texas Law Review* 84 (2006): 1751–86.

11. Harcourt.

12. Goodey credits Locke with establishing the dichotomy between mental illness and intellectual disability (although there is some disagreement about it). D. Braddock and L. Parish, "An Institutional History of Disability," in *Handbook of Disability*

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