

GETTING UGLY

This book attempts to weave a rough but strong cloth from these gnarled strands, to give the *feel* of the disability experience. Such a cloth would not have a neat, finished selvedge, but a ragged edge. This is a good image for the way people with disabilities live, at a rough and often raveling interface with the rest of society. . . . People are scared of living on the ragged edge. . . . Ironically, it is people with disabilities who could best make them see the value of life on the ragged edge, life with some physical limitations, even if it were saddled with external barriers and barriers of attitude.

—BARRETT SHAW, *The Ragged Edge* (1994)



We have been brought to the ragged edge of anarchy.

—ATTORNEY GENERAL RICHARD OLNEY,
of the Pullman railroad strike (1894)

THE CHARITABLE UGLY LAWS

The ugly laws, as San Francisco's example shows, predated "charity organization," but Charity Organization Society activities led to a proliferation of unsightly beggar ordinances in the last two decades of the nineteenth century. To a significant extent, it is where the charity organizer meets the tramp that the seeds of the ugly law thrive. It is worth our while, therefore, to focus some attention on COS ideology and practice, before turning to examine some of the particular forms of social unrest that ugly laws both provoked and attempted to quell.

The first model for the American Charity Organization movement was established in London in 1869, though COS organizers looked also to the 1852 “German Plan” of “Herr Von der Heydt of Elberfeld” as an example.¹ Founded first within the United States in Buffalo in 1873, the American COS quickly spread.² Soon charity organization, as Kenneth Kusmer has shown, became a “major social movement” (1973, 658). The COS across the country was devoted to promoting “scientific,” organized charity and eliminating street begging and “chaotic” handouts.

In place of indiscriminate giving, the COS offered a model comparable, as Lubove has argued, “to trustification and amalgamation in business” (6). As COS leader Josephine Shaw Lowell put it,

In a country village, the mountain springs supply the water that is a necessity of life, and from the kind hearts of neighbors flows, also, a living stream of charity . . . but in the city, unhappily, we need reservoirs and pipes, ramifying through all the streets. . . . in like manner even our love to our neighbor must be guided through organized channels. (1884, 131)

Discriminate charity, as the COS envisioned it, would be engineered as carefully as other pipelines being developed in the urban infrastructure.

In general, the Charity Organization Society promulgated the principle that Michael Katz has described: the ideal charity “would coordinate, investigate, and counsel. It would not give material relief” (1986, 78). Short of this ideal, the COS was devoted to determining “a method by which idleness and beggary, now so encouraged, may be suppressed, and worthy, self-respecting poverty be discovered and relieved at the smallest cost to the benevolent” (Watson, 188). In practice, as Kusmer has shown, repeated economic depressions for decades forced COS branches to keep engaging in supposedly temporary emergency relief work less stringent in its guidelines than they would have preferred.³

Organizations grouped under the COS rubric were distinguished by several methods and emphases. They insisted on “the personal touch, the bringing of the comfortable into contact with the wretched, and of the strong with the depressed” (the “friendly visit,” sometimes seen as a direct precursor of professional “social work”): “each poor family,” as Stephen Humphreys Gurteen put it, “shall have a kind *friend* to whom to make known any distress that shall exist and may arise, instead of having to disclose it to an official or to a stranger” (5).⁴ COS leader Charles Henderson saw the institution of friendly visiting as critical for the stability of the U.S. social order:

Such visitors go back from their visits to become students of social science . . . to combat the stupid class prejudices of employers and the rich; to represent the real facts of the home life of working people and the difficulties which keep them down; to champion all that is reasonable and just in the demands of the intelligent leaders of wage earners; and, generally, to knit the bonds of fraternity, sympathy, and justice, without which the nation will become two nations, each arrayed in hostile camps, each threatening the other and endangering the common peace, prosperity, and happiness. (1906, 154)

COS organizers stressed the development of a “positive program” to prevent donations by friends to the befriended and to “change this unnatural and abominable relation between the beggar and his patron” (Divine, 278). They intended to “cure” pauperism. William Frederick Slocum provides an example of the kind of rhetoric of disability and cure employed by COS officials in discussions of the problem of the pauper: “Pauperism is a disease upon the community, a sore upon the body politic, and being a disease, it must be, as far as possible, removed, and the curative purpose must be behind all our thought and effort for the pauper class” (5). Compare the invocation of cure in Charles Henderson’s account of the first COS in London: “Its main object—the cure, as distinguished from the mere alleviation of distress” (1906, 152). In the words of Josephine Shaw Lowell, charity organization was as radical as mastectomy: “Each case is to be radically dealt with. . . . the cause of want and suffering are to be removed even if the process be as painful as plucking out an eye or cutting off a limb” (1884, 94). Here the discourse of “cure,” often the subject of disability studies critique in the arena of the “medical model,” has another level of complex relation to disability history.⁵ Pauperism required an especially firm and unwavering hand to cure it, for it represented the last instance of poverty in its loneliest hour. As Oscar McCulloch wrote in his famous eugenicist “Tribe of Ishmael,” a COS document,

