Rights of Passage: The Ethics of Disability Passing and Repercussions for Identity

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Abstract
This paper addresses two ethical problems associated with cases of disability passing wherein a person negotiating an impairment and/or disability passes as abled. This kind of disability passing is often assumed to be a form of deceit in the sense that it constitutes identity falsification. Nevertheless, disabled individuals face strong pressure to pass as abled in work settings and social situations. We respond to the former concern by showing that disability passing is not equivalent to deceit, and the latter issue by demonstrating that ableist assumptions concerning distributive justice play a strong role in incentivizing the practice of disability passing.

This paper responds to two ethical conundrums associated with cases of disability passing wherein a person negotiating impairment and/or disability passes as abled. One of these problems is tied to the question of whether or not passing constitutes deception and is thus a form of dishonesty. Another difficulty arises from able-bodied society’s reinforcement of the practice of passing. We will argue against the idea that passing is equivalent to deceit by offering a descriptive account of the repercussions for what is frequently referred to as “identity” in certain instances of disability passing. We will also demonstrate the moral indefensibility of practices tending to reinforce passing by showing that they derive, at least in part, from ableist assumptions concerning distributive justice as it relates to disabled individuals.¹ For the sake of

¹ With respect to disability, “passing” can occasionally refer to the fabrication or exaggeration of impairment; however, it more often signifies the practice of concealing or deflecting attention from impairment so as to give the impression of capability. Naturally, the physical and psychological performances involved in disability passing will vary depending on the type of impairment being negotiated.
brevity and to restrict discussion, we shall focus on instances of disability passing wherein attempts are made to direct attention away from visible forms of mobility impairment.

Scholarship on passing as it affects the formation of disabled identity and the material circumstances of disabled persons remains scant; Jeffrey A. Brune and Daniel J. Wilson’s *Disability and Passing: Blurring the Lines of Identity* (2013) is the first anthology-length study of these and other associated subjects. We will bring recent philosophical writings on the ethics of sexual identity passing and distributive justice into conversation with a disability perspective that includes their research in order to help shed light on what happens to one’s so-called identity when one passes as abled, as well as the practical means by which passing is reinforced by ableist society. This contributes to discussions aimed at revealing how disability passing discloses the power of social, political, and economic forces to create disabled identity.

Like other forms of passing, disability passing is intimately intertwined with individual conceptions of personal identity; it is a way of creating or conceiving of the self. It is concerning, then, that historical scholarship marks instances of passing which appear to have been facilitated by self-deceit with respect to the reality and/or severity of one’s disability status.

For example, Wilson suggests that passing involved outright self-deception for polio survivors

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Tobin Siebers famously addressed the phenomenon of disability passing in “Disability as Masquerade;” however, the majority of scholarly writing on the topic of passing has focused on race, gender, and sexuality. Siebers argued that the practice of exaggerating disability can serve certain political goals. He wrote: “*The masquerade may inflect private and public space, allowing expression of a public view of disability for political ends.*” Consider the example of the Capitol protest for the Americans with Disabilities Act in the spring of 1990. Three dozen wheelchair users, representing ADAPT (American Disabled for Accessible Public Transit, a public transportation advocacy group for people with disabilities), abandoned their chairs to crawl up the eighty-three marble steps of the Capitol building. None of the protestors, I suspect, made a practice of crawling up the steps of public buildings on a regular basis. When they did, they participated in a masquerade for political ends. The network news cameras could not resist the sight of paraplegics dragging themselves up the Capitol steps. Some activists worried that the coverage pictured the image most people with disabilities want to avoid—that they are pitiable, weak, and childlike—and concluded that assuming this identity was not worth the publicity. Predictably, in fact, the cameras picked out exhausted, eight-year-old Jennifer Keelan for special attention, twisting the emphasis from the concerns of adults to those of children and suggesting that ADAPT was taking advantage of children for its cause. At the end of the day, however, the major networks stressed the important message that people with disabilities were demanding their civil rights.” Siebers, Tobin. “Disability as Masquerade.” *Literature and Medicine* 23.1 (2004) 1-22, 9.
who came of age after the Second World War. He claims that a crucial first step to passing for these survivors was “to first ‘pass’ in one’s thinking” and that many “did not consider themselves disabled; they were only inconvenienced by their impairments.” This “gave them the confidence to perform as if they were not disabled and thus ‘pass’ both in their own estimation and in the minds of others.” This suggests that the polio survivors (and perhaps, by extension, others negotiating similar forms of mobility impairment) strove to delude themselves about their disabilities when passing as abled. If accurate, Wilson’s statements occasion certain questions concerning personal accountability and social responsibility relative to the management of impairment and disability. For instance, could passing as abled limit self-understanding in ways that are morally relevant? What duties, if any, do those who can pass have to represent themselves “authentically” in certain social situations?

