

INTRODUCTION

In Cleveland, Ohio, sometime before 1916, the man whose photograph is on the facing page lost his job. He stands smiling in the photo, wearing white tie and newsboy's cap, holding a stack of papers, a young man with clubbed hands and feet and a steady, confident gaze into the camera's eye. A 1916 report by the "Committee on Cripples of the Welfare Federation of Cleveland" records the story of how this man sold newspapers until "the enforcement of a statute."¹ The statute in question was a version of the subject of this book: the ugly law. I think most readers will agree with me that this man's ugliness is not obvious. In fact, he is notably a conventionally appealing person, full of pluck and charm.

A version of the statute that changed this man's life appeared in Chicago decades earlier, in 1881. In the *Chicago Tribune* on May 19 of that year, an article announced that Alderman Peevey had prepared a new ordinance, one that he would submit to the Council that week. "Its object," wrote the *Tribune*, "is to abolish all street obstructions." Peevey was on the Council's West Side Streets and Alleys subcommittee, which dealt with matters such as sidewalk improvement and street widening, and the *Tribune's* emphasis on "street obstruction" makes it sound at first as if the "ugliness" in question concerned inanimate objects, such as "piles of bricks." But the street obstructions turn out to be human. A woman in 1881 Chicago had lost her job in a woolen-mill after being caught in a carding machine and injured. Attempting to support herself and her two children, she stood on the street, playing a hand organ. The ordinance, wrote the anonymous *Tribune* reporter, would "stamp" Alderman Peevey as a "public benefactor": "He proposes to abolish the woman with two sick children who . . . grinds 'Mollie Darling' incessantly on a hurdy-gurdy on a street corner." Peevey's ordinance passed, and Chicago ratified the American ugly law:

Any person who is diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares, or public places in

this city, shall not therein or thereon expose himself to public view, under the penalty of a fine of \$1 [about \$20 today] for each offense. (Chicago City Code 1881)

Peevey did not invent the wording of this ordinance. As city administrators commonly do, he looked for models, and these words were already available for the taking. Fourteen years earlier, in the earliest instance I have found, they show up in the code book of the young city of San Francisco. Just two years after the end of the Civil War, in July 1867, the *San Francisco Morning Call* reported the arrest of “a poor, half demented fellow, named Martin Oates,” a former Union soldier who had, “while in the field, been stricken down with paralysis, leaving him a perfect wreck.” Turned out of the army, Oates had landed on the streets and was taken into custody while San Francisco awaited the completion of its new almshouse (“Sad Sight”). A few weeks earlier, in anticipation of that almshouse, the San Francisco Board of Supervisors had already passed a law that the *Call* described as an “order to prohibit street begging, and to prohibit certain persons from appearing in streets and public places” (“Board of Supervisors”). The certain persons in question were those like Martin Oates, “perfect wrecks,” or, in the words of the city, “diseased, maimed, mutilated, or in any way deformed.” In San Francisco, significantly, the law was folded into a longer prohibition against begging in general.

Using more or less identical language, in the years that followed cities around the country passed or attempted to pass versions of the ordinance. Many versions of these statutes made clear in their titles that city leaders aimed the laws at a very particular target, the person who “exposed” disease, maiming, deformity, or mutilation for the purpose of begging. This book is about American ways of identifying, representing, knowing, correcting, and disciplining the “unsightly beggar.”²

My aim is threefold: first, to provide a fuller account of the story of unsightly subjects than has yet been written; second, to rethink aspects of U.S. culture through the insights of disability theory (and in turn to rethink aspects of disability studies through an encounter with the history of the American ugly); and finally, to illuminate the conditions of disability—and municipal law’s constitution of those conditions—in the late nineteenth century and at the century’s turn, so as to better understand law, culture, and disability in the present. “Hidden and disregarded for too long,” disability theorist Simi Linton has written of disabled people, “we are demanding not only rights and equal opportunity, but we are demanding that the academy

take on the nettlesome question of why we've been sequestered in the first place" (73).³ This book's history of one dramatic legal effort to compel that sequestration takes on that question—and shows how intricately tied it is to other nettlesome American questions, local and national.

I have come to think that it was probably more the norm than the exception for this law to show up on the code books of American cities sometime in the nineteenth or very early twentieth century. As I noted, the first ugly law I have found appears surprisingly far west—San Francisco—and surprisingly early, in 1867. Portland, Oregon, passed a similar law, with different wording, a few months before Chicago's in 1881. The ordinance seems to have been welcomed particularly from the 1880s on in midwestern cities with strong, networked cultures of reform, towns bound to each other and the rest of the nation by railroad ties. In 1889, Denver and Lincoln passed ordinances more or less identical to Chicago's and San Francisco's, Omaha sometime between 1881 and 1890, Reno sometime before 1905. In the mid-1890s, at the height of the worst economic depression in U.S. history to that date, an intense second wave of ugly laws appeared. Columbus enacted one in 1894. Northern cities also adopted or considered versions of ugly law. Pennsylvania passed a state version of the law. New Yorkers, inspired by Pennsylvania, made an unsuccessful attempt to pass a city ordinance in 1895. There is evidence that the law swept along the West Coast a little later, during a Progressive-era last gasp; Los Angeles considered passing one as late as 1913. Though as far as I know most southern cities did not pass the law, New Orleans had a statute very much in the spirit of the ugly law (though with significantly different language) as early as 1879, and its police began to enforce it strictly in 1883; at that time a local paper reported on the new get-tough policy with approval, emphasizing that it was "gratifying to know that New Orleans is aligning herself in this matter with other American cities" ("End to Street Begging"). This pattern—enactment, reenactment, crackdown, malaise—vexed all cities seeking reform through the ordinance. What most aligned them, in fact, as I show, were not the law's successes but its failures, the impossibility of removing the unsightly in the form of persons.