The free-swimming legs and disused organs disappear. So we have the same in the pauper. Self-help disappears. All the organs and powers that belong to the free life disappear, and there are left only the tendency to parasitism and the debasement of the reproductive system. . . . What can we do? First, we must clear up official outdoor relief. Second, we must check private and indiscriminate benevolence. . . . Third, we must get hold of the children. (14–15)

To these ends, COS organizers advocated systematic record-keeping, surveys, and research into every “case.” As semiofficial functionaries in various cities—it is common to find a yearly COS report to the council or mayor inserted into late-nineteenth-century city records—they contributed to the development during this period of new methods of surveillance, which, as Bennett puts it, “precisely through their bureaucratic reduction of individuality to a set of knowable traces . . . rendered the city legible to the gaze of power” (215).⁶ These bureaucratic records might seem like individual microcosms or microaggressions, but they were of course far more than that; they connected the system of surveillance to broader mechanisms of disciplinary power and control.

The projects of COS organizers were various. They often concerned themselves with finding work for the unemployed. They established rural lodges or so-called friendly inns for tramps. They endeavored to sort mendicants into “lazy” or “worthy” categories by means of a “labor test” involving wood-chopping in what were called “provident woodyards.”⁷ And they aimed to unmask impostures of poverty or disability: friendly visitors, Gurtien argued in a standard handbook on their functions, form “a powerful check on imposture” (4).⁸

The last task, fraud detection, was a trademark COS enterprise in the public eye. Other charity efforts differentiated themselves from the COS partly on the basis of their relatively less anxious approach to the question of fraud; as Bogan put it in his 1917 history of Jewish philanthropy in the United States, “It is far better for any philanthropic agency to be duped repeatedly than that one deserving individual should be mistreated” (79).⁹ In Ben Reitman’s account of going around Chicago “in the guise of a poorly dressed tramp” to ask for work, food, and a place to sleep, it is the Catholic Church—“and I’m not a Catholic,” Reitman says—that most openly offers assistance and resists the fraud-check (“Charities”).¹⁰ Early historians of the COS took pains to characterize the equation of their efforts with fraud-proofing as misconception: “exposure of imposters . . . is frequently over-emphasized in describing the purposes of a Charity Organization Society” (Warner, Queen, and Harper, 211). Nevertheless, imposture occupies a significant amount of space in COS public literature.

Along with fraud, COS organizers placed similarly strong public emphasis on the importance of eradicating begging. The COS precursor Chicago Relief and Aid not only mentioned fraud for the first time in its 1881 report to the Chicago City Council, at the moment when the aldermen prepared their ugly law; it also for the first time mentioned begging in explicit terms:

"This society . . . has always discouraged begging, and has frequently cautioned the public against giving any countenance whatever to those whom they may encounter upon the street" (1882, 5). In New Orleans, George W. Cable and his fellow charity organizers defined their task as the "suppression of mendicancy" ("Suppression of Mendicancy," 2). In a typical later example, organizers in Cleveland, decrying "the difficulty of securing the enforcement of the ordinances affecting street trades and street begging," published a photograph of an obviously disabled man with the following caption: "The street beggar offers a never-ending opportunity for indiscriminate giving, so often misplaced and usually detrimental to the character of the recipient" (Associated Charities of Cleveland 1911). Attempts to bring "paupers" back from the brink of the "moral Niagara of beggary"¹¹ were so centrally a part of the COS agenda that in 1895 an "operatic burlesque" staged as a Buffalo, New York, COS fundraiser, written by COS leader Frederick Almy, genially lampooned the group's own position. In the play, Orpheus returns from the dead to Buffalo, and when he says "I beg your pardon," the answer is "Don't beg. The Charity Organization doesn't approve of it" (37).

Begging was foregrounded by the COS for complex reasons explained by advocate Frank Dekker Watson in 1922:

Doubtless a big factor in the attempts of many societies to rid their respective communities of the evil of giving indiscriminately to beggars was the fact that almost every citizen had been visited by the poor that beg, and they felt that it was important to *begin* their propaganda work at this point, since few had ever visited the poor in their homes. The appreciation of this pedagogical principle of beginning with the known probably explains why the suppression of begging received in the propagandist literature of the eighties a longer proportion of space than it received in the work itself. (230)

The hints in this quotation of distinctions, however unstable, between the public rhetoric and the private business of organizing charity, suggest something of the complexity, variety, and ambiguity of COS undertakings as those engaged in them saw them. Of course, these undertakings changed over time. At any given moment they were rife with contradiction.

