

EPISODE 1: IN MY LANGUAGE

[00:05 Narrator:]

The Law is a White Dog is a podcast series developed for TULCA Festival of Visual Arts 2020. Made during a global pandemic, the series places, artists and artworks in dialogue with lawyers, advocates and activists. As a festival of visual art produced in a time of confinement and restriction for many, the podcast series explores unseen dimensions of the artists' work.

AM Baggs was a non-speaking autistic writer, activist and artist from the USA, who died in 2020, aged 39. Also known at different times as Mel or Amelia E. Voicy Baggs, they used a communication device to speak, and their writing was predominantly concerned with personal reflections on their multiple disabilities as well as analysis of their experiences in institutional care settings. Mel Baggs' writing and videos placed them at the forefront of the neurodiversity and autistic self-advocacy movements. They insisted that such movements for disability justice include all autistic people, not just those who could talk.

This episode focuses on a video made by Baggs in 2007, titled *In My Language*, and still widely available on YouTube. In this video, Baggs' presents an intense sensory experience as they show themselves interacting with their indoor surroundings: hands flapping, singing with string, dancing with water, smelling pages, rocking.

[01: 45 sound of Baggs singing with objects around them]

[02:36 Narrator:]

The second part of the video is a complex 'translation' of the first. In addition to vocal and atmospheric sounds, we also hear the synthetic speech of Baggs' communication device.

[02:49 Baggs' extract from *In My Language*, computerized voice:]

The previous part of this video was in my native language. Many people have assumed that when I talk about this being my language that means that each part of the video must have a particular symbolic message within it designed for the human mind to interpret. But my language is not about designing words or even visual symbols for people to interpret. It is about being in a constant conversation with every aspect of my environment. Reacting physically to all parts of my surroundings.

[03:24 Narrator:]

The reflection we're about to hear now is by Eleanor Walsh an actor and autistic self-advocate based in Dublin. Here, she reflects on the video and Baggs' wider legacy. Eleanor refers to Baggs' work using sie / hir pronouns, which Baggs used interchangeably with they / them.

[03:45 Eleanor Walsh:]

In AM Baggs' work *In My Language*, when sie hums, I know the note, can feel it rise in my throat. Sie rotates hir fingers around the knob on the chest of drawers and I gasp - that looks fun! I haven't let myself do that in years. Mel rocks, forward and back, and I realise I'm rocking with hir in my chair.

When I was younger, I tried to 'mask' my autism - this is when you change your behaviours, your body, your language, to appear as if you are neurotypical, or non-autistic. Stimming was my secret. Sometimes I could channel my stims in more socially acceptable ways for a young woman, like twirling my hair, applying hand cream and rubbing my hands together, fiddling with a hair band on my wrist. Not every autistic person can mask or pass as neurotypical. But for those who try, there are dangerous effects for our mental and emotional health. I told myself to keep my hands down and not to flap. I swallowed my humming. I looked past the beauty and rhythm I found in zips and brushing my hair. And I did not rub any soft jumpers

against my face, even in private. No one around me did any of those things. Even if they occasionally did something odd, everyone's allowed to have a quirk. But you're not meant to be made up entirely of quirks and oddities and strangeness. Electric energy must be changed to other forms of energy such as heat, light or mechanical in order to be useful. Without finding a productive use for the electric currents inside me, it could not be allowed if I wanted any chance at normality or safety. So, even though it seemed to change on me every day, I learnt the confusing language of the majority around me. My own language and song lay dormant.

When I stumbled upon *In My Language* on autistic corners of the internet, it was like a foundational text for our community, something that told us who we were and why we were alike. I watched it, and Mel's stims, Mel's language, found homes in me. My own stims, my body and brain learning how to talk to each other like they hadn't since I was a small child, delighted in Mel's example. From this, and the writings of other autistic advocates, I began considering for the first time if English was not after all my native language, but something else. Something that came from my fingers and shoulders, my hum and laugh, in response to the sensory input I take in, everything up to 11.

We don't often see bodies and voices like Mel's in public spaces, for many years most autistic and disabled people were hidden away out of sight. Autistic activist Julia Bascom wrote in 2012 on the earth-shaking power of 'what it means to start a new story and on your screen, for the first time, [is] someone who moves like you'. I imagine this is something most people take for granted, watching and seeing people who move like they do. If Mel's humming is new to you, unnerves you, think about who you're not seeing or hearing when you go out, who you're not seeing on TV or in your For You feed on TikTok. There are parents on the internet who post videos of their autistic children stimming or mid-meltdown to show their allies how hard their children are to care for. Imagine as a child, in one of your weakest moments, instead of your mother comforting you, she takes out her smartphone and films you for thousands of strangers on the internet without your permission? With *In My Language*, Mel took control of hir voice and image online, as an autistic

adult. In writing, narrating, and directing this, sie created one of the most important pieces of modern autistic culture we have. Mel moves and stims not only to educate, but to show hir autistic siblings someone who moved like hers, like us.

I watch *In My Language* today, and tomorrow I can walk outside, flick my fingers, hum to myself behind my face mask, let my arms swing by my sides, let my body move like it wants. Mel's dance goes on.

[08:52 Narrator:]

We're now going to hear a conversation between Eilionóir Flynn and Maria Ní Fhlatharta from the Centre for Disability Law and Policy, based at the National University of Ireland, Galway.

Eilionóir's current research interests focus on the intersectionality of disability, gender and ageing and as a founding member of Disabled Women Ireland, Maria is active in both the gender and disability equality movements in Ireland. Together, Eilionóir and Maria co-organise the annual Disability Law summer school at NUIG. Here, they discuss how Baggs' work can be used as a tool of education, activism and legal consciousness-raising. We hear first from Eilionóir as she introduces the concept of legal personhood.

[09:40 Eilionóir:]

I would see legal personhood being part of the broader concept of, of legal capacity, which contains both personhood and agency. So personhood is just the mere recognition that the individual is *someone* that the law should consider in a particular way. But agency is almost, you know, just as important, but possibly even more important, because that's the part that's really been denied to disabled people. So agency is the recognition that person is an actor within the law. So someone who can create, modify or extinguish legal relationships, who can make contracts, who can get married, who can vote who can create a will. And these are

all things that have been denied to disabled people and continue to be denied to them in different ways, mostly in contemporary societies, based on assessments of mental capacity, where the person is deemed to lack capacity to exercise their legal agency and to fulfil their legal personhood in a specific way. And that ability is taken from them and conferred upon others, that we usually call substitute decision-makers, who often act in what they believe is the best interest of the person, rather than according to the person's own will and preferences.

[10:58 Baggs' extract from *In My Language*, computerized voice:]

The way I naturally think and respond to things looks and feels so different from standard concepts, or even visualization, that some people do not consider it thought at all, but it is a way of thinking in its own right. However the thinking of people like me is only taken seriously if we learn your language, no matter how we previously thought or interacted. As you heard, I can sing along with what is around me. It is only when I type something in your language. I smell things. I listen to things. I feel things. I taste things. I look at things. It is not enough to look and listen and taste and smell and feel, I have to do those to the right things such as look at books, and fail to do them to the wrong things, or else people doubt that I am a thinking being. And since then their definition of thought defines their definition of personhood so ridiculously much they doubt that I am a real person as well.

[12:39 Eilionóir:]

The course that I teach the use the video on is, is a Law Masters, but it is as much political and social as it is law. And so I always open the semester with the session on cultural representations of disabled people, which is where this video is introduced to the students. And one of the questions that I'm always asking the students to reflect on is, you know, what, who's when we see disabled people represented in law, where do we see them? And how are they represented and described? How does the law, classify, understand, relate to this group? And who is

doing that classifying? And it's been really interesting for me to see all the different range of reactions that people have had to their work over the years. So, ranging from disbelief, that, how could Baggs be the same person in the first half and the second half of the video, to questioning people's own practices sometimes, because I often teach people who've worked with disabled people. And Maria, I think the first time you saw the video was in one of those classes.

[13:53 Maria:]

Yeah. And like I was coming to it from a place where I already believed in legal personhood, and that that was universal. And I was coming to it with familiarity for disability into different forms of communication. But it's still kind of blew me away. It *did* blow me away. What they were expressing was like, being unapologetically disabled. And I think I'm probably coming from a place of being *apologetically* disabled, and often, very much placing my own mannerisms at all times, and seeing that they're just...yeah, that, that being unapologetically disabled...

[14:30 Eilionóir:]

As Baggs describes in the video, you know, they learned to communicate in a way that other people found acceptable in order to be viewed as human. And that's not...that's a very high price to pay to be considered just a *human*. And we need to understand the ways in which we're doing that to so many people, who have either not learned to communicate the way that Baggs did, or who have, you know, for reasons that they're not interested in doing that, or that it's not something within, you know, within their sphere, that they can achieve. And I think that's what's really challenging for everyone who, even the people who believe us and want to believe us, how do we learn to communicate with people who express themselves in ways that seem so strange to us? And how can the law be flexible enough to recognize that all of these different forms of communication are valid expressions of legal agency? So I know you and I have talked about, you know, the challenge of

the law wanting kind of nice, neat boundaries, and how, how this doesn't really fit into that. And it's a demonstration of why that can't be achieved.

[15:41 Maria:]

I think part of the appeal of law and law and order is this idea that there is black and white and that there is good and bad, and that the law is moral; that we can kind of, create this order and put these things in boxes and have clear answers. But I think it's probably at its most difficult when it's placed on people's like, deepest personal lives. And a lot of the time when the law intervenes with people who don't communicate in traditional ways. It is to intervene in their deepest, most personal lives and intervene in really, really, really intrusive ways that we wouldn't tolerate for nondisabled people. AM Baggs dedicates this to Ashley X, she was a child who was never allowed to grow into an adult, because they weren't seen to be to fit into that box. And as with a lot of disabled people, she started to go through a precocious puberty, which was distressful for her parents. And rather than recognize that everyone goes through this, or even just doing the normal things that we do to delay a precocious puberty, she went through an overwhelming amount of surgery, really experimental surgery, and hormonal treatment to stop her growing. So they effectively engineered... like she had a hysterectomy, she had her breast buds removed, she had her appendix removed, which could be argued is slightly more sensible... But like, she had all of these things done so that she was effectively captured as a child. But ultimately, it is such a gross violation of this girl's, now woman's, like *bodily autonomy*, that freedom to grow. So many assumptions were made about, you know, what, what she would want.

[17:26 Eilionóir:]

And it's something that law authorized. So there was, you know, a court case to just, you know, determine whether her parents could make this decision for her or not, and whether it was in her best interest. And, you know, the media reporting around the case is also very grim. And the one thing that always sticks out in my

mind, as well, is that her parents referred to her as the Pillow Angel, because she always stayed where she was put on a pillow.

[17:51 Maria:]

Even in broader court cases that don't apply to disabled people, we talk about this idea of like, being the model defendant or the model plaintiff, and that you have to engage in such a way, and you have to articulate yourself in such a way. And when we're applying this blunt tool to people's personal lives, and they *don't* fit into that very narrow idea of what it is to be able to make your own decisions... To be to be able to make your own decisions, to be able to, I suppose, give voice to your own wishes, and have those wishes come into effect... You're really penalized for it.

[18:30 Eilionóir:]

Yeah, and I think that really brings into stark relief, how much more work is needed to, you know, *transform*, not just the law, but society, to ensure that disabled people's agency will be equally respected as nondisabled people's has been. And that's a much bigger project than something that, you know, one individual like Baggs can accomplish. But I think their work is so critical to that broader project. And I know so many people who've used it in different, you know, law reform efforts around the world, including, you know, quite they're working on legislative reform, or whether it's strategic litigation, or training of judges, I think it's, it's really valuable to have this, you know, direct perspective on just how damaging it can be for the law, not to recognize you, as a human with agency and as someone who should have control of their own destiny. So if it's only a beginning of bringing into people's consciousness, what needs to be done, it's still very valuable in doing that work. And as long as we don't make the mistake, which I think Baggs is always anxious to remind us of, of assuming that we have made so much progress in society that we don't need to be concerned about this; this is only something that happened historically to people and it's not happening and happening in contemporary society. It *is* happening as you said, all the time, and the law gives

structures to enable it to continue to happen. So until those are dismantled, we are still going to face this challenge, but at least we have this work as a reminder of what needs to be done.

[20:04 Baggs' extract from *In My Language*, computerized voice:]

In the end, I want you to know that that this has not been intended as a voyeuristic freak show, where you get to look at the bizarre workings of the autistic mind. It is meant as a strong statement on the existence and value of many different kinds of thinking and interaction in a world where how close you can appear to a specific one of them determines whether you are seen as a real person or an adult or an intelligent person. And in a world in what those determine whether you have any rights there are people being tortured, people dying because they are considered non-persons because their kind of thought is so unusual as to not be considered thought at all. Only when the many shapes of personhood are recognized will justice and human rights be possible.

[Narrator reads end credits:]

The Law is a White Dog podcast series was commissioned by
TULCA Festival of Visual Arts, curated in 2020 by Sarah Browne
Produced by Orla Higgins & Sarah Browne

Introductions narrated by Orla Higgins

Reflection by Eleanor Walsh

Interview with Eilíonóir Flynn & Maria Ní Fhlatharta sound engineered by Andy Gaffney at The Shift

Editor Alan Meaney

Music by Rory Pilgrim

Thanks to the Centre for Disability Law and Policy at the National University of Ireland, Galway