We claim that the appearance of deceit involved in disability passing is rooted in a peculiarly binary either/or concept of identity. Moreover, this concept of identity is revealed in a Catch-22 of disabled experience wherein there are equal and opposing pressures to represent oneself “truthfully” and to cater to the prejudices of able-bodied society. For example, one of the authors of this paper found herself agonizing over whether and how best to reveal the fact of her mobility impairment as an online dater. As an above-the-knee amputee who identifies as disabled, she was used negotiating various real-world reactions to her limb loss and disability status. But her disability would not be obvious in the context of a typical online dating community, and she found herself wondering if she had an obligation to divulge the truth to

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3 Like other individuals with mobility impairment, these polio survivors developed strategies to “pass in plain sight,” such as not asking for accommodation, refusing to use assistive devices, and achieving high levels of education so as to not be dependent on jobs requiring physical exertion that might expose diminished capacities. Wilson, Daniel J. “Passing in the Shadow of FDR: Polio Survivors, Passing, and the negotiation of Disability,” Disability and Passing: Blurring the Lines of Identity, edited by Jeffrey A. Brune and Daniel J. Wilson (Philadelphia: Temple University Press, 2013), p. 14.

others before agreeing to meet in person. Given the stigma associated with mobility impairment generally and limb loss more particularly, she was acutely aware that many (perhaps even a majority) of people would feel as if they had been intentionally misled if she failed to reveal the facts of her impairment and disability prior the arrangement of an actual date. And while there was pressure to “come clean,” there was at least equal counter-pressure to soothe the aversions of others in non-virtual dating situations by assuming a style of embodiment and social comportment that allows her to pass as normatively capacitated.\footnote{For the author whose experience has been illustrated, passing involves a simulacrum of normalized embodiment wherein attention is directed away from physical attributes likely to arouse aversion. This redirection of attention is best described as a performance accomplished by means of various distractions which include (but are not limited to) a cosmetically enhanced prosthesis and the absence of any obvious link to others openly identifying as disabled. The author’s collaborator, for the record, did not realize that the author labored under any degree of impairment for the entire first year of their acquaintance as colleagues in a philosophy department, only eventually noticing the persistence of a slight limp. So a year of talking philosophy over coffee in the department common room, of making black jokes about Oklahoma politics, of moaning over particularly terrible student papers, of growing friendship, failed to reveal anything about that part of the author’s life. Yet it does not seem that deceit or withholding were to any significant degree involved. People don’t reveal everything about their lives to their colleagues, even to colleagues who are friends, be it a medical condition or their abiding weakness for Destroyer novels. Such a thing is certainly not mandatory, and most would concede that there is an individual entitlement to privacy.}

Which identity reflects the “truth” about who the author is? Is it the normative identity that emerges while passing, or is it the disabled identity?\footnote{It is frequently the case that an amputee is freer to engage in some athletic activities without a prosthesis on—a condition under which it is considerably more difficult pass. In light of this, the choices to pass or to not pass can be equally inhibiting. Although the latter draws aversive and/or pitying reactions, passing is at times more physically limiting. Our point is that each has a specific set of habituated movements, social attunements, practical advantages, and potential vulnerabilities. Thus, each is experienced to be an “honest” manifestation of self in the sense of being a routinely embodied mode of engaging with a practical and social environment. So the foregoing questions concerning deceit are misleading because they presume the existence of a singular “authentic” identity that never}
emerges in the back and forth movement between passing and non-passing ways of being in the world. For the author in question, passing signifies recognition as “normal” as well as benefitting from ableist privilege. Just as importantly, however, it signifies self-recognition in the sense that a socially received identity is felt to match up with elements of self-inscribed identity that include specific preferences, goals, and capabilities developed through processes of self-examination. Failure to pass means the social misrecognition of these aspects of identity. In other words, misrecognition does not consist in being thought to possess a disability, but rather in not being thought competent to perform some particular task because of a disability, where the competence to perform that task figures in the agent’s self-concept or self-definition. The upshot is that the logic underlying this kind passing is not one of presenting yourself as a “y” when you know yourself to be an “x.”