In what follows I frequently refer to the "ugly law" in the singular. Doing so allows me to underscore a certain strong and unified project shared by and across various city cultures, involving both a judgment about bodily aesthetics and the use of law to repress the visibility of human diversity in social contexts associated with disability and poverty—what we might call the sighting/citing of the ugly. At the same time, though, the singular "ugly law" implies more coordination than occurred. The law(s) might be better

thought of as a kind of civic contagion. The singular acknowledges local histories as aspects of a single outbreak; the plural reminds us of its multiple cases.

This contagion was, it has been argued, peculiarly American. So British scholar Stuart Murray suggests. “Disability disturbs,” writes Murray, “and it disturbs the sense of self in U.S. contexts in special ways,” since the American tendency to conform, always in sharp tension with ideologies of liberty, is threatened “by the ways in which disability offers its characteristically double movement: a seemingly anomalous and deviant version of humanity that nevertheless focuses all too uncomfortably for many on the central issues of the human condition.” Murray’s proof is “the so-called ‘ugly laws’ that prohibited people with noticeable physical disabilities from visiting public spaces.”

The general impulses I describe here are in fact by no means limited to the United States (see McKinley; Kim; and Degener for recent examples in Eritrea, North Korea, and Germany); nor are they limited to the turn of the last century.⁴

In Murray’s England, back in 1729, a London merchant suggested whipping, workhouses and the establishment of a national institution for “receiving and strictly confining . . . People . . . who wander about to extort Money by exposing . . . dismal sights.” This included “creatures that go about the Streets to show their maim’d Limbs,” as well as a wider group:

If any person is born with any Defect or Deformity, or maimed by Fire . . . or by any inveterate Distemper which renders them miserable Objects, their Way is open to London, where they have free Liberty of shewing their nauseous sights to terrify People, and force them to give Money to get rid of them. (Ribton-Turner, 187; Compton, 39)

Surely in this language of “miserable Objects,” “exposing,” “dismal,” and “nauseous sights,” we find cultural seeds of later U.S. ugly law. C.J. Ribton-Turner’s expansive 1887 survey of English and European statutes concerning begging to that date provides many other examples, summarized compactly by Compton; indeed, Ribton-Turner’s “Index of the Principle Varieties of Beggars” begins, under the heading “Afflicted Classes,” with references to “Blind,” “Cripples,” “Deaf and Dumb,” and “Maimed,” among others. Though no English statute provided the exact template for the ugly law, English precursors existed, in scores. Again in Murray’s England, now in 2004, business owners in Plymouth were reassured by city officials in

language that corresponds exactly to that of ugly laws, which were usually entitled “unsightly beggar ordinances”: “Any unsightly beggars are quickly removed from the City Centre” (*Checkout*). If, as Murray asserts, “disability disturbs, and it disturbs the sense of self in U.S. contexts in special ways,” those ways nonetheless have a distinct family resemblance to the behavior of English police, also in 2004, who banned a beggar who displayed a wound on his neck in Camden, issuing him an “Anti Social Behavior Order” that restrained him from reentering the town (Allen).

Murray is correct, however, in emphasizing the peculiarly American grain of this attempt to control the movement of disabled people in the U.S. city through the mechanism of this specific municipal ordinance. One of the most important foundations of the ugly law involves a specifically American socioeconomic determinant: the broad cultural emphasis on individualism, which enabled the law’s supporters to position disability and begging as individual problems rather than relating them to broader social inequalities.⁵ As Brad Byrom puts it, “The link between disability and dependency became a problem . . . as America became increasingly urban, increasingly industrial, and increasingly confident that the United States was unique in the nations of the world, a nation where wealth and prosperity existed for all who were willing to put forth hard work” (2004, 4). The absence of eventual development of a universal, socialized health and welfare system in the United States, the relatively high U.S. standard of living compared to poorer countries, and the specific conflation of disability, socioeconomic status, and race in the American context are other important factors in the American breeding ground and memory of ugly law.⁶

Americanness extends in this context to include the reach of U.S. imperialism. In 1902, under newly stabilized U.S. occupation, the Municipal Board of the city of Manila in the Philippines passed an unsightly beggar ordinance. “All ordinances shall be enacted in English and translated into Spanish,” a preface read, specifying that “the English text shall govern,” so that even in Manila we find the distinctively American ugly law in its familiar cadence, “no person who is diseased” and so on (Ordinance No. 27, 1213). This was one of the very first ordinances enacted under U.S. military rule. Warwick Anderson has shown how the “distressed and assertive colonial culture” of U.S. officials sought to remake Filipino bodies, to fashion “an improved sanitary race out of the raw material found in the Philippine *barrio*,” an elaborated project of hygiene reform, medico-moral uplift, and “uneven and shallow” Americanization (6, 1). The constitution of the unsightly beggar was part of this “technical discourse on bodily practice,

mundane contact, and the banalities of custom and habit” that produced racialized abilities and colonial bodies in the Philippines (W. Anderson, 2). This example of ugly encroachment confirms, not complicates, Murray’s assertion of the ugly Americanness of ugly law.