Within any given city, even at the same historical moment, the politics, motives, and styles of different COS organizers might vary dramatically. Denver provides a good example. Two men, both ministers, Myron W. Reed and Henry Martyn Hart, paved the way through charity organizing

for Denver's ugly law. Both men moved to Denver, a city with an international reputation for its healing climate, as a result of illness. Both had previous COS experience. Reed had Chicago connections (he had studied at Chicago Theological Seminary), and prior to his move to Denver he was an active COS participant in Indianapolis, where his close friend and national COS organizer Oscar McCulloch, author of the eugenics tract "The Tribe of Ishmael," led the organized charity movement (Denton). Hart, the dean of Denver's St. John's Episcopal Cathedral, came from England, where he had organized the Blackheath Mendicity Society in order to, "by terror of the gaol, drive [mendicants] to honest work" and to persuade the public "not to give" (Rainsford, 206; Hart).

Reed saw organized charity as a form of socialism. "Why not here in Denver try socialism?" he wrote. "Boston Common suits me. I prefer it to any individual backyard on earth" (58). In the era of the crisis of the "tramp," Reed viewed the eradication of tramping as part of the challenge to capitalism: "The American tramp came in the same day that the American millionaire was born. One of them will kill the other unless an intelligent society peaceably disposes of both" (13). He argued that "people in distress should receive aid to help them through their misfortunes regardless of their morality" (Denton, 77). Hart took a much harder line, more in keeping with dominant national COS ideology, founding Denver's "Investigation Office" in 1889 for the purpose of ridding Denver entirely of tramps, begging, and handouts. By the time Reed's friend McCullough came from Indiana to Denver for the next annual Colorado COS conference in 1890, a new tone of panicked hyperbole emerged in the third COS report. Calling up for his audience a vision of an "awful army" of "20,000 men, women and children supported by state aid and county institutions" in Indiana, McCullough told them,

You shall see . . . the blind feeling and groping their way, the deaf with that pained attempt to listen, with the mumbling and muttering of the dumb . . . the ghastly company of deranged, defective, deformed, neglected orphans, sorrowful, helpless and despairing, that follow the splendid and prosperous state of Indiana, its car of triumphant progress. These are the facts with which we have to deal. . . . They are here. . . . You do not believe it? Any one of them can infect you with small pox. (74-75, 79)

Reinforced by this kind of rhetoric, Hart's vision held sway and no doubt contributed to the development of Denver's ugly law.

This is, of course, a top-down account of the COS, one focused on its own stories about itself, not a social history from below. A history from below would look very different. Take the question of fraud, for instance. As Ellen Ross points out in her study of the strategies that poor housewives used to manage their relations with charity workers in London at the turn of the twentieth century, these women were as concerned about the hypocrisy and posturing of their COS visitors as those visitors were concerned with detecting duplicity in them.¹² I am interested here in the COS's own narratives because those accounts directly influenced the making of city policy and in particular the development of ugly law.

At the same time, it is crucial to recognize that COS positions never went unchallenged, whether by rival charitable organizations such as faith-based aid groups, by dissident political groups, by beggars themselves, by actors in the criminal and court systems, or by passersby with profoundly mixed feelings. Rosemarie Garland Thomson helps us understand this range of responses when she notes the inevitable, stubborn ambivalence surrounding the broad social category "disabled" in American policy, "a grudging admission of human vulnerability in a world . . . where self-government and individual progress purportedly prevail" (*EB*, 48). "That ambivalence expresses itself," she writes, "as social stigmatization and as rigorous, sometimes exclusionary supervision of people obliged to join the ranks of the 'disabled'" (48). People conscripted into the category "unsightly beggar" no doubt met versions of this kind of ambivalence in their extreme forms. Strikingly, though, ambivalence as Garland Thomson formulates it in this instance is extremely one-sided, perhaps less an ambivalence than a valence. Its modes are purely linear and negative: stigmatization, exclusion. The history of unsightly beggarhood is better understood as a history of the kind of ambivalence that Homi Bhabha conceptualizes in the context of postcolonial studies—a story not of unilateral domination but of uncertainty, hybridity, and ongoing conflict and negotiation.¹³

DEFORMANCES

Before turning, in the final section of this chapter, to one surprising story of exactly how and why COS leaders pressed city leaders to enact an ugly law, I want to pause and consider some of the broader implications for disabled people of this kind of charity organized on this set of terms. It will be important in what follows neither to overestimate the power of the COS movement (itself, of course, as much effect as cause of broader social

changes) nor to underestimate the extent to which individual upper- and middle-class men and women involved in it in various times in various cities *meant well*. I want here to accord that phrase the gravity of the genuine, to try to clear away for a moment its usual layers of condescension toward the condescending: *meant well*, sought a solution to what they rightly identified as social ills.¹⁴ But I also want to claim the gap that the conventional phrase “*meant well*” opens between *meaning* and *doing*. This gap between what is meant and what is done often shows up anxiously in the strains of COS literature. Disability activists have long pointed out that much harm to disabled people occurs precisely in (and through) the domain of the well-meaning, or what we might call the banality of good.¹⁵