How can we make sense, then, of the identity dynamics that come into play when one passes as abled? It would seem that a person is or is not disabled—just as they are or are not heterosexual, white, or a woman. But as shown previously, this way of thinking about the self implies a problematic either/or concept of identity. Understood from the standpoint of this binary concept, passing will entail the layering of a misrepresentative or “inauthentic” identity over an “authentic” one. In other words, it will involve pretending to be something one is not. But scholarly studies of race, gender, and sexuality passing also suggest that the binary concept of identity is untenable based arguments that identity arises from what we do rather than from what we are.⁷ Such arguments are characteristic of social constructionist and performative theories of

⁷ For example, Pamela Caughie asserts that “the passer does not relinquish one preexisting identity to move into another more highly valued one [,]...rather [,] passing participates in the cultural production of whiteness as ‘racially pure’” in cases of racial passing. That is, one’s apprehension of one’s own talents and competences fits a cultural schema that characterizes them as distinctively white talents and competences, unachievable by the members of groups characterized as non-white. Caughie, Pamela. Passing and Pedagogy: The Dynamics of Responsibility (Urbana: University of Illinois Press 1999), 22.
identity which reject any notion of “real” or “authentic” selfhood. In the case of Judith Butler, for example, the concept of performativity explains how gender is affixed to bodies so as to give rise to identity. She argues that gender as a cultural meaning is not preceded by gender or sex as a set of natural categories. Indeed, for her, the very belief that gender is “real” in the sense of being “natural” evinces the success of the discursive/cultural system through which gender is produced.

Kelby Harrison has recently argued that Butler’s concept of performativity falls short of accommodating a description of what happens to identity in the act of sexual identity passing, and we contend that her critique of this concept applies to the instances of disability passing addressed here. Harrison reports that when questioned about passing in an interview, Butler cautioned (as we have) against the true/false dichotomy underlying the common sense idea that passing involves concealing a “true” identity beneath a “false” one. According to Harrison, “She thought instead that passing is better understood as a kind of ‘instrumentalized mobility’ that plays on ambiguities in relation to discrete gender categories.” Indeed, the strength of Butler’s work in relation to passing appears to lie in its elision of the binary either/or concept of identity.

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8 Kelby Harrison argues against the social constructionist view of the self on the basis of observations concerning the identity work involved in gender and sexuality passing: “Social constructionism suggests that we should always think about identity through a singular logic where the binary is collapsed at the expense of authentic identity: all identity is socially constructed, there is conceptually no difference between passing and being male. Both are the performance of a series of socially contrived scripts. Sex as the usual biological sorting mechanism for who should act in accordance with the scripts of masculine identity will be different for the passing individual and the non-passing individual, but according to social constructionism both will be performing the identity of masculinity in the same way. What is significantly lost, here, is a placeholder for an authentic connection to identity. This becomes a problem if we wish to assert a social justice agenda where previously unrecognized social scripts are argued as necessary to the well-being of a class of people (e.g., freedom of gender identity and expression)... What is also lost from the singular logic of the social constructionism position is the potential for the double logic that offers the best framework for a more sophisticated analysis of the passing.” Harrison’s critique of performativity runs similarly this. Harrison, Kelby. Sexual Deceit: The Ethics of Passing (United Kingdom: Lexington Books 2013), 36.

9 Butler writes, “Gender ought not to be conceived merely as the cultural inscription of meaning upon a pregiven sex (a juridical conception); gender must also designate the very apparatus of production whereby the sexes themselves are established...” Gender is “the discursive/cultural means by which ‘sexed nature’ or ‘a natural sex’ is produced and established as ‘prediscursive,’ prior to culture.” Butler, Judith. Gender Trouble: Feminism and the Subversion of Identity (London: Routledge 1990), 7.

10 Harrison, Kelby. Sexual Deceit: The Ethics of Passing, 54.
However, her explanation of passing as the “instrumentalized mobility” of identity remains problematic for two reasons. One is that it only describes the activity of individuals usually understood to exist in between two identities. The other is that it excludes the experience of those for whom “passing” means the social recognition of a formerly misrecognized or unrecognized self. According to Harrison, Butler insists that the identity issues tied to passing do not provide an excuse to “go Kantian.” In other words, Butler thinks that these issues do not provide a basis for falling back on the modern conception of an interior self that could potentially differ from one’s projected social identity. We find nothing problematic in Butler’s claim that identity is instrumentally mobile. But like Harrison, we argue that experiential accounts of passing tend raise objections to the idea that the concept of self is exhausted by instrumental mobility and social co-extensiveness.

Fortunately, it is not necessary to choose between performativity and the Kantian concept of subjectivity in order to describe the repercussions for identity in the afore-described cases of passing. Harrison, for example, suggests that a descriptive account of passing is best accommodated by a concept of identity wherein the body is classified as a lived situation serving to order experience. She states that “Each of us has an embodied mode that is socially infused to meet expectations of appearance and social status… It is an organizing principle, around which the experience of reality is filtered. Our corporeality is the thing that allows us to interface with and explore the world; and it is a necessary feature of our subjectivity, not something added to or developed in opposition to it.”

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11 Harrison continues, “She took the case of the mulatto to illustrate her point. A mulatto is both black and white, but neither black nor white. This ambiguity gives the individual the opportunity to choose, or instrumentalize the identity categories available to him/her to achieve whatever other goal is attainable.” Ibid., 54.
12 Harrison continues, “Viewed through the lens of style, it is how we mold and shape our physicality…to match up with the image of reception that we wish others to have and maintain in reference to us. But it is also the necessary
between what we’ve referred to as the binary either/or view (one is disabled or not, white or not, male or not, with no further nuances open for investigation) and constructionist or performative positions that seem untethered from corporeal reality (where performance within particular social contexts appears to be the sole determinant of whiteness, masculinity or disability).

Here we will beg the pardon of philosophers and indulge in a more workmanlike conception of personal identity than has been referenced hitherto. We merely wish to make the modest suggestion that it is very often the case that someone who passes, in this case as abled, passes because the activities and situation in which she is engaged are not compromised or made problematic by her disability. Disability is irrelevant to the conception of oneself as a being acting in and upon the world in these circumstances and in these particular ways. And so one passes, without any inauthenticity or dishonesty, just because disability is central neither to one’s agency nor to one’s self-concept in the relevant circumstances. Whether disability is central to an individual’s identity in the sense of being an essential feature of it (without which we would have a different person on our hands) is not a question that we can hope to answer here. But such an answer is not necessary for discovering quite different answers to the questions about passing and authenticity that we have been raising. One’s conception of self in a given place at a given time in the course of performing a given task and fulfilling some particular role is fluid, but anchored in the corporeal realities that make the performance possible and in one’s apprehension and estimation of that performance and the impediments that confront one. In this sense, of

underpinning for stylistic choices that if ignored can have disastrous political and philosophical consequences.”
Ibid., 116.
course, passing can be (and we think usually is) neither inauthentic nor dishonest, and we can say that without indulging in wholesale social constructionism or similar accounts of identity.  

In addition to the foregoing, we argue that disability passing can be incentivized by the misinterpretation or misuse of schemes of distributive justice intended to protect the well-being of the disabled. In systems concerning the allocation of scarce medical resources, for instance, any calculation that assigns resources on the basis of proportional individual benefit to be derived from the resource (also factoring in probability of success and expected length of life) will almost invariably discriminate in favor of those with disabilities. So, for instance, Michael Bayles offers an illustration arguing for the justice of such an allocation scheme:

Suppose a hand surgery center is faced with a choice between a dominant hand for a paraplegic and a non-handicapped person. Not knowing which one would be, one could accept preference for the paraplegic; the loss of a hand if one has already lost use of one’s legs seems a greater loss than if one can still use one’s legs. The benefit is probably more central to the paraplegic’s life plans, and the proportional benefit merely captures this element.  

The details of Bayles’ formula for individual benefit are less important to our project than its general thrust, to wit, that the loss to a disabled person of an additional physical capability will

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13 The question of whether passing constitutes a kind of failure of solidarity with persons who are likewise disabled but, for whatever reason, cannot pass as abled is a perplexing one. We take it that the criticism here would focus on a species of disloyalty that could take at least a couple of different forms, but that is familiar from examples of passing tied to race. Someone who can pass, and therefore can demonstrate to all and sundry various talents and abilities the apprehension of which will remain untainted by ignorant presumptions about race and disability, might be thought to have a positive obligation (after having succeeded in making such a demonstration) to make as big an issue of her race or disability as possible, simply in order to help put the ignorant presumptions to rest. Since such presumptions might be harbored by members of the oppressed group as well, a stronger obligation to act as a role model emerges. However, since we believe that most passing in disability contexts does not involve outright concealment, but only deflection, such a criticism would not seem to apply to most instances of disability passing.

almost always be greater, and will constitute a greater harm, than it would for the abled. We have no objection to this perfectly reasonable assumption, but we suspect that it may come to underlie other less reasonable assumptions in other contexts. Consider the assumption, for instance, that any additional burden (the flu, a late meeting, a toothache) will always be more likely to incapacitate the disabled, because they already labor under a net disadvantage. We suspect that the kind of ableism that can motivate hiring decisions often involves inchoate assumptions about burden intolerance among the disabled. So the sensible claim that a deficit will probably injure people more if they already labor under that kind of deficiency (just as a financial loss will injure the impoverished more than the solvent although it is a loss in every case) is transformed into a grotesque enlargement of disability that extends the concept to all possible arenas. While there are clear reasons not to impose additional physical burdens on employees with disabilities, as required by the Americans with Disabilities Act, the claim that disabled employees will always require special accommodations in arenas unrelated to their disabilities seems an entirely illegitimate but all too familiar generalization.

To indulge in a caricature of the position we’re criticizing, the assumption seems to be that, because the disabled person already has so much on her plate, she will be less able to cope with additional burdens. She will call in sick with a cold, where the abled employee will not. She will be more exhausted by working late and less resilient overall. She will be more susceptible to stress and other workplace unpleasantnesses just because the burden of her disability must make her so. These assumptions are, of course, nonsensical. There are a great many ways to have a lot on one’s plate and a great many burdens that make additional burdens onerous. Having children, going through a divorce, experiencing a financial loss, having a close relative fall disastrously ill, being obese, having to relocate, or being forced to organize a twelve-child sleepover against
one’s better judgment are all the kinds of life experiences that make additional burdens difficult to take on. The bare fact that a given hardship can be harder for some to handle than it is for others does not automatically convict those for whom it is more difficult of incompetence or ineffectiveness. It certainly does not make it the case that any burden whatsoever will prove onerous or that all burdens will burden people in the same way. Yet, having scoffed, it still seems that many assumptions of this kind could be at work in employment discrimination. The existence of such assumptions provides a simple utilitarian reason (for now, until things change for the better) for disability passing that we believe does not involve delusion or self-destructiveness of any kind.

Disability passing in workplaces is often roughly comparable to modest endeavors to camouflage features that will lead employers and others to make unfounded assumptions about one’s character and capacities. People with tattoos, for example, often cover up in a formal, conservative workplace, usually because unflattering assumptions may be made about the character and proclivities of those who have them. This has nothing to do with shame and everything to do with vocational survival. It is a matter of not calling attention to something that is likely to lead an employer to make unflattering and inaccurate assumptions about one’s character and abilities. Deflecting attention from a disability or simply failing to announce it can serve the same ends. Narrow-minded assumptions about one’s inability to tolerate additional burdens are less likely to be made if one doesn’t advertise being already burdened with a disability.

The upshot, we believe, is that most commonplace criticisms of disability passing fail. Many of these analyses and objections simply mischaracterize what passing amounts to in the context of disability, relying either on unsupported assumptions about the intentions or self-
conception of the individual who passes as abled, or erroneously maintaining that passing typically involves complete concealment of a disability. Disability passing is perfectly possible (and indeed, we believe this is how it most frequently occurs) without deception or inauthenticity. Furthermore, given the current climate, there are strong prudential reasons for disability passing in working environments, fueled in part by ableist suppositions about the inability of the disabled to shoulder further burdens. Ironically, such suppositions can gain force by twisting arguments used ordinarily to support accommodation for those with disabilities.