“As late as the early 1970s,” Murray states, “some US states still had not repealed the so-called ‘ugly laws,’” and although his emphasis on states rather than cities is inaccurate, his dating is correct. As far as I know, municipal enactments of the ugly law ceased by World War I, but the last documented arrest, astonishingly, happened in Omaha, Nebraska, in 1974. An Omaha policeman wanted to arrest a homeless man but had no basis for it. He combed the city code, found the ugly law still on the books, and took the man into custody on the grounds that he had “marks and scars on his body.” Unsurprisingly, the arrest met with confusion and noncooperation by Omaha city prosecutors. “What’s the standard of ugliness?” inquired Judge Walter Cropper, both initiating and responding to a deep conflation of “disease, maiming and deformity” with the word “ugly.” “Who is ugly and who isn’t?” Cropper asked. “Does the law mean that every time my neighbor’s funny-looking kids ask for something I should have them arrested?” Assistant prosecutor Richard Epstein noted that criminal prosecution would require the impossible: courtroom proof “that someone is ugly” (Fogarty).

More surprising, perhaps, to some but not all of my readers, is the response by city prosecutor Gary Bucchino, who declined to file a charge against the man with marks and scars on his body but nonetheless affirmed that “the law is still active; the man just didn’t meet the qualifications in my judgment” (Fogarty). This was 1974, a year after amendments to the federal Vocational Rehabilitation Act had banned discrimination against disabled people and a mere three years before the Department of Health, Education, and Welfare issued regulations to reinforce those amendments after unprecedented, militant pressure from disabled activists.

Those activists understood, of course, all the ways in which the naming and production of standards of perfection and beauty—and conversely, imperfection and ugliness—still operate and influence everyday interactions. Combating ugly law, they claimed powerful qualifications as persons “diseased, deformed, maimed and disfigured.” “Spatial dissidents,” in Dorn’s terms, they insisted not only on exposing themselves to public view but also on occupying and radically reconfiguring public space. Such activists, and those who have come after them, have kept a version of the memory of the ordinance alive.

Citations of the statute, which usually call it the “ugly law” and often locate it in Chicago, constitute a staple feature in a wide variety of writing by disability theorists and organizers in the past thirty years.⁷ These references do not generally proceed to discuss the ordinance further, after quoting it; few take up questions about what motivated the law’s enactment, how the courts responded to the prohibition, or whether in fact it was ever enforced. Unmoored from its original context, the “Chicago, 1911” ordinance circulates today as both powerful rhetorical tool and literal urban legend—a legend about disability in the modern city. (A librarian of one Chicago archive still treats these legendary, oft-cited laws as if they were conventional urban legend; when approached, he says quite confidently that the ordinance is a myth. But his archives contain the ugly law’s traces, and those traces have become my texts.) This book is part of that history of activist citation of the ordinance; I speak to it and within it.

The phrase “ugly law” was coined in the single source for all citations of the ordinance: a single paragraph in a landmark work of legal scholarship, Marcia Pearce Burgdorf and Robert Burgdorf Jr.’s “A History of Unequal Treatment: The Qualifications of Handicapped Persons as a ‘Suspect Class’ under the Equal Protection Clause,” published in 1975. The authors cited a version of the wording in the Chicago Municipal Code that they said was in force “until recently,” and they offered footnotes to codes in three cities: Chicago, Columbus, and Omaha. Robert Burgdorf wrote me in 2007 about what he remembered of finding out about these ordinances: “I do not recall which of the three [cities] we heard about first. If I had to guess, I would say it was probably the arrest in Omaha and the Omaha *World Herald* article that brought these kinds of laws to our attention.” Offering the examples of three cities, the Burgdorfs named them ugly laws, inspired by reports of the Omaha case (855).

This article had a great deal of influence, as did (even more so) one of its authors, Robert Burgdorf Jr. His emerging knowledge of the ugly law came directly out of his involvement in a live and humming network of disability organizing. He writes, “My colleagues and I at the National Center for Law and the Handicapped (NCLH) had ties to all three cities,” Chicago, Omaha, and Columbus, which were mentioned in the article.

We had begun to do a considerable amount of work with ENCOUR, the Eastern Nebraska Community Office of Retardation (now “and Developmental Disabilities”); we eventually filed a deinstitutionalization lawsuit in Nebraska, and worked with ENCOUR on demonstrating the feasibility of

appropriate community alternatives. One of the NCLH sponsoring entities was the American Bar Association, which is headquartered in Chicago; and one member of our board of directors was from Columbus. (Email correspondence with author)

In 1987, Robert Burgdorf Jr. drafted the original version of the Americans with Disabilities Act (ADA) that emerged out of the national movement growing out of this kind of organizing (the law in its enacted form was significantly revised, but it worked from Burgdorf Jr.'s template). Burgdorf, who had once been denied a job as an electrician's assistant because of his partially paralyzed arm, became a lawyer who specialized in disability law. Today he is a professor at the University of the District of Columbia, David A. Clarke School of Law. Journalist Joseph Shapiro portrays him in a section of his history of "people with disabilities forging a new civil rights movement": "He had plotted the outline of an antidiscrimination law in his head. By the time he arrived at the National Council on the Handicapped in 1984, the bill was virtually in his back pocket" (108).⁸

The Burgdorfs' "History of Unequal Treatment" was an important part of the trail of legal argument leading to the ADA. Its history of the ordinances that the authors named "ugly laws" was also influential, if the proliferation of citations is any indication. But the Burgdorfs' brief paragraph gives few leads, and some of them unstable, to the history of those ordinances. It provides a strong basis for contemporary disability rights law but a weak foundation for scholars wishing to take past ugly ordinances as signal instances of disability history.

The history of the ordinances has been reduced, distorted, and misrecognized in citations of the laws by authors following the Burgdorfs. For one thing, the ugly law was a patchy solution to a raggedy problem; as is typical for city ordinances, it seems to have been enforced rarely and unevenly. Historian Brad Byrom argues that the law was frequently disregarded by police, and a great deal of evidence suggests that this was in fact the case.⁹ The possibility that on the whole the law's everyday enforcers ignored an ordinance complicates its history in ways disregarded by citations in contemporary disability rights discourses that follow in the Burgdorfs' footsteps.¹⁰

One of the most productively misleading aspects of the Burgdorfs' handling of the ordinance is the adjective with which they named it. Inventing "ugly" law, the Burgdorfs performed an act of advocacy very much embedded in the midseventies context, as I show. They were almost certainly inspired by the title of the Omaha newspaper article recording the 1975 arrest

that they footnoted: “Begging Law Punishes Only the Ugly.” It is important to note, though, that the word “ugly” appears nowhere in the wording of the ordinances they cited. The Burgdorfs, and no one else before them in print, marked the law as one involved with something “ugly.”

In general I follow the Burgdorfs’ example in naming the ordinance. I do so partly because, like Robert Burgdorf Jr., “I believe that the ugly laws are quite ugly,” partly for the provocation of the term, and partly to honor the tradition the Burgdorfs started (letter to the author, 2007). The widespread adoption of the phrase “ugly law” throughout the disability activist community means that even if this term is not historically accurate, it has sufficient currency to identify this particular type of law.¹¹

“Unsightly beggar ordinance” is a more accurate name historically, since some of these laws, though by no means all, appear under that heading in the code books, and since anxieties about begging played a crucial role in the emergence of the statutes. But titling and indexing practices differed meaningfully from city to city where this ordinance was concerned, as my list of the laws in the appendix illustrates. Neither the “beggar” nor the crime of “unsightliness” appears in all places. Columbus, Ohio, employed an interesting heading as late as 1972, for instance, filing the law under the rubric “Exposing Self When Unsightly.” Here, in this contemporary version, exposure, not begging, constituted the misdemeanor, and the “when” opened up a kind of space between self and its abjection: the targeted person is not always but sporadically in a state of unsightliness. Other headers at other moments in the law’s history mystified the nature of the ordinance in ways diametrically opposed to the outrageous title “ugly law.” Denver in 1886, for example, indexed the law under “Deformed persons, how cared for, Section 1009,” though this was followed immediately by a more directly accusatory alternative, “Shall not expose himself to public view, Section 1009,” and the title in the section of the Denver code itself read “Deformed, Diseased or Maimed Persons” in 1898 and (even more bluntly) “Deformed, Persons” in 1886.

Significant differences not only in the titles but in the wording of the various city versions of the ordinance make it clear that the Burgdorfs’ generic language of ugly law flattens out important regional and historical distinctions within the story of the rise, the spread, and the gradual demise of this statute. Take, for a start, the case of the actual “Chicago, 1911” municipal code. Under the heading “Exposing Diseased or Mutilated Limbs,” the law begins, “Exposure of diseased, mutilated, or deformed *portions* of the body prohibited” (Brundage, Hayes, and Dierssen, 645; italics mine).

Only then follows the language we now hear quoted: “Any person who is diseased” and so forth. The Burgdorf citation is potentially misleading in its heightened emphasis on an absolute exclusion of the whole person, in any manifestation, from the public sphere. Omitting the ordinance’s headline intensifies focus on the extreme prohibition of being on the street rather than the (perhaps) more moderate prohibition of certain behavior on the street. Melissa Cole has shown through her applications of the insights of queer theory to the study of disability law that the obligation to hide the very thing that might constitute oneself as “diseased” or “maimed,” and the prohibition of all conduct such as limping or crawling that might identify one as “deformed,” were demands potentially no less discriminatory than laws that directly target disability as a status rather than a set of behaviors (839). Still, it is often (though not always) somewhat easier to avoid exposing one’s arm, say, than to avoid exposing oneself.

This is only one example from the range of differing local practices and ongoing historical developments illuminated when we look closely at the law’s textual variants. Note, for instance, the early poorhouse/poor-farm clause, present in three of the laws passed in the 1880s (Chicago’s, Lincoln’s, and Denver’s): “On the conviction of any person for a violation of this section, if it shall seem proper and just, the fine provided for may be suspended, and such person detained at the police station, where he shall be well cared for until he can be sent to the county poor house,” Chicago’s version read. By the 1890s, this provision disappears. At that time, another variant emerges: Columbus’s ordinance (1894) and the draft New York law (1895), like the early San Francisco 1867 version, describe the target of the law as “himself *or herself*” (italics mine), explicitly designating the possibility of a female miscreant. Lincoln and Denver also hark back to San Francisco’s language by adding “improper” to the list of adjectives applied to the person constructed by the ordinance; the New York draft goes even further, aiming its sights at the “imperfect.” Columbus and Omaha (1890) place new emphasis on the conditions and effects of public viewing, banning “exciting sympathy, interest, or curiosity.” This phrase is particularly interesting, since it does not ban performances that incite disgust or other forms of negative social reaction but rather highlights those responses that might involve a more positive connection between the disabled performer and the audience. New York’s draft version, under the influence of the Pennsylvania act, adds reference to “idiots and imbeciles,” expanding the scope of the law to include cognitive disability. Pennsylvania’s state law is a special case whose language differs markedly, but both its emphasis on begging and its

function as a model for the New York version relate it directly to the municipal laws that constitute the rest of the list.

I will have more to say about the implications of these variations. For now, a note in general on the language I myself employ. I have found it inefficient and historically inaccurate to substitute more palatable contemporary terms for the hard language of the ugly laws and their surround. This means I often use words I would not claim as my own in other contexts, not only the ugly line-up—"diseased," "deformed," "maimed," "unsightly," and, of course, "ugly"—but other terms like "cripple" and "beggar." All these words carry implicit scare quotation marks whenever they are used here. But so should other, less historically removed and seemingly more acceptable words, like "disabled" and "nondisabled" (and like "race"); in the realm of these matters, our available language does not suffice. Among the range of inadequate terms, I have chosen to use "disabled people" rather than "people with disabilities," preferring the former both for its directness and for its relation to the politicized social model of disability from which it has in part emerged.¹² I choose "nondisabled" rather than "able-bodied," since there is no such thing as an entirely, unalterably able body and since "nondisabled," refreshingly, places the "disabled" subject at the center and relegats its others to the zone of the prefix.

The United States Supreme Court continues to debate over the question of who is, or who qualifies legally as, disabled. In this book I am generally unconcerned with engaging in such debates. I have chosen to write about the ugly laws in this way to avoid any engagement with a categorical understanding of disability. "Category," as Tobin Siebers points out, "derives from the Greek *kategorēma*, meaning a public denunciation or accusation. Categorical thought is accusatory logic" (*Mirror*, 64). Certainly the Supreme Court's ADA decisions bear out the truth of this analysis.¹³ I choose rather to embrace a model of disability, broadly construed, as a political process. Hence, I focus on a particular form of political behavior, a blatantly conventionally political moment, the passing and implementation of a law, in order to understand that political event in the context of modern disability formation.¹⁴

The history of ugly ordinances itself encodes its own uneasinesses about categorization, built deeply into the language of the law. One noticeable aspect of each version of the statute, in any state or city, is its startling indeterminacy. We cannot know, as the muddle in the Omaha court made clear, who exactly is its target or how "unsightly" one must be to come into its sights. Hence the law might prove very useful as a way of foregrounding the inevitable ambiguity of the category of "disability."¹⁵ The very wording

of the ordinance seems to suggest this difficulty. It cannot find one term to settle the question of its own object, so the labels multiply: “diseased,” “maimed,” “mutilated,” and then, with sputteringly anxious generality, “or in any way deformed,” revolving on a slippery “so as to be,” escalating from relatively medical terms like “diseased” to the discourses of aesthetics and psychology—“unsightly” and “disgusting”—and arriving in some city codes, with perfect inconclusivity, at the entirely vague “improper.” Do these terms represent different things, or are they different attempts to name the same thing? “Diseased” carries associations with the social and the moral; “maimed” seems to gesture clearly toward the environmental, “deformed” toward the congenital; “unsightly” minces in the realm of the genteel, “disgusting” gets visceral. Even given the ordinary verboseness of law, this ordinance seems somehow both unusually redundant and psychologically confused. It might well be brought forward to exemplify a startling indeterminacy of scope. This is not, however, what the law has come to stand for in contemporary disability activism; rather, it represents a limit case, a certain extremity of prohibition.

There’s an invented scene in John Belluso’s recent history play *The Body of Bourne* in which the historical figure Randolph Bourne, the disabled social critic and writer, runs directly afoul of the ugly law when he visits Chicago. Belluso knew that this event was fictional (though his audiences on the whole do not).¹⁶ It may be that this fictive moment, passing as disability history, stands for something telling about the ugly law: that its work was effectively imaginary (I place equal emphasis on both those words: both imaginary and effective). But if few or none were cited under the law then, why do so many continue to cite it now? It is one of my purposes in this book to show how vital it has been for disability studies to tell about the ugly ordinance as an iconographic story.

One important arena for this development has been disability arts culture. Belluso’s is not the only contemporary American play to stage the ugly ordinance. The formal theater of ugly law begins in 1980 (by this I mean begins on stage, for as I show the law always carried with it its own ragged street theaters and impromptu performances). In that year, as part of a larger revue on European tour by the U.S. feminist theater collective Lilith, an American performer named Victoria Ann Lewis delivered the following monologue:

I got polio when I was three years old. I have two different-sized legs [raises pants leg] and a limp. I am disabled.

Being disabled is a strike against you when you look for work. I ran into trouble when I decided to become an actress . . .

Actually there's a long line of disabled performers—beggars, fools, freaks in a carnival side show—they all earned their living by performing. But the excitement of the performance was in the hump on the back, the withered arm, the scarred face.

I'm not a performing cripple. I'm limited on the stage by my limp. But if I concentrate really hard I can sometimes walk without a limp. [demonstrates walking and then does a somersault]

Did you notice? Did you notice my limp? [begins signing] But why should I hide it. I am disabled. . . . The cripples are coming out of hiding!¹⁷

At the center of this groundbreaking speech—one of many key moments when a new formation of disability culture made its entrance onto the contemporary stage—came this invocation of history:

I applied to a theater school in New York City. They refused to admit me because of my limp. They said, “You could train to be a director . . . have you ever considered costuming? . . . We need some help in the office.”

Actually I don't blame them. If they had allowed me to perform they might have been breaking the law. It's true—there is a law in some cities of the United States today which reads:

“No person who is deformed or mutilated in such a manner so as to be a disgusting object shall be allowed to display themselves to public view.”¹⁸

Lewis went on to become the founder and director of Other Voices at the Mark Taper Forum in Los Angeles, a major venue for the development of disability community-based theater and performance art (including *The Body of Bourne*).¹⁹ Several of the Other Voices plays were staged explicitly as “breaking the law,” performing and shattering versions of the ordinance. In *P.H.*reaks: The Hidden History of People with Disabilities* (1994), for instance, a slide suddenly projected onto the back of the stage read, “1911—City of Chicago Ordinance prohibits any person who is diseased, maimed, mutilated or deformed in any way so as to be an unsightly or disgusting object from exposing himself to public view.”²⁰ On the stage, (un)doing the history of these laws, defiantly disabled bodies in performance in productions like these and Belluso's delightedly exposed themselves to public view.²¹

Academic scholarship in what has come to be called “disability studies” has also made powerful use of ugly law. I draw on, and am inspired by, this

body of work throughout this book. The brief survey that follows is only a sample of the range of texts that refer to the American ugly laws. So frequently is the Chicago ordinance cited in scholarship identified as disability studies, from 1987 to the present, that it is not surprising that one *New York Times* essay on the “blossoming culture of disability” exemplified the entire field by gesturing toward this subject. Disability studies, wrote the *Times* reporter, “unearth[s] attitudes behind laws like nineteenth-century Chicago’s ‘unsightly beggar ordinances’” (P.L. Brown).

One early example of this “unearthing,” perhaps the first outside the world of law journals, appeared in work by an architect, a pioneering scholar-activist focused on eradicating disabling physical barriers in urban environments. In 1987, one of the most significant and underrecognized texts in the development of disability studies, Ray Lifchez’s *Rethinking Architecture: Design Students and Physically Disabled People*, drew directly from the popular memory of the disability movement to invoke the law in an academic and creative context well beyond the Burgdorfs’ legal framework. Following in Lifchez’s footsteps, and borrowing his unusual (and historically ungrounded) emphasis on the law’s concern with possible “legal liabilities” posed by the presence of disabled people in public places, British urban and disability studies theorist Rob Imrie (1996) cited the ordinance in turn to stress the hope of social change and the astonishingly rapid transformation in American attitudes toward disabled people: “Indeed, the speed of change is evident if, for instance, one considers that in 1960 many municipalities still included in their local statutes what were termed ‘ugly’ laws” (61–62).²²

Simi Linton’s groundbreaking summary and manifesto for a theory and method of disability studies (1998) took a reverse tack, illustrating not the promise of change but the continuity of oppression and the ongoing importance of political action. A pair of epigraphs in Linton’s *Claiming Disability* suggested the still “virulent force” of disability discrimination by juxtaposing the wording of the ugly law, cited simply as “from the Municipal Code of the City of Chicago,” with a more recent example of an ugly impulse: a reader’s letter to Ann Landers, advocating special sections in restaurants “for handicapped people—partially hidden by palms or other greenery so they are not seen by other guests” (34).²³ Linton’s openly political call to undo ugly law took a different form in the work of theologian and legal scholar M. Cathleen Kaveny (2002), whose analysis of the normative functions of laws focused on the ordinance’s moral ramifications: “Assuming the citizens of Chicago internalize the normative vision of the worth of persons with disabilities presupposed by the law, how will they act in contexts not

explicitly governed by it?” (339–340). In Kaveny’s work of openly Catholic scholarship, the ordinance demanded a theological response; “diametrically opposed to the vision animating the Ugly Law,” Kaveny concludes, “is the vision articulated by . . . John Paul II” in a papal encyclical, “*Sollicitudo Rei Socialis*” (358).²⁴

Other scholars—their work is of obvious importance in this book—sought to illuminate the operations of the ugly law not through extrapolations into a contemporary present within which we are all citizens of a moral or political “Chicago 1911” but by reembedding the ordinance in its own local and historical contexts. These projects included clarifying the law’s relation to racial and ethnic segregation and racialized physiognomic practice (Gilman, 24); to the rise of eugenics (Gilman; Snyder and Mitchell 2002); to the development of state institutions for hiding disabled people from the public view (Snyder and Mitchell 2002); to what may be the ordinance’s single most pressing frame, organized charity under industrial capitalism (Snyder and Mitchell, *CLD*); and to the development of “sciences of the surface,” “physiognomic practices,” and “systems of anticipatory classification . . . based on bodily aesthetics rather than literal abilities” (Snyder and Mitchell, *CLD*, 41).

Finally, for some scholars the ugly law has invited more theoretical considerations of bodily aesthetics and the formal operations of the concept of disability. Rosemarie Garland Thomson’s influential *Extraordinary Bodies* (1996) used the law, for instance, to emphasize that disability may be defined as much by appearance (“form”) as by any limit on function (7). In the important essay “What Can Disability Studies Learn from the Culture Wars?” (2003), Tobin Siebers took a more theoretical and psychoanalytic approach, moving away from the history of individual “unsightly” bodies to argue, provocatively, that the ugly laws demonstrate that “the compulsion to maintain instances of ideal form in public buildings and streets echoes a more primordial obsession with perfect, public bodies” (198).

Let us step back from recent invocations of the ordinance and return to the Cleveland man whose photograph graces the start of this book, the man who gives a face and a public body to the targets of the ugly law. He made the following statement in 1916 regarding Cleveland’s unsightly ordinance. “Although it [the law] seemed rather hard,” the “Cleveland Cripple Survey” reports, “he appreciated the meaning of it, but considered it ill-advised unless some step went with it for providing other opportunity for work for cripples.” What meaning was it, exactly, that this man, in his guarded, strategic protest, is said to appreciate?

This book explores the meanings I discovered when I went to look for what lay behind, proceeded from, surrounded, and constituted the texture of this law. What the ordinance embodied was disability oppression deployed and embedded, ideologically and structurally, in classed, capitalist (and also gendered and racialized) social relations. Here “disability history” and “poor people’s history” profoundly intertwine. Ugly law was begging law, although contemporary American disability activism did not know this. Unsightliness was a status offense, illegal only for people without means.²⁵

Writing of the historical period in which both ugly ordinances and models of eugenics emerged, Davis (2002) states, “The problem for people with disabilities was that eugenicists tended to group together all allegedly ‘undesirable’ traits. So, for example, criminals, the poor, and people with disabilities might be mentioned in the same breath” (35). This was (and is) indeed a serious problem for disabled people, but so too, as Mollow has pointed out astutely and as Davis’s work itself illustrates, is the reverse: a historical denial of the dynamics that have linked disability, poverty, and the systems for policing and designating criminality (284).²⁶ What if, instead of trying to tease these categories apart, we pursue the lumping together of crime, poverty, and disability? After all, as Garland Thomson has noted, “Perhaps the most enduring form of segregation [for disabled people] has been economic: the history of begging is virtually synonymous with the history of disability” (*EB*, 35).²⁷ This “same breath” is the story of the ugly laws.

Readers seeking a history of the ugly laws can find its outlines here, though much of that history, too, still remains to be written. Since the purview of the ordinance has so long been reduced, falsely, to “Chicago” and “1911,” I have tried an opposite, corrective mode, one that ranges (though by no means exhaustively) across many cities and a broad time span. The book focuses primarily on two historical moments, one of about half a century (1867–1920) in which the laws were generated and the second the period from 1974 to the present in which they were remembered. The first we might call the era of the unsightly, since that was the term of choice in the ordinances themselves; the second we might call the era of the ugly, as that anachronistic term, with its aesthetic implications, was powerfully overlaid onto the terrain of the ordinances.

I focus here somewhat on the mythic city of ugly law, Chicago, though with significant detours to many other cities and a few imaginary places. On occasion I focus on 1911 for a reason: it is the date embedded in popular cultural memory of the law. It is an arbitrary date, in keeping with the

imaginative and dislocated aspects of most ugly law citation. My aim is not to purge the legal history of its fictitious aspects (though I trace as precisely as I can what I think happened in Chicago and the other cities) but to explore the fictive work of ugly law citation, its powerful representation of urban exclusion reduced to its essence.

Part 1 of this book explores the emergence of the ugly laws. In these chapters I examine early examples of the ordinance (and related municipal laws) and begin to explore why the ugly law came to be. No single motive can account for the development of unsightly beggar policing in American culture. The first two chapters focus on two key factors: the rise of “scientific” Charity Organization Societies, whose leaders played major roles in promoting the ordinance as a tool for the state, and the conflicts and social unrest that clustered around disabled people who begged in a free-labor society driven by what Amy Dru Stanley calls “the obligations of contract” and more or less devoid of safety nets (1992, 1272).²⁸ If, in this period, as Daniel Bell put it, “conspicuous consumption was a badge of a rising middle class” and “conspicuous loafing is the hostile gesture of a tired working class,” displays of disease, maiming, and deformity by street beggars also constituted a gesture, one increasingly read as hostile (15). But could a blind or crippled person conspicuously loaf? “Loafing” is a category applied only with difficulty to people constituted as “not-laborers.” And yet the discourse of the unsightly beggar worked hard to attach loafing to the body of the person who was diseased, maimed, and deformed. “Conspicuous,” of course, was a term easily applied to exposed disabled bodies already readily subject to the stares of others. The second chapter traces histories of urban unease and class conflict over conspicuous begging and glaring disability, unrest that both responded to and sometimes provoked the devising of ugly law.

The next chapters open up a wider range of factors that converged to form a niche for the law, including the rise of eugenics and state institutions; the development of modern urban planning and maps for the city beautiful; new cultures of injury in a modernity characterized by sweeping technological changes and growing corporate power; new pressures regarding city manners and civility or the conduct of public bodies on the streets; a growing understanding of the urban public sphere as a pedagogical space; anxieties around animality in the city; temperance and prohibition movements; rhetorics of disgust. At the end of part 1, I explore at length the figure of the faker who so preoccupied the advocates of the ugly laws. In much of the unsightly beggar discourse it is simply assumed that all disabled beggars are, without exception, “sham cripples.” Such assumptions,

it seemed, justified the severity of ugly law. Rather than simply discounting this obviously inaccurate claim, I take imposter beggars seriously, writing a history of their presence on the streets of major U.S. cities (particularly in New York's Bowery), tracing their specific impact on urban geography, and speculating on their relations to the "real cripples" who also performed unsightly disability as a begging ritual.

Cultural memory of the ugly laws has tended to frame the subject of the ordinances as purely and abstractly disabled: ungendered (that is, male), unraced (that is, white), without nationality (that is, American), and unsexualized (that is, heterosexual, but only in default). But within each city there were many ugly laws, not one. Definitions of and penalties for unsightliness could take different forms for women than men, Italians than African Americans, and so on. The second part of the book, "At the Unsightly Intersection," ranges broadly over and between other identity categories enmeshed with the "diseased, maimed, and deformed," showing how the ordinances emerged within and worked to reinforce unstable and evolving norms of nation, race, sex, and gender. I read the laws in their historical relation to the policing of gender and sexual transgression; to nativism, anti-Semitism, and anti-immigrant legislation; and to state-imposed racial segregation.

In part 3, "The End of the Ugly Laws," I trace resistance to the ordinances both at the moment they emerged and after, unfolding briefly the negligible, almost invisible, record of legal challenges and dwelling at more length on other cultural mechanisms for sidestepping, countering, and dismantling the work of the unsightly beggar ordinances. Focusing on a group of key texts—a 1903 memoir by a disabled performer famous in his time and now all but forgotten; the rehabilitationist "Cleveland Cripple Survey" of 1916; and, finally, life-writing by "unsightly beggars"—chapters 9, 10, and 11 examine why these laws no longer appear on the books and what stopped them. The concentration on life-writing by unsightly subjects in this section is a necessary (and historically grounded) equal and opposite reaction to the creation of unsightly objects in the laws themselves. An ongoing theoretical tension at play throughout my analysis—between disability as a form of (visual) exclusion, on the one hand, and a Foucauldian account of discursive formation on the other—resolves to some extent in the examples here, as Marshall P. Wilder's and Arthur Franklin Fuller's writings suggest new lines of inquiry about (and between) poetics and disability.²⁹

"As long as there is still one beggar," wrote Walter Benjamin, "there still exists myth" (505). Buck-Morss has glossed this line, commenting on

Parisian street-dwellers in the present: “to attribute their permanence . . . to some archetypal weakness (or strength) of character would be to fail to see the permanence of the social order which needs to create a myth about them in order to conceal the reason why, in an affluent and ‘free’ society, such poverty exists” (114). Throughout the book, I emphasize the tight interconnection between disability and begging in the history of ugly law. This is a necessary corrective to the disappearance of the beggar in certain versions of the ordinance, driven by identity politics in contemporary disability culture. But in the conclusion, I set begging aside to engage with other ugly dynamics still very much at work today. We fall into an error of equivalent magnitude to forgetting the beggar if we ignore the history and ongoing intensity of matter-of-fact discrimination against people with appearance impairments. As long as there exists “disfigurement,” there still exists myth. This final section asks why, in an affluent and “free” society, such poverty of imagination regarding disability—tied inevitably to material poverty—still exists.

In a concurring opinion for the *Tennessee v. Lane* Supreme Court case in May 2004, Justice Souter brought the ugly laws into high court record. “Evidence would show,” he sharply noted, “that the judiciary itself has endorsed the basis for some of the very discrimination subject to congressional remedy” by the Americans with Disabilities Act. Souter continued, listing some examples:

Buck v. Bell (1927) was not grudging in sustaining the constitutionality of the once-pervasive practice of involuntarily sterilizing those with mental disabilities. See *id.*, at 207 (“It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. . . . Three generations of imbeciles are enough”). Laws compelling sterilization were often accompanied by others indiscriminately requiring institutionalization, and prohibiting certain individuals with disabilities from marrying, from voting, from attending public schools, and even from appearing in public.

Souter’s final glancing allusion to the unsightly beggar ordinances functions as illustration of extreme form—the extreme form—of American discrimination against disabled persons. Did the ugly laws ever categorically bar all disabled people from appearing in public, as the justice’s admirably reflective and self-critical reference suggests? The answer, I argue,

is no, not simply, but I argue too that the story of the unsightly beggar ordinances nonetheless justifies and underscores the importance of building their memory into the legal record and of acting on that memory as Justice Souter does here. “Like other invidious discrimination,” Souter continued, these laws, through their “lack of regard, . . . did great harm.”

This book is a history of the harm done by—let us allow the phrase some force—lack of regard. It is also a history of counterforms of self-regard. Playwright Mike Ervin opens up that history in his exuberant fantasy of undoing the ugly laws, even as he acknowledges that mass resistance to the ordinances never occurred. Imagining an alternate history in which the 1960s merge with the 1880s, Ervin envisions a scenario in which the arrest of an unsightly beggar sparks “the opposite of a mass boycott,”

with hundreds of the diseased and deformed screwing up the system by going out to engage in commerce. Maybe similar acts of blatant defiance would have sprung up in other cities. Coming up with in-your-face tactics wouldn’t have been hard. Just having gangs of the maimed and mutilated having picnics and chasing butterflies in the park would have been enough to goad the authorities. Would the authorities have dispersed these picnics with attack dogs and fire hoses? How much would it have changed the course of history if they had? One can only dream. (x)

This wry “one can only dream,” written by an activist for spinal-cord-injured readers in 2006, registers a present lack: disability rights still unstable or deferred, a disability movement not sufficiently mobilized, disabled people still not fully included in work, education, and other aspects of society. But Ervin’s playful, openly political rhetoric also registers a desire, both to measure his community’s distance from and to reclaim what it owes to the ad hoc, daily, in-your-face tactics of the historical unsightly beggar. *The Ugly Laws* traces some routes between that past figure and our present, beginning with a man who sold newspapers in Cleveland, a “half-demented” paralyzed Union soldier, and the woman who played “Mollie Darling.”