At minimum, well-meaning charity exacted its price of “gratitude and deference,” reinforcing the asymmetrical relation between classes and between those “normal” and “defective.”¹⁶ If COS organizers, like the Hull-House leaders whom Shannon Jackson has analyzed, performed what Jackson (2000) calls “reformance,” they also engaged in what we might call “deformance”: dramaturgies of impairment adjustment involving the carefully orchestrated and paternalistic public exposure of the “diseased, maimed, mutilated and in any way deformed”—that is, always about to be reformed.¹⁷ I am echoing Jackson’s discussion of “dramaturgies of immigrant adjustment” (227). My negative treatment of deformance here runs counter to the innovative spirit of Jackson’s model of “reformance,” which covers a far subtler and more supple range of dynamics, some successful, some failed, all complex and ambiguous, as Hull-House denizens sought to model and enact “cross-class sociability.” This nuanced model holds true as well for analyzing what might be called cross-ability sociability, but what I wish to emphasize here is conveyed by the difference in the coined words “reformance” and “deformance”: deformance is the gift that keeps on giving deformity, perpetuating the model of the deformed object as a permanent other, even as he or she is to be continually subject to reform.

Under the jurisdiction of deformers, a disfigured body might well in fact be out in public, even as a central object, but only as an adjunct to someone else’s subject; a diseased body might be a spectacle, but only under someone else’s orchestration; a maimed body might be an explicit body, but someone else had to write its meaning upon it; and, most importantly, the unsightly body in deformance would invite only certain kinds of audience response, the gestures of what Jacques Donzalet calls “mandatory tutelage” and David Wagner calls “repressive benevolence.”¹⁸ The “unsightly” could not beg for food, though they could beg for a cure. The context had

to be ameliorative and charitable, the goal one of disciplinary uplift (usually understood as moral or medical—or, later, rehabilitative—and, in a carefully controlled way, individual). At every point deformance reinforced the asymmetrical social relation between displayer and displayed, usually between classes, and between the nondisabled and the disabled.¹⁹ Deformance posed itself as the giving of a gift (the gift, say, of advances in public health or better understanding of city life), but as Stedman Jones noted in his discussion of charity—“the separation of classes had produced the deformation of the gift”—what was “deformed” was not only the subject of the show but the process of the offering (251–253; see also Katz 1990, 240).

Jackson’s notion of reformance emphasizes its everyday complexity, “messy and paradoxical,” interactive, contextual, unfinalized, reciprocal, and continually contested (5, 8–18). Deformance, too, was an unstable mode, subject to unsettling in the course of interactions between charity or social workers and people who kept being more than unsightly “cases.” Written records of these encounters, however, have a way of stabilizing deformity. Here is a sample from a Cleveland-based Associated Charities brochure:

Somewhat unique was the case of a colored dwarf. She voluntarily gave up a questionable life and her position as snake charmer in an animal show, and came to us for refuge and honest work. She needed suitable employment and a wise friend, both of which we were able to supply. (*Sixth Annual Report*, 15–16)

The “colored” and colorful snake-charming dwarf might present a “somewhat unique” case, but the case history encapsulating her tale takes entirely drab and predictable form. Deformance stories always conclude by focusing attention where it properly belongs in these texts: on the good social worker, the wise and superior friend, whose recognition is at stake and whose embrace supersedes all other social relations.²⁰

EUGENIC CHARITY

But worse harms than these stories of deformance could conduct themselves through the conduit of the well-meant. At times in COS writing—at exactly those times when it becomes most openly rhetorical (most urgently tuned to persuade, most bent on signaling its own good intentions)—the potential for these harms, and the ambivalence of the COS venture, shows up especially clearly. Consider, for instance, two classic exemplars of COS

rhetoric, Warner, Queen, and Harper's *American Charities and Social Work* (1894) and Charles Henderson's *Introduction to the Study of the Dependent, Defective and Delinquent Classes and of Their Social Treatment* (1906), both written as summaries of a movement in place for decades at the time of their composition.

Where dramaturgies of adjustment failed, fantasies of eradication proceeded. A significant portion of Warner et al.'s volume devotes itself to questions of charity's relation to what we would now call eugenics. Here we can see with clarity the contradictions of the COS project. Vigorously opposed not so much to Social Darwinism per se as to Social Darwinism in its most ruthless forms, *American Charities* argues for a kinder, more reasoned cultural response—one disciplined by theology, decency, and learning—to the problem of the decline of the race.

Thus, for instance, Warner et al. advocate a hands-off approach to "the intermarriage of deaