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Administrative Violence

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Accounts of structural violence characterize the institutional and bureaucratic production of systematic population-level harms as violence while also construing these harms as inadvertent and unintentional. We argue that such conceptions are poorly suited to capture the relationship between administrative systems and the production of violence under settler colonialism. We offer an account of administrative violence as an organizing feature of settler colonial institutions that produces population-level harms for some and benefits for others, by design, as a rule rather than an exception. We theorize three epistemic mechanisms of administrative violence: simplification, containment, and epistemic apartheid. We demonstrate how settler administrative systems use such mechanisms to automate the production of harm for targeted populations.

1. Introduction

> "Colonialism or settler colonialism or dispossession or capitalism didn't seem complicated anymore. The mess I was wrapped in at birth didn't seem so inevitable. It seemed simple. Colonizers wanted the land. Everything else, whether it is a legal policy or economic or social, whether it was the Indian Act or residential schools or gender violence, was a part of the machinery that was designed to create a perfect crime—a crime where the victims are unable to see or name the crime *as a crime*."
> - Leanne Betasamosake Simpson (2017: 15)

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Leanne Simpson (Michi Saagiig Nishnaabeg) describes the sense of clarity that she experienced after spending two years mapping storied places and places of importance in her people's land following conversations with Elders of her community. On large topographical maps, Simpson recorded hundreds of names of places that the Elders remembered—beaches, islands, berry patches, fishing sites, places of births and deaths, traplines, homes of animal relatives, ceremonial sites, "places where life happened." She also recorded sites of violence—hydroelectric dams, mines, pipelines, clear-cutting, campsites, and parks made for white Canadians. She writes, "the overlays showed decade after decade of loss. They showed the why. Standing at the foot of a map of loss is clarity" (2017: 15). With a history of the land laid out before her, there was no deep or complex puzzle to solve about "why." Colonizers wanted the land and they created the administrative systems and social realities necessary to take it and keep it.

It is our view that administrative systems and bureaucratic institutions in settler colonial societies produce violence—by design. Within a settler colonial society structured by systems of oppression, such as the U.S., Canada, or Mexico, administrative violence and the epistemic practices that enable it are not the exception but the rule (Berenstain, Dotson, Paredes, Ruíz, & Silva 2022). Given the extraordinary expansiveness and reach of the settler colonial project, it should be no surprise that administrative systems produced by such a society are organized around promoting and producing structured violence. Extraordinary violence was required to establish these societies, and ongoing, everyday violence is necessary to maintain them along with the pervasive mythologies that obscure and justify said violence.

Administrative systems govern most of our interactions with states and institutions today. We use "administrative systems" to refer to sets of policies, practices, rules, and procedures put in place to govern institutions and manage populations. They may be government entities or non-governmental bureaucracies, and they are often, though not always, explicitly hierarchical in nature. Systems such as healthcare management, immigration management, education, criminal punishment, and various social welfare programs are designed, in part, to manage populations. They also produce marginalization and vulnerability through distinct structures of governance that coordinate the distribution of social power unevenly across populations (Spade 2015). The capacious power and regulative features of administrative systems are well-known. Critical race theory, women of color feminisms, Indigenous studies, disability justice frameworks, and trans studies are among the fields that have elucidated how administrative systems unevenly distribute security, precarity, and vulnerability by managing most heavily the populations they push to the margins of society (Bierria et al. 2018; Rajaram 2015; Roberts 2022; Spade 2015; Speed 2019; Gilmore 2007).

The administrative systems with which we engage today have goals and functions. They produce the outcomes and distribution patterns that they do, in large part, because they were structured by the fact that colonizers wanted the land and set up the machinery of laws, policies, and institutions to create the perfect crime—one that cannot be named as a crime within settler epistemological frameworks. It is our goal in this paper to provide a framework that allows us to name the crimes, the *violent* crimes, to which Simpson refers.[1] We examine existing accounts of the related concepts of *administrative violence* and *structural violence*, and we show why they are unable to account for the designed, intended nature of the violence to which they refer. Using such conceptions of violence, it is not possible to illustrate how colonial processes of dispossession, white supremacy, ableism, and heteropatriarchy are responsible for the origin, maintenance, and regeneration of structures oppression that produce violence as a rule rather than as an exception in contemporary settler colonial societies. In other words, prevailing accounts of structural and administrative violence are unable to name these crimes *as* crimes.

Despite the hallmark violence that characterizes administrative systems set up under European colonialism, whitewashed, morally exculpating accounts of *administrative violence* persist as the norm.[2] Our account is thus necessary for two reasons: 1) to counteract the presumption of white innocence that underlies contemporary accounts of systemic violence, and 2) to resist the growing trend of analyzing interlocking systems of oppression through their administrative features without meaningfully attending to settler colonial violence as an ongoing structural or epistemic force. We therefore characterize administrative violence as a routine, systemic, and intentionally designed form of structural violence whose purpose is to unevenly distribute harm across populations.

Our philosophical inquiry into administrative violence proceeds in four parts. First, we offer an in-depth case study in which several historically continuous threads of settler colonial violence are analyzed, drawing particular attention to the role land theft plays in the rise of settler colonial administrative systems and the institutional cultures of justification that support them. Second, we discuss existing accounts of structural violence and administrative violence, and we show why they cannot adequately account for the type of violence we consider in this paper. Third, we identify administrative violence as a foundational building block of settler colonial institutions and offer our view that, contra the

1. We follow Simpson in invoking a wider sense of "crime" to include acts and processes of harm-doing grounded in a history of trespasses against people, non-human life, and land in the broadest sense, rather than one rooted in the white supremacist legal history of criminalization in settler colonial societies.

2. By "morally exculpating" we mean accounts that aim to secure white settler innocence and evade culpability for the population-level benefits white settlers reap from their imposition and maintenance of administrative systems founded on violence. For an in-depth accounting of this notion, see Ruíz (2024).

common characterization of structural violence as inadvertent, administrative violence is a designed, historically continuous, intentional form of violence. Finally, we elucidate the epistemic dimensions of administrative violence, which often go unrecognized and undertheorized, in order to reveal some of the inner workings of settler administrative systems. Our discussion illustrates why an understanding of settler colonial white supremacy is necessary to grasp the contemporary operations of administrative systems in settler colonial societies like the U.S. as fundamentally oriented toward the production of violence targeting certain populations for the benefit of others. It is our view that recognizing this is required to produce social change that does not simply recreate another version of the same problem. It is a precondition for designing effective violence prevention strategies in public health systems and for crafting policy platforms. We must understand the fundamental causes of structural inequalities in settler colonial societies in order to unravel them.

2. The Unnamed Crimes

Administrative systems in settler societies provide the necessary gearwork for enforcing and maintaining structures of oppression, which are themselves oriented toward and structured by the goals of settler colonialism. This becomes apparent when one considers both the origins of many administrative systems in the U.S. and the structural continuity between their origins and their current operations. For instance, settler colonialism initially necessitated the violent imposition of cisheteropatriarchy and its corresponding gender norms as a tool to disrupt Indigenous (including Indigenous African) communal governance structures in the Americas (Simpson 2014; Rifkin 2010). The enforcement of Western notions of private property and political, social, and legal conceptions of land ownership were used as tools to facilitate the division and transfer of Indigenous lands to settler hands (Goldstein 2018).

The initial imposition of white heteropatriarchy in the Americas was enforced not just to enact Christian mores and morals but to ensure the disruption of Indigenous relationships to land, genealogies, and associated kinship and governance structures (Maracle 2015, Morgensen 2012, Meissner & Whyte 2017). Mishuana Goeman (Tonawanda Band of Seneca) explains that "Civilizing the Indian was a large part of colonization, and one of the main methods of erasure was to Christianize the Indian and to change bodily and sexual practices of tribal communities, which often had multiple genders based on roles performed rather than biological organs" (2017: 110).

The institution of heterosexual marriage was used to enforce the heteropatriarchal ideal of the nuclear family as the only acceptable kinship unit and

living situation. Its purpose was to regulate kinship and reproduction in such a way that would disrupt Indigenous communal living practices so that a system of land privatization governed by the notion of 'private property' could be enforced. This system then allowed conceptions of 'ownership' to be applied to land so that Indigenous land could be transferred to settlers under a framework of legalized theft. Administrative systems in settler societies are generally oriented toward Indigenous land dispossession and the containment and often eradication of "problem" populations—i.e., those whose humanity is threatening to the settler goals of stealing land and labor.

One of settler colonialism's central tactics is the institutional regulation of gender and sexuality in the service of what Patrick Wolfe (2006) calls "the elimination of the native." As Morgensen notes, "settler colonialism's genocidal effects result not only, or even in all instances from mass death, but also from governmental methods that recast indigenous peoples as subject to, or amalgamated within the body of a settler nation" (2012: 8). This tactic, what Bonita Lawrence (2004) refers to as "statistical genocide," comprises a range of diverse strategies enacted through explicitly gendered and sexual processes. These include policies stripping Native women of "Indian status" as a result of marriage, enforced heteropatriarchy as a regulative ideal for land ownership, forced sterilization and reproductive coercion, child removal and re-education in residential schools, constructing *mestizaje* as a strategy of assimilative cultural whitening, and enacting sexual violence and intergenerational trauma to disrupt Indigenous sovereignties (Simpson 2017). The diversity of these heteropatriarchal strategies of removal and elimination align with Simpson's admonition that we conceive of dispossession in more complex terms than just land loss. She writes, "We have to think of expansive dispossession as a gendered removal of our bodies and minds from our nation and place-based grounded normativities" (2017: 43).

Simpson also emphasizes the structural continuity of settler colonialism's goals and aims across the historically evolving processes through which it manifests. She writes, "I think the insight that settler colonialism is formed and maintained by a series of processes is important because it recognizes that the state sets up different controlled points of interaction through its practices—consultations, negotiations, high-level meetings, inquiries, royal commissions, policy, and law, for instance, that slightly shift, at least temporarily and on microscales, our *experience* of settler colonialism as a structure" (45). She goes on to say, "the structure shifts and adapts, however, because it has one job: to maintain dispossession by continually attacking Indigenous bodies and destroying Indigenous families" (45). In other words, though the processes through which settler colonialism is entrenched may shift and change, and the experiences of those targeted by it may change, the reason it updates is because the enduring goal of extracting land and resources is *built into its design*: "Colonialism

as a structure is not changing. It is shifting to further consolidate its power, to neutralize our resistance, to ultimately fuel extractivism" (45). As such, it must continue to feed its insatiable hunger for Indigenous land, which it does by violating treaties and eliminating Indigenous bodies, families, peoples, nations, and sovereignties any way it can. It is thus a mistake to treat contemporary manifestations of settler colonialism as disconnected from its historical goals of Indigenous dispossession.

The goal of dispossession has been in place since the beginning of efforts to colonize Turtle Island (North America) and other territories. One need only reference the trove of historical treatises and travelogues that document European plans for its colonization.[3] In *Croftus Sive de Hibernia Liber* (c.1590), colonial administrator Sir William Herbert wrote:

> Colonies degenerate assuredly when the colonists imitate and embrace the habits, customs, and practices of the natives … there is no better way to remedy this evil than to do away with and destroy completely the habits and practices of the natives. Thus, the natives will put on and embrace the habits and customs of the colonists. It will then come about that, once you have removed those things which can alienate hearts and minds, they will both become united, first in habits, then in minds. (Mancall 1995: 9–10)

So, while the myriad strategies involved in colonization efforts are diverse and wide ranging—including depopulation, replacement of elites, racial assimilation into hierarchical caste systems, enslavement, genocide, rape and trafficking—we contend that these varied strategies of elimination and dispossession are all *violence*. However, only a small subset can be identified as "violence" within settler epistemologies and the contemporary theories they generate. As Berenstain (2020) notes, "settler epistemologies traffic in obscurantism and erasure," working overtime to disappear Indigenous genocide just as they work to disappear Indigenous peoples—"first in habits, then in mind."

One way that settler colonialism produced the gendered removal of Indigenous bodies and minds from their nations, lands, and epistemologies was through the residential school system in Canada and the American Indian boarding school system in the United States. Sto:lo Elder, scholar, and poet, Lee Maracle, describes how these forced removals of Indigenous children from their families and communities functioned as part of the broader settler colonial construction of gendered norms, policies, and institutions intended

3. These writings were often based on the Anglo-Saxon experience with colonization efforts in Africa, the Iberian Peninsula, and Ireland, and on European nations' attempt to solve domestic turmoil with conquest and extractivist strategies modeled on Roman imperialism.

to attack and subvert Indigenous lifeways. Ultimately, she writes, they "completed this curtailment of space and Indigenous modes of living and being" (Maracle 2015: 117). These intentional disruptions of Indigenous modes of living also serve to damage and distort Indigenous political, economic, and epistemic systems.

> These conditions limit authority over family and preclude the Indigenous assumption of citizenship and power. They have obliterated our ability to define family and determine citizenship in our own terms, and led to the general belief that we are not entitled to any space at all. At the same time that our mobility, emotionality, and morality, and our concepts of justice, family, and being have been altered, concepts of disentitlement upheld by settler society dominate our lives. These conditions continue to threaten and stymie Indigenous survival. (Maracle 2015, 118)

Though these colonizing tactics all depend on recasting Indigenous lands and peoples as violable for the sake of elimination and dispossession, only a small subset of these strategies and their genocidal effects are named as 'violence' within settler epistemic landscapes. Under standard definitions, the individual rapes and beatings that Indigenous children forced into residential schools experienced will be considered instances of violence, as they are physical acts that fall into clear-cut definitions of harmful (injury-causing) uses of physical force. But the children's systematic removal from their homes, the prohibitions on speaking their Native languages, the stripping of their Indigenous names, and their coercive conversions to Christianity would not. Neither would *today's* disproportionately high rates at which Native children are removed from their homes and placed with non-Native (usually white) families be considered violence. We contend that all of these, along with efforts to undo the Indian Child Welfare Act, *are* violence. They are merely the most evolved, subtle, and precise tactics of cultural erasure and genocide. Yet, standard definitions suggest violence is an unfortunate side effect of assimilationist efforts rather than their underlying goal. Our account is unwilling to construe the outcome of these policies and actions—the destruction of Native peoples—as an "unintentional effect" or "inadvertent harm" when it is, in fact, their foundational, organizing principle.

3. The Path to a Structural Conception of Violence

There is a wide range of reasons why the intentional, population-level harms considered in the above discussion are not—and, indeed *cannot* be—named as

violence within the frameworks of settler epistemology.[4] Settler epistemology sweeps away its own tracks by narrowing conceptions of violence to exclude the very forms of violence on which it depends (e.g. violence against land, epistemic violence), making them unsayable and un-nameable (Simpson 2017; Ruíz 2020). This paves the way for the construction of administrative systems that produce violence by design—while blocking the realization that the intended effects of such systems *are* violence.

This section considers the standard narrow definitions of violence in settler cultures, as well as efforts to improve on them within philosophy and the social sciences. While some of these attempts, such as the introduction of the notion of *structural violence*, do offer greater conceptual resources for combatting injustice, we show that they are ultimately insufficient to account for the fact that violence is both a *designed feature* and *orienting goal* of administrative systems in settler colonial societies like those in the Americas.[5]

3.1. The Narrow Conception

Violence in settler colonial societies tends to be defined primarily in terms of the use of force and subdivided into distinct forms or types of violence (e.g interpersonal, physical, verbal, sexual, emotional, cultural, and state) that can be studied independently of one another. The 2014 WHO Global Status Report on Violence Prevention, for instance, defines violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in

4. Settler epistemologies must be established; they do not exist "naturally" in lands targeted for white dominion. Epistemic colonization is a historical process involving coordinated violence done to systems of meaning that target Indigenous knowledges for extinction, produce epistemic violence (Spivak 1988) that turns stories of epistemic resilience and continuance into terminal death narratives about allegedly "extinct" peoples (Kauanui 2016), facilitate the development of new institutional knowledge infrastructures to replace and enforce new epistemic norms (Rama 1984), normalize sheer mythmaking (Fanon 1967; Berenstain, Dotson, Paredes, Ruíz, & Silva 2022) and perpetuate various forms of epistemic extractivism to aid white reconnaissance of Indigenous knowledge practices and culture.

5. Our account focuses on North America largely due to our specific positionalities and areas of expertise. While many aspects of our analysis will usefully extend to settler colonial contexts beyond the U.S., Canada, and Mexico, we look to feminist activists and scholars with the relevant areas of expertise, experiences, and social locations to lead and determine the framing of settler colonial administrative violence across these contexts, as we do with Indigenous feminists and the collectives whose work informs this analysis. We are also mindful of the ways this work, written in English by feminist scholars working at U.S. institutions, reproduces North-South hierarchies in knowledge production and functions within an institutional knowledge economy that privileges such work over land-based knowledge and perspectives emanating from the global south (Cusicanqui 2019).

injury, death, psychological harm, maldevelopment or deprivation" (2014: 84). The types of violence on which they gather data comprise armed violence, gang violence, youth violence, child maltreatment, intimate partner violence, sexual violence, and elder abuse.

This standard characterization of violence, while pervasive, excludes the various structural conditions and conduits of colonial violence that automate inequalities in settler colonial societies. Reflecting its origin in settler epistemology (Berenstain 2020a; Ruíz 2020), this standard model taxonomizes the various forms of violence in hierarchical relation to colonial values. This practice obscures the coordinated distribution of vulnerability, which promotes asymmetric harms across different populations (Ruíz 2020; 2024). It also renders incoherent the conceptualization of these structurally produced population-level harms *as violence*.

3.2. The Social-Scientific Conceptions

The introduction of the notion of *structural violence* sought to expand this limited conception to include systematic harms to which certain populations are susceptible as a result of poverty, war, governments, schools, legal systems, and healthcare and medical systems. It was also intended to capture harms that are systematically facilitated by social prejudices that unfairly disadvantage certain people. The concept was founded during the rise of peace studies in the 1960s and is associated with the development of systems theory in sociology and economics. While its positive reception in the academy can be attributed to its perceived ability to track the influence of social power on human capacities and life outcomes, it has always been distinguished from behavioral violence by having *no identifiable culprit or aggressor* (Ruíz 2024).

Consider the influential conception of structural violence as "violence that results in harm but is not caused by a clearly identifiable actor" (Vorobej 2008), which can be traced back to Galtung (1969). This definition has had significant impact on international organizations such as UNESCO and WHO as well as on the CDC and contemporary public health research on inequality. Note, for instance, how structural violence is characterized in Sossenheimer (2018), a study of differential outcomes for patients living in trauma deserts, defined as areas where a level I or II trauma center is more than 1 hour away by car. Researchers concluded (unsurprisingly) that race was a strong predictor of worse trauma outcomes, and they suggested that this constituted structural violence. What interests us is their definition of this phenomenon as resulting from the contingent "social arrangements that put individuals and populations in harm's way," which have "no identifiable aggressors," and cannot be seen as "intentional." (537–538).

This articulation of structural violence aligns standard social-scientific accounts of bureaucratization processes in society that construe such systems as *malfunctioning*, such as through critiques of "red tape," long waits, and heavy costs associated with greater burdens on minority populations. This model attributes outcome and cost disparities to failures of administrative systems that are *external* to their design structure. Such failures are taken to include factors such as human error, lack of resources for implementation, and imposition of econometric standards like "fiscal austerity" that prevent institutions from serving the "public good" (Bear et al. 2015). The standard model also includes existing accounts of "bureaucratic violence" (Gupta 2012) and "institutional violence" (Curtin & Litke 1999) that construe the production of population-level harms as extrinsic to administrative systems.[6] Curtin and Litke (1999) suggest that "institutional violence should be distinguished from systemic violence," as the former is considered to be violence that is "made possible and facilitated by social organizations having relatively explicit rules and formal status within a culture," while the latter, systemic violence, is considered to be "a broader social context" in which institutional violence operates but where "the rules are more vague" (xiv). In their view, "racism, sexism, and colonialism are systemic patterns of thinking and cultural organization that often result in the reaction of institutionalized forms of violence," but are not always necessarily linked. It is this characterization of violence, which portrays administrative violence as only *contingently* associated with systems of oppression, that we contend is inadequate to account for the nature of administrative systems in settler colonial societies.

3.3. The Anglo-European Philosophical Conceptions

Do existing philosophical inquiries into the nature of violence fare any better than the social-scientific accounts? We argue that they do not. Philosophical investigations of violence, such as those undertaken by Benjamin (1921), Horkheimer

6. They provide the following "taxonomy of violence":

Type	Overt	Covert
Individual	muggings	personal threats
	murder	character assassination
Institutional	police brutality	slavery
	terrorism	apartheid
Systemic	domestic violence	sexism
	genocidal violence	racism
	land disenfranchisement	colonialism

For a notable exception to this framing, see Paul Taylor's "context and color-confrontation" in the same volume (1999, 206–223).

(1947), Arendt (1951), and Foucault (1979), are importantly distinct from social-scientific accounts of bureaucratic violence, such as those offered by Graeber (2012), Milne (2019), Eldridge & Reinke (2018), and Norberg (2022). Whereas social-scientific accounts expand the notion of violence to include population-level harms caused by institutions and social arrangements, Anglo-European philosophical accounts tie administrative violence to the increased bureaucratic efficiency and resulting human alienation that occurred during the rise of industrialization. Nonetheless, like their social-scientific counterparts, these philosophical conceptions remain poorly suited to capture the designed and purposeful production of structural vulnerabilities under settler colonialism.

A core weakness of these twentieth-century philosophical views is that they tend to conceive of violence produced by bureaucracies and institutions as a distinctly *modern* phenomenon associated with the rise of industrialization and surplus labor in mass societies. They construe the birth of regulatory professions like Human Resources, which function by reducing humans to the administrable elements of their activity (e.g., their labor), as a symptom of the larger social problems of atomization, alienation, and dehumanization. These problems were brought on by the massive technological transformations in manufacturing, transportation, medicine (especially the treatment of infectious epidemiological diseases), communication, and subsistence agriculture. Such developments doubled Europe's population in a short time while significantly expanding the domains of human capital activity like factory assembly.

Administrative violence has thus been regarded as a primary feature of the bureaucratization of anonymous labor in mass societies, especially under monopolistic capitalism, and as a symptom of the calculative reasoning thought necessary to manage populations at industrial scales using machine-based metrics of productivity, output, and efficiency. While there are insights to be gained from understanding the ways that industrialization accelerated certain aspects of administrative violence, ascribing the *origin* of such violence to bureaucratization both misses and obscures the orientation of administrative systems in the Americas toward settler colonial goals, which predates the rise of industrialization.

Another core issue with these philosophical inquiries is the valorization of systemic violence that targets European subjects as the worst form of violence. This is often accompanied by an unwillingness to consider forms of systemic violence directed at colonized subjects by European colonizers —a refusal which detracts from the accuracy and applicability of their resulting theories. Post-war critical theorists connect the routine administrative processes of population and labor management to the instrumental reasoning behind the orderly and methodical extermination of European Jews in the Holocaust. They critique the means-ends rationality that dehumanized subjects through routine administrative procedures so as to render them disposable. Absent from their critique,

however, is any attention to either the administrative structures of European imperialism in the colonies or to settler colonial analytics of power that disperse violence as a primary feature of the management of populations, the occupation of stolen land, and the organization of forced labor.

Aimé Césaire (1955) famously diagnosed this European inclination to whitewash genocidal violence as a form of white supremacy. He argued that what Anglo-European subjects decried about the Holocaust was not "the crime in itself, the crime against man" but rather "the crime against the white man, the humiliation of the white man, and the fact that [Hitler] applied to Europe colonialist procedures which until then had been reserved exclusively for the Arabs of Algeria, the coolies of India, and the blacks of Africa." This desire to whitewash genocidal violence against non-Europeans is evident in Hannah Arendt's (1951/1984) assertion that, while Jews were deprived of any connection to humanity during the Holocaust, chattel slaves were allowed to retain such a connection. She claimed that "even slaves still belonged to some sort of human community; their labor was needed, used, and exploited, and this kept them within the pale of humanity" (1951/1984: 297; see also Temin 2019). Edward Said noted that "Frankfurt School critical theory, despite its seminal insights into the relationships between domination, modern society, and the opportunities for redemption through art as critique, is stunningly silent on racist theory, anti-imperialist resistance, and oppositional practice in the empire." (1993: 278). These are not isolated omissions. Foucault's analysis of power—which is often centered in contemporary explanations of how administrative systems produce governable social identities through controlled violence—also glosses over the analytics of settler colonial power in characteristically Eurocentric ways (Spivak 1988).[7] Because a motivated silence on the racializing colonial systems of violence targeting non-European peoples is central to Anglo-European philosophical accounts of violence, such accounts are of little use to those who aim to shed light on the centrality of such systems to the organization of social, political, and economic life in contemporary settler societies.

Social-scientific accounts of structural violence and Anglo-European philosophical accounts of administrative violence expand the conceptual resources available to discuss and identify forms of violence that exist beyond the narrow definition. Nonetheless, they fail to adequately capture the extent of the violence

7. Because we think it important to distinguish accounts of administrative violence that are exculpatory of the *violence-by-design* nature of settler colonial societies from those that are not, we do not begin our analysis from Foucauldian accounts of power, which locate power everywhere and nowhere at once. These accounts are often marshaled in ways that rhetorically displace key theoretical contributions from 20th century Black abolitionist thinkers, including those in the Black Panther Party from whom Foucault derived, without citation or acknowledgment, his later reconceptualization of power "through the grid of tactics and strategy, that is, through the analytic of war" (Heiner 2007: 321).

under consideration, its historical origins unconnected to modernization, and its necessary connections to settler colonialism. More specifically, they fail to capture two core features of violence in settler colonial societies: 1) its inherent relation to historical processes and contemporary structures of colonialism, and 2) its relationship to the production of cumulative gains for those populations who benefit from said colonial processes and structures. In the following section, we demonstrate the need for an account that theorizes the scope and administrative character of colonial violence as *inherent* to administrative systems in settler societies, and we clarify how the needs of settler colonialism necessitate the goal-oriented production of structural violence in the administrative systems it designs. We also show how these features of structural violence in settler societies resist characterization as *unintentional* and as having *no identifiable aggressors.*

4. Violence by Design: Our Account of Administrative Violence

Our account theorizes administrative violence as a form of structural violence that is routine, systemic, and that unevenly distributes population-level harms through administrative systems by design. Administrative violence is routine because it happens consistently; it is a mundane part of the regular operations of administrative systems. It is systemic, as it is part and parcel of how administrative systems function through their daily operations. But, we argue, administrative violence is also a critical feature of the design of social systems in societies structured by interlocking dimensions of oppression, and the harms that it causes are neither arbitrary nor accidental. Rather, they are inherently connected to the organizing functions of settler colonial administration, and they are integrally tied to the generation of benefits for particular populations.

We argue that recognizing the colonial origins of such systems, their historical continuity through the present day, and their non-accidental relationship to the generation of cumulative benefits for white settler populations is sufficient for establishing such systems as purposeful and intentional. Such systems were created to generate population-level harms for certain groups while benefitting others, by design—and they are continuing to carry out these functions in part because of the active and ongoing upkeep and maintenance by their beneficiaries.

4.1. Administrative Violence is Systematic

A systems-level approach—which considers the intended *function* of organized relationships analyzed as a whole interconnected network—is necessary for theorizing how complex oppressions intersect with the routine operations of settler

colonial administrative systems (Ruíz & Sertler 2019). Ruíz (2024) specifically characterizes a systems-level approach to structural violence as one that attends to the probabilistic outcomes of systems that result from their design-of-distribution strategies.

Conceptions of administrative violence often situate the origin of engagement with administrative processes at the moment when a system navigator first physically interacts with a system agent or representative. This obscures the fact that the designed nature of population-level harms produced by administrative processes and their dynamic interaction with oppressive social structures take effect long before one is in front of a bureaucratic agent or decision-maker. Carceral logics of administration, for example, are not first employed at the moment of an individual's incarceration. For populations of color, they are often deployed much earlier, through the presence of police officers in school settings, for instance, or even prenatally through state surveillance by social workers and welfare agencies. The toll such violence takes on the lives of individuals, families, and communities is extensive. This is also the case for harms that accumulate as a result of repeated mundane interactions with administrative systems. Often, administrative systems establish dependency relations that create and promote the conditions that enable the economic, psychological, physical, and sexual abuse of marginalized persons tasked with navigating them (Speed 2019). The routine and systemic nature of the harms experienced as a result of these cumulative interactions compounds them, producing devastating and often deadly outcomes.[8] This is why it is imperative that a notion of administrative violence "shifts the salient locus of power away from individual aggressors and onto the norms that govern design-of-distribution strategies in settler colonial societies" (Ruíz & Berenstain 2018: 224).

4.2. Administrative Violence is Historical

Because the ongoing shape of administrative violence in the Americas is non-accidental, recognizing its systematicity also requires grasping its historical continuity. Understanding contemporary forms of administrative violence requires tracing the historical continuity connecting modern manifestations of administrative systems to the colonial goals governing their origins. The ongoing systematic removal of Native children from their homes is structurally and

8. In the social determinants of health literature, the term *allostatic load* is used to refer to the wear and tear on the body from chronic stress and life events (Beckie 2012). We suggest incorporating into this notion the cumulative harms resulting from the totality of engagements with settler colonial administrative systems. There is currently no scale or metric to quantify the harms from the chronic stress of structural violence and its wear and tear on the body.

functionally connected both to the increasing criminalization of (primarily Black and Brown) women for their pregnancy outcomes, as well as to the U.S.'s recent rollback of abortion rights. As Ruíz and Berenstain (2018) argue, forms of gender-based administrative violence that were once reserved for poor women and women of color are now being expanded to include in their crosshairs previously protected groups, such as wealthy and middle-class white women. This reflects the ability of colonial violence to restructure itself and resurface anew under different socioeconomic and political conditions in order to achieve the same ends in different form.

The long colonial history of restricting sexuality and body sovereignty and reproductive autonomy in order to manage populations made it no surprise when the Supreme Court released its 2022 *Dobbs* decision to overturn *Roe vs. Wade*. Ruíz and Berenstain (2018) demonstrate how "the structural character of state apparatuses built to criminalize pregnant women's reproductive outcomes is a colonial strategy of administrative violence aimed at controlling specific populations and not others, consistently and by design" (214). The pre-*Dobbs* "spike" in prosecutions for pregnancy outcomes represented not a new phenomenon but a superficial restructuring of settler configurations of power targeting pregnancy-capable people. We read the Court's reversal of *Roe* in the same vein.

The intentional expansion of systematic pathways for promoting the deaths of pregnant people is a form of administrative violence. And it is one that cannot be disentangled from the intertwined goals of white supremacy and the ongoing settler occupation and dispossession of Indigenous lands, which show it to be merely another dimension of the same structures that forcibly remove Native children from their homes. Indeed, the history of abortion criminalization in the United States must be viewed in this context. In the mid-nineteenth century, Horatio Robinson Storer, a white Christian male physician who led the charge to criminalize abortion across the United States, explicitly noted its importance to the goals of settler colonialism. After referencing "the great territories of the far West, just opening to civilization," as a result of "disease and the sword," he asks whether these areas shall "be filled by our own children or by those of aliens? This is a question that our own women must answer; upon their loins depends the future destiny of the nation" (Storer 1866: 85).

The idea that abortion should be restricted to increase white reproduction in the face of perceived encroachment by immigrants and people of color continues to motivate political attempts to restrict reproductive autonomy today. Just recently, Matt Schlapp, head of CPAC proposed that banning abortion could be an effective strategy to address the so-called problem of the "great replacement" (Feinberg 2022), a fever dream of white supremacy (responsible for several racist massacres) that immigrants of color are being brought to the United States in order to "replace" the white population and dilute white political power.

Schlapp stated "If you say there is a population problem in a country, but you're killing millions of your own people every year through legalized abortion, if that were to be reduced, some of that problem is solved." He went on to say "Start with allowing our own people to live." "Our" own people, "our" own children—i.e., *white* people, *white* children.

What these examples show is that it is necessary to conceive of contemporary forms of administrative violence as intimately connected to the overarching, historical goals of settler colonial white supremacy. Because of the structural continuity of historically grounded colonial systems, we understand the harms, criminalization, and death that women and pregnancy-capable people are experiencing in the post-Dobbs era of the current moment as part of "an evolving historical continuum of reproductive violence—the production of which adapts to meet the changing needs of white supremacist statecraft in settler colonial societies." (Ruíz, Berenstain, & Paredes-Ruvalcaba 2023). As Simpson emphasizes, the processes and specific manifestations of settler colonialism may change over time, but they continue to be guided by the unchanging goals and intentions of the structure. Thus, treating administrative violence under settler colonialism as anything other than a historically continuous phenomenon is a theoretical non-starter.

4.3. Administrative Violence Accumulates Population-Level Benefits

Another distinguishing feature of our account is that, instead of conceiving of administrative violence as a *failure* of liberal democratic values, we see it as a *success* of settler colonial systems aimed at land dispossession and population control. Our analysis of administrative violence centers settler colonial white supremacy as an organizing social structure that enables, co-constructs, and recreates conditions for exploitative systems like neoliberalism and racial capitalism to thrive. Shannon Speed (Chickasaw Nation) (2019) argues that the nature of violence in settler colonial societies is both fundamentally structural and rooted in settler colonial ideologies that enable a range of cultural and socio-economic payoffs for white settler populations. Crucial to this structural approach is the idea that settlement is not simply a geospatial phenomenon but a functional script that, "though functioning differently across space and time, consistently deploys racial and gender ideologies to manage the ongoing business of settler occupation" (2019: 2).

White settler populations accrue extensive benefits from the spoils of violent administrative systems. Such benefits include land, political power, material wealth, and interpretive wealth[9] (Ruíz 2024). While investigations of structural

9. Ruíz's (2024: 162) notion of interpretive wealth refers to a market model of the backdrop of epistemic resources that settler colonial institutions rely on to function and adapt to change, illustrating how "'power' comes to be enacted through the intergenerational accumulation of epistemic

racism often taxonomize the harms to populations of color, such discussions less frequently focus on the extraordinary benefits reaped by white polities. But, as we demonstrate in §5.3., these are two sides of the same coin. Our discussion of what we term 'epistemic apartheid' reveals the extent to which administrative systems are designed to produce separate pathways for different racialized groups that simultaneously track whites toward amplified benefits and reparations for harms while tracking people of color toward reduced compensatory damages determined by lowered baselines. It also reveals the myriad efforts that go into maintaining and updating these multi-track systems over time to preserve their function. In her telling of the stories of Indigenous migrant women making the perilous journey north from Central America and Mexico, Speed (2019) illuminates how settler capitalist state power produces the complex intersecting oppressions faced by Indigenous migrant women fleeing state terror, genocide, and sexual violence. She shows how these forms of violence are inextricable from the administrative logics of asylum, incarceration, and ethnic reclassification that await these women at settler borders.[10] Such logics are, of course, applied very differently—or not at all—to white women fleeing violence (Mayblin 2017; Ruíz & Sertler 2019).

Administrative systems do the functional work of carrying out exclusion and discrimination. This design feature is one of the hallmarks of administrative systems set up under European colonialism. Black and Indigenous displacement, dispossession, and genocide are required for settlers to secure and maintain their claim to stolen Indigenous lands. Stolen and forced labor are necessary to work the land and complete its ontological transformation into property (Goldstein 2018; Byrd et al. 2018). Settler colonialism thus necessitates the creation of a capitalist underclass whose labor can be exploited and whose humanity is therefore deemed surplus (Tuck & Yang 2012). As Cedric Robinson (1983) has shown, capitalist underclasses are simultaneously co-constructed with racialized groups or proto-racial 'others' in order to concentrate wealth and power among the white ruling class. For instance, in the U.S., the Caribbean, and Hawaii, the work of tending plantations and farms and building railroads on stolen and colonized land has been performed by exploited Chinese and Mexican migrant laborers, enslaved Africans and exploited Black laborers, and dispossessed Kanaka Maoli laborers at the behest of white Christian colonizers and their corporate interests (Lowe 2015; Glenn 2015; Arvin 2019). Settler racial capitalism has enabled extraordinary intergenerational wealth accumulation for white settler populations.

resources" in settler colonial societies. Hoarded interpretive wealth is thus what "creates dominant and nondominant epistemic communities, not for the sake of social differentiation, but for the maintenance, generation, and *control of the chains of value transfer and transmission* that orient profit toward some populations but not others."

10. For more on the epistemic mechanisms underpinning the logic of asylum in the U.S., see §5.1.

A systems-level approach that is organized around the benefits accrued to white settler populations also helps to unsettle conventional land/labor dichotomies rooted in anti-Blackness and an erasure of Afro-Caribbean, Black Latinx/e, and Brown histories.[11] As Speed (2019: 19) argues, "The binary logic of the land-labor divide is fundamentally flawed."[12] In Latin America, Spanish colonizers enslaved Indigenous populations and forced them to labor on the lands they had stolen from them (Speed 2017; 2019). In Latin America today, Indigenous peoples continue to be coercively dispossessed from their lands through the racialization of their labor in resorts, entertainment plantations, and mining and infrastructure mega projects. European colonizers kidnapped Africans and brought them to the Americas and the Caribbean to work the plantations they constructed on lands whose peoples, such as the Taíno, they had massacred. They did not do this by accident. Nor is it an accident that, generations later, the settler administrative systems they engineered dispossess the descendants of enslaved Black people of their land, as in Gullah-Geechee communities in the South Carolina Lowcountry (Hardy, Bailey, & Heynen 2022; Throne 2020) and in Black communities in New Orleans (van Holm & Wyczalkowski 2018). The systems they engineered also serve to generate the pollution, poisoning, overheating, and flooding of environments where Black and Brown communities reside (Roberts 2011; Stanley-Becker 2019; Wilson 2020; Liboiron 2021; Purifoy & Seamster 2021)—while simultaneously accruing benefits for white communities, such as cleaner air, denser tree cover, water access, and property that is protected from "natural" disasters. The risks and harms are displaced onto and absorbed by Black and Brown communities *so that white communities and white-owned property can be protected.*

Here are the facts so far: 1) the administrative systems under discussion were designed to align with the expansive goals of settler colonial dispossession, 2) contemporary configurations of these systems are structurally and historically

11. Che Gossett argues that the failure to recognize and engage Black and African Indigeneity is itself a form of anti-Blackness. They write, "Indigeneity isn't distinct from blackness, rather it must be thought through it." (Twitter, 10/12/2020).

12. We are especially concerned with academic trends that bolster exclusionary dualisms between Indigenous land and Black labor and that conceive of the distinct (yet heterogenous) political projects of Black liberation and Indigenous sovereignty as fundamentally incompatible and/or unconverging. As Cheryl Harris (2019: 220) notes, "while we typically associate aspirations for sovereignty with Indigenous peoples, and the quest for citizenship with Blacks, history suggests a more complicated reality in which Blacks sought something more than citizenship. Thus, it is critical to interrogate the way that race and sovereignty have often been cast as mutually exclusive projects, with sovereignty primarily linked to the struggles of Native Americans and other Indigenous peoples, while the struggles of Black people, as the paradigmatic racialized Other, have largely been framed through a narrative of citizenship and inclusion." We embrace Harris's productive focus on "how race and sovereignty intersect and are mutually constitutive," because it keeps the unwavering commitment to the territorial facticity of dispossession while acknowledging diverse political contestations of settler nationhood across the Americas and everywhere European colonialism has extended.

continuous with those initially put in place, 3) they are oriented toward producing and intergenerationally accumulating population-level benefits for white settlers, and 4) numerous contemporary decisions reflect efforts to maintain and renew the purpose and functions of such systems. These facts are enough for us to conclude that the violence these systems are designed to produce is *intentional.*

4.4. Administrative Violence is Intentional

Central to our account of administrative violence is a rejection of the exculpatory narratives of the "unintentional effects" or "inadvertent harms" caused by these systems, procedures institutions, policies, and legal interpretations. One reason we reject the picture of structural violence as *inadvertent* is that it portrays the inevitably harmful consequences of these administrative policies and procedures not only as *unknown* but as *unknowable*. As Ruíz (2024: 263) notes, "serious genealogical whitewashing work has gone into rendering social structures as arbitrary sets of relations that are as accidental as they are historically contingent." We know that not only have these structural causes and their systemically produced harmful effects been demonstrated empirically many times over, but that the pretense of such unknowability provides aid and cover for the violence these structures produce.

A view of structural violence as "inadvertent" is plausible only if the historical continuity of the systems under examination is excluded from the domain of consideration. We contend that systems that were initially and intentionally set up to achieve a goal or purpose should continue to be considered intentional so long as they are still structured by their initial function—regardless of whether the mechanism(s) for achieving that function have shifted or evolved. It is disingenuous to portray something that was designed with a specific goal in mind and that is *still functionally organized by that goal* as somehow unintentional simply because the specific individual actor(s) who initially designed it are no longer running the show. Further, in many cases, we can even point to a series of intentional *contemporary* actions and obstructions that are intended to uphold the initial goals the systems were designed to achieve.[13] Think here of Matt Schlapp's admission at a mainstream Conservative conference that racial population control is a desired effect of abortion restriction. In both the historical and contemporary cases, willful and motivated ignorance are responsible for denying the intentional nature of structural violence.

Under settler colonialism, the relationship between structural violence and the epistemic is an essential and inextricable one. Dispossession is not just a

13. See Ruíz (2024) for a host of additional examples.

political and material process but an epistemic one (Berenstain, Dotson, Paredes, Ruíz, & Silva 2022). Administrative systems are built within a framework of settler epistemology. Settler epistemic realities become the only realities that are recognized by the systems that they produce and enforce. Recall that it is a central feature of settler administrative systems that they are, as Simpson puts it, "part of the machinery that was designed to create a perfect crime—a crime where the victims are unable to see or name the crime *as a crime*" (2017: 15). Because the weaponization of epistemology is a core part of obscuring the intentional nature of settler colonial structural violence, we take this as reason to interrogate settler colonial administrative systems' reliance on epistemic mechanisms in their production of administrative violence.

5. Epistemic Dimensions of Administrative Violence

Administrative systems grant access to livelihoods and life chances, e.g., through health care, education, social and economic mobility, and identity documentation.[14] As population-managing systems, they are able to "distribute life chances across populations'' (Spade 2015: 57, see also Valles 2018). In doing so, they also maldistribute harm. In other words, they regularly distribute precarity and vulnerability unevenly across populations (Ruíz 2020: 688–689). To sketch a clearer picture of maldistribution functions as the primary design features of administrative systems, we turn our attention to three epistemological practices of institutions that facilitate coordinated violence through administrative systems: *simplification* (Sertler 2023), *epistemic containment* (Dotson 2018), and *epistemic apartheid* (Ruíz 2020). Finally, we explain how the maldistribution secured through these practices is coordinated and non-accidental.

5.1. Simplification

Simplification refers to a consistent and persistent orientation in an institution's efforts to know.[15] This orientation encourages single-axis knowing practices while discouraging the use of alternative analytical frameworks, such as

14. See Ruíz 2020 for an explanation of the need to shift the framework from "probabilistic accounts of life chances to more coordinated views of social inequity based on nonaccidental maldistribution of harm" (688). For a history of the probabilistic idea of life chances, see Elder, Kirkpatrick, & Crosnoe (2003).

15. The term simplification as used here relies heavily on the scholarship on intersectionality and structural violence. See, for instance, (Crenshaw 1991), (Cho et al. 2013), (Bhabha 2002), and (Harris 1990).

intersectionality, in knowledge production (Cho et al. 2013). It thus enables and limits an institution's inquiries (i.e., how it understands what is taking place), expectations (i.e., what it thinks might take place), and practices (e.g., what documentation it requires). As such, simplification shapes how an institution understands people's circumstances, how it categorizes their experiences, and how it interprets and responds to their realities.

Simplification plays a significant role in how subjects, problems, and solutions are framed within an institutional structure (Cho et al. 2013: 791). As an orientation impacting knowledge production and integration within an institution, it can render lives, experiences, and realities illegible and inaudible in institutional and legal frameworks. It can also take valuable resources and solutions not directly tied to emergency medical services, such as affordable housing or direct cash assistance programs, and frame them as irrelevant to repair for survivors of sexual assault or intimate partner violence. The disproportionately high lifetime burden of sexual assault and rape for survivors of color and Indigenous women is non-accidentally maintained and supported by institutional orientations like simplification.

Simplification is a key institutionalized practice underlying administrative violence. It is one of the ways that institutional and juridical systems remain structurally unresponsive to the needs, situations, and concerns of historically oppressed communities (Ruíz 2017: 341). It refers to the structural demand by administrative systems to prioritize single categories and those systems' preference for simplified understandings of these categories. It thus has a significant impact on how applicants and claimants are understood, classified, and processed in systems such as civil law or the U.S. asylum system.

Asylum seekers know all too well how administrative systems rely on single-axis frameworks and formulations of relevant categories, as they must fit their claim of persecution into (at least) one of the following categories: race, religion, nationality, political opinion, and membership in a particular social group. Gender-based and sexual-orientation-based asylum claimants face the challenge not only of demonstrating how they fit into the "membership in a particular social group" requirement but of articulating the interlocking racial, religious, and political vulnerabilities of their cases. Adhering to these epistemic demands of simplification, however, does not guarantee a fair hearing. This is because of what Sertler (2018: 5) calls *institutional comfort*, which refers to "how migration boards and courts are systemically afforded the ability to arbitrarily and ambiguously misinterpret asylum applicants' experiences, cultures, and countries." This discretionary space allows state actors to produce arbitrary assessments of asylum applicants' claims and experiences.

Consider the following example of the U.S. using simplification to prevent domestic violence survivors and other survivors of persecution by non-state

actors from being eligible for asylum. In his 2018 decision *Matter of A-B-*, Attorney General Jeff Sessions restricted the already narrow classification schema available to asylum seekers, changing the parameters of the asylum ground used most frequently in gender-based violence cases, the "membership in a particular social group" category, to be even more exclusionary. It is no coincidence that, while Sessions' decision did not explicitly name any specific countries, it disproportionately affected asylum applicants from Guatemala, El Salvador and Honduras (Human Rights First 2019). Following Mayblin (2017), Ruíz and Sertler (2019) argue that contemporary immigration restrictions in the U.S. aim at refusing entry to refugees and asylum applicants from former colonies, who are often fleeing conditions of violence created and maintained by colonial processes. At the same time, U.S. Immigration accepts European applicants and presents a façade of operating under neutral democratic rule of law. The practice of simplification is not merely an obfuscation of the complexity of social existence; it is an epistemic mechanism that serves the necessary functions of settler colonial white supremacy, often by obscuring the way that heteropatriarchal conceptions of gender are wielded as tools of colonial violence.

Epistemic practices of simplification are key to administrative systems' refusal to acknowledge or address the compound harms that result from social inequities and systemic deprivations. Experiences of oppression are never so simple that they can be effectively framed by a single and 'simple' category invoked by an administrative system. Simplification underlies the designed *in*ability of traditional analytical frameworks to understand compound harms experienced by marginalized communities (Crenshaw 1991; Ruíz 2017; Spade 2013). It further highlights their refusal to consider or imagine lives and experiences of structurally produced harms beyond a limited framework of single-axis classifications that conceives multi-axis harms as additive rather than multiplicative. Simplification is thus a productive strategy for administrative systems to routinely render marginalized people's complex lives and experiences illegible in order to remain unresponsive to their needs and systematically preclude redress for structured harms.

5.2. Containment

While simplification describes how administrative systems encourage single-axis categorization in institutional knowledge production, containment refers to strategies of constraining said knowledge production (Dotson 2018). Whereas simplification highlights how administrative systems prefer talking about only sexism, or only racism, or only immigration status, while eschewing consideration of their intersections, containment calls attention to *how* those systems

determine that racism, sexism, or nationality operates as a salient factor within them. Containment is thus about what administrative systems *render epistemically relevant or irrelevant* in how they understand and process the single-axis harms they purport to recognize.

The kind of epistemic power captured in the notion of containment—the power to "sequester" and "hold … as irrelevant competing or augmenting knowledge claims with respect to any given domain of inquiry" and to "isolate and contain otherwise relevant aspects of a given situation" (Dotson 2018: 150)—extends to an institution's ability to *agenda-set* for a given area of knowledge. Agenda-setting refers to the power of organizing relevant and irrelevant considerations for a particular inquiry. As such, it is often portrayed as politically neutral, despite the fact that the ability to set agendas has "a reality confirming effect" (Hall et al. 1978: 62). Containment thus describes how administrative systems provide certain structural allowances that normalize the *rendering irrelevant* of important social and political factors in social problems, often before the engagement process even begins.

Consider the state-sanctioned violence against disabled people that Canada's revised MAiD (medical assistance in dying) law promotes by repealing the requirement that "a person's natural death be reasonably foreseeable in order for them to be eligible" for assisted suicide. By expanding the class of people who are eligible to "choose" death to include *non-dying* disabled people, the law "directly targets disabled people, offering government-facilitated suicide rather than providing social solutions to the poverty, isolation, disenfranchisement, and discrimination in housing, employment, and education that disabled people confront" (Tremain 2021). One disabled Toronto woman, a wheelchair user with multiple chemical sensitivities, applied and was approved for MAiD after failing to find safe and affordable wheelchair-accessible housing with air that would not trigger anaphylactic shock (Favaro 2022). The $1,169 per month she receives from the Ontario Disability Support Program is well below the $2,000+ average rent for a one-bedroom apartment in Toronto, where the vacancy rate is extremely low. She stated that her reason for applying for MAiD was "abject poverty." Instead of allocating funds to help disabled people live, the settler state simply reclassifies disabled people as eligible to die.

The policy discriminatorily promotes the death of disabled people, as the foundational ableism of Canadian settler society excludes them from public life and refuses to meet their basic needs. Yet, this discrimination is rendered irrelevant under Canadian law. The law is thus accompanied by what Dotson would call an "epistemology problem," deriving from its sequestration of central social factors from what can be considered relevant to its grounds (Dotson 2018). As Tremain (2021) explains, one reason that administrative systems continue to successfully promote violent eugenicist practices is that "modern forms of power operate

so effectively because they seem innocuous and even progressive, benevolent and even compassionate." Here, containment operates by embedding medically assisted suicide within a universalizing neoliberal framework of choice, thus providing a legal allowance for ableist discrimination resulting in death.

Administrative systems regularly and routinely practice containment. Other examples include when the U.S tries to render domestic violence irrelevant in its considerations of gender-based-violence asylum cases (Ruíz & Sertler 2019), when asylum practices and courts intentionally render relevant to gender-based cases only those forms of violence that can be presented as "exotic" (e.g., female genital mutilation) (Bhabha 2002; Millbank & Dauvergne 2010; Noll 2006), and when discrimination law renders relevant the perpetrator/victim framework in its understanding of racism while excluding systemic and structural operations of racism from consideration (Spade 2015). The list goes on.

An analysis of Dorothy Roberts's (2008; 2017; 2022) research on the child welfare system reveals how containment is also used as a methodological weapon to produce violence, as it does by facilitating the removal of Black children from their homes and enabling the punitive treatment of Black mothers. Roberts's interview with an African American woman in a Black Chicago neighborhood demonstrates how the adjudication of "relevant factors" in cases of child removal exemplifies the epistemic practice of containment:

> [T]he advertisement [for the child abuse hotline], it just says abuse. If you being abused, this is the number you call, this is the only way you gonna get help. It doesn't say if I'm in need of counseling, or if … my children don't have shoes, if I just can't provide groceries even though I may have seven kids, but I only get a hundred something dollars food stamps. And my work check only goes to bills. I can't feed eight of us all off a hundred something dollar food stamps… I don't want to lose my children, so I'm not going to call [Department of Children and Family Services] for help because I only see them take away children. (Roberts 2008: 145)

The child welfare system renders irrelevant to the question of child removal whether a parent or family is in need of food, counseling, or money, treating such needs as blameworthy and resulting from individual failure. The administrative system adjudicates what is 'worth knowing' about the realities of parents in need of assistance in ways that systematically target parents harmed at the intersection of gendered racism and capitalist exploitation. That its epistemic practices of containment obfuscate people's lived realities is of little consequence to the system itself.

As is true of simplification, the function of containment goes beyond merely allowing administrative systems to obscure important aspects of reality; it also

promotes and upholds the goals of heteropatriarchal settler colonial white supremacy. Consider the 2018 U.S. District Court ruling by Texas Judge Reed O'Connor that the Indian Child Welfare Act (ICWA) is unconstitutional. The ruling found that the ICWA violated equal protection because its child placement practices prioritize placing Native children who are up for adoption with members of their tribe or with other Native families before being placed with non-Native families. Even though decades of U.S. Indian Law recognizes Native tribes as self-determining political entities rather than racial groups, O'Connor claimed that the ICWA's placement practices employ preferences that rely on "racial classifications," and that, as such, they must survive "strict scrutiny" by serving "a compelling government interest" but that they fail to do so.

The removal of Native children from their homes in order to create intergenerational trauma and disrupt and destroy Native communities has long been a central tactic of the settler colonial practice of Indigenous genocide and land theft in North America (Morgensen 2012; Meissner & Whyte 2017). O'Connor's effort to render tribal political sovereignty *irrelevant* to considerations of child placement practices while rendering "racial classifications" *relevant* so as to recast long-standing federal recognition of Indigenous sovereignty as unconstitutional reflects the importance of containment as an epistemic tool used to regain impunity for settler administrative agencies.

Administrative systems use containment to govern ranges of relevance so as to make their own knowledge claims unchallengeable while rendering the knowledge claims that applicants and claimants make dismissible or even nonexistent (Sertler 2018). The knowledge claims of administrative systems, to use Dotson's words, "are protected by their ability to delegitimize alternative frames, claims, and positions" (2018: 152). This is how structural approaches to discrimination are rendered irrelevant and inadmissible and how deployment of containment practices work to normalize an oppressive status quo (Dotson 2018).

5.3 Epistemic Apartheid

Simplification and containment reveal the structural epistemic preludes to administrative violence and shed light on the infrastructural mechanisms its operationalization requires. Epistemic apartheid, on the other hand, refers to the systems-level maintenance necessary to keep complex social structures in place and stabilize their production of maldistribution of harm across populations during systems-level challenges. Such challenges may include attempts to secure social transformation or revolution through civil rights movements, major policy changes, and the facilitation of upward social mobility for minority groups (Ruíz 2020). In the face of these threats to the structural stability of

white supremacy, methodological maintenance tactics become necessary to protect and enshrine practices of containment and its downstream targeting effects. In other words, when policies or practices introduce transformative conceptual frameworks that threaten to undermine the operation of containment within an administrative system, that system requires epistemic apartheid to carry out the tasks that mere containment no longer can.

Epistemic apartheid refers to a systems-level ability to:

1) create different subsystems (or 'life tracks') within a larger abstract structure that regulates the differential outcomes of these subsystems
2) conceptually unify the perceived substructures as isomorphic despite the disparate social realities structured by these life tracks

Epistemic apartheid is not simply the designed production disparities in population-level outcomes; rather, it involves the ability of a system to make fungible contextually distinct interpretive frameworks within which evidentiary claims are assessed in order to produce said outcome disparities. Epistemic apartheid is most easily recognized where there is a two-track system of structured segregation that i) orients populations of color toward diminished life chances and reduced remuneration and ii) accumulates benefits for white settler populations and buffers them from harm. The U.S. legal system is an example of this two-track system of segregated outcomes. Consider the use of a version of race-norming in criminal law (where Black and Brown defendants predominate) versus tort litigation (where white litigants predominate).

Race-norming is the practice of adjusting test scores to reflect what are often termed "in-group averages" based on race, particularly in educational and clinical settings. Its purported justification is to protect minority populations from misdiagnosis of cognitive impairment due to false positives resulting from neuropsychological assessment instruments that do not adjust for historically lower average test scores among African Americans, as other demographic factors such as age and educational background are known to affect performance on these tests (Gasquoine 2009).[16] While race-norming has come under extensive criticism and is outlawed in some contexts, it is still routinely used to benefit white settler populations and weaponized to harm minorities.

This is evident in the National Football League's use of race-norming to deny Black players' claims for compensation in a billion-dollar class-action settlement

16. This race-neutral origin story obscures the racism and social inequality that frame the development and design of many of these instruments (see, for example, Washington 2008, Braun 2021) and the circular social set up in which socially-produced racial inequalities are then "verified" by tests designed by those who profit and shape the very inequalities that lead to "historically lower" test scores.

agreement for chronic traumatic encephalopathy (CTE) and dementia syndromes. To measure brain health, the NFL developed their own non-medical diagnostic categories (levels 1, 1.5, and 2) of neurocognitive impairment based on a scoring algorithm that "corrected" for race using what are known as Heaton norms. These are demographic adjustments based on binary Black/white racial classifications, which were designed by Robert Heaton in the early 1990s. Heaton compared a small sample of Black residents of San Diego, California with overall 1990 census data on age, education level, and income level to create a scoring algorithm that assumed Black players *started at a lower cognitive baseline*. This means that if both a white and Black player received a score of 1.5, the Black player would be assumed to have suffered *less* cognitive decline from head trauma than the white player and would therefore be assigned an adjusted score of 1. Only players who scored 1.5 or 2 met NFL criteria for a neurodegenerative disorder and thus qualified for the settlement. Neurologists have pointed out the NFL criteria evades basic standard-of-care diagnostic protocols for neurodegenerative diseases and that the majority of the 12,000 settlement class members are Black. They therefore argue that the NFL's treatment of Black players "is reminiscent of a damaging, century-long history of assuming that differences on intelligence tests (IQ) are primarily inherited and then using this false assumption to legitimize unequal distribution of resources by social class" (Possin et al. 2021).

In 2020, former NFL players Kevin Henry and Najeh Davenport sued the NFL after their claims were denied based on the NFL's race-normed thresholds for cognitive decline, despite both having been diagnosed with dementia (*Henry v. National Football League*, 20-cv-04165 ED Pa). Davenport alleged that the neuropsychologist performing the testing excluded both neuroimaging and every scientifically established demographic factor known to impact scoring (e.g. age, education level) except for 'being of Black race.' The discrimination suit, which was accompanied by 50,000 signatures for relief of discriminatory practices, was thrown out.

Contrast this use of race-norming with *Ricci v. DeStefano* (2009). In *Ricci*, the Supreme Court held that New Haven city officials had improperly invalidated the test scores of twenty white New Haven city firefighters after every Black firefighter who took the test failed to receive the passing score necessary for promotion. City officials worried the test design could be seen as disparately impacting employees of color and make the city liable to discrimination suits under disparate impact statutes. The white firefighters whose test scores had been invalidated sued for discrimination under Title VII of the 1964 Civil Rights act and won on the grounds that the city lacked "a strong basis of evidence that, had it not taken the action, it would have been liable under the disparate-impact statute." In other words, city officials had no proof that Black firefighters would actually sue them (or that they would be held liable) even if they had proof that

suit-worthy harm to Black firefighters had taken place. The ruling concluded that city officials therefore should not have taken corrective action. Further, had city officials simply weighted the test scores of the Black firefighters to adjust for historically lower average test scores on aptitude tests (due, for instance, to entrenched inequalities in education) they would have violated the Civil Rights Act of 1991's amendment to Title VII forbidding race-norming in employment-related tests.[17]

Epistemic apartheid maintains the ability of such systems to consistently produce separate and unequal outcomes for different populations. It highlights that maldistribution functions are the primary design features of administrative systems rather than normatively neutral regulative functions. In these race-norming examples, harms are structurally channeled towards some populations while benefits are mainlined for others, despite codified democratic protections. One way race-norming bypasses civil rights restrictions so as to benefit white litigants is through a domain shift to tort calculation, where compensatory damages are routinely lowered for minority plaintiffs through the use of race-based life-expectancy tables and amplified for white plaintiffs. Courts use "rehabilitation experts" (see *Powell v. Parker*) to provide testimony on demographic statistics related to loss of earning capacity and life expectancy based on 'in-group averages' for race and gender. In 2005, (*U.S. v. Bedonie*) a rehabilitation expert calculated compensatory damages for a Native American man by simply multiplying the anticipated earnings of a white person by 58%, and for a Native American woman (who was also part of the suit) by reducing the $744,000 award (what would have been awarded had she been a white male) to $308,000 when adjusting for her gender, and a further reduction to $171,000 when adjusting for her race. It is clear the legal system is capable of intentionally enacting interlocking harms even as it claims to be unable to recognize intersectional oppressions (see *DeGraffenreid v. General Motors*). The effects of such tables for white male plaintiffs, by contrast, "is to set their recoveries at an unjustifiably high amount, which perpetuates and recreates gender and race disparities in the distribution of personal income" (Chamallas 1994: 75).

While adjustments made based on in-group racial averages clearly skew profit towards white litigants in tort suits, they produce harmful and reliably deadly consequences for people of color in criminal cases. In the criminal punishment system, they have been used in mitigation to determine and adjust sentencing. As an expert witness for the state of Texas, Psychologist Walter Quijano routinely testified that, based on statistics of the racial makeup of incarcerated populations, being Black or Hispanic made a defendant much more likely to

17. "It shall be an unlawful employment practice…to adjust the scores of, use different cutoffs for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, or national origin" (Civil Rights Act of 1991, Pub. L. No. 102–106, 105 Stat. 1071, 1075)

reoffend. Nine inmates were sentenced to death based on Quijano's testimony, as juries are required to weigh the likelihood and propensity for future violence when assigning a sentence in capital cases.

Whether in tort calculator tables or risk assessment calculations, the epistemic frameworks that generate these computational schematics based on race are tools of settler violence by design. Importantly, epistemic apartheid is not simply about the production of population-level disparities in outcomes but about the ability of a system to perform a bait-and-switch of the interpretive backgrounds against which claims are assessed in order to produce said outcomes. Epistemic apartheid is thus a transformational sleight-of-hand designed to preserve inequality within institutional infrastructures in the face of liberalism's safeguards, by design. It is a concrete *management design feature* necessary for the upkeep of settler social structures, and it both requires and reflects a cultural commitment to producing systemic violence (Ruíz 2020).

6. Concluding Remarks on Administrative Violence

Violence in settler colonial societies is designed to obfuscate and normalize continuing occupation, especially under advanced racial capitalism. It intertwines with, and is co-constituted by, the occupying power's ongoing attempts to establish epistemic sovereignty across a broad range of domains. Such sovereignty is critical to the social organization of administrative power and the intergenerational maintenance of social control over the infrastructural goods (e.g., healthcare, housing, education, and transportation) that condition material well-being and life chances at the level of populations. Inequity is an *organizing feature* of social structures predicated on colonial economies of dispossession (Byrd et al. 2018), which are supported by the epistemic orthodoxies and assumptions of Anglo-European cultures (Berenstain 2020; Ruíz 2020). Social structures are what they need to be so that violence can be what it is. Whether routine, systemic, exhaustive, justifiable by law, or unjustifiable but protected, violence is part of a system that structurally enables an uneven distribution of harm to some communities for the benefit of others. This does not mean that, in order to interrupt systemic violence, we must do away with all forms of administrative systems. Settler logics facilitate the knee-jerk response that interrupting colonial administrative processes requires swiftly withdrawing healthcare and other social service systems that administer life and death outcomes, and which were created through the destruction of other social systems for communal wellbeing. But that is not what our account demands. The opposite of this is not that.

In our view, racial capitalism and its vehicles of ableism and heteropatriarchy are not sideshows of modernity, as some have characterized the role of

colonialism in producing administrative violence. Rather, they are basic organizing features of the design of settler social systems. If the orienting aims of a system can be deduced through its behavior, then the systemic and institutionalized promotion of death, destruction, and the theft of land and labor are all evidence that administrative violence plays a primary role in securing the ongoing settler colonial projects of the United States and other settler nation-states. Administrative systems uphold settler colonial relations of domination through their historical design and persistent functional goals. We suggest that it would be wise for those who are invested in disrupting the automation of violence in such societies to recognize this fact.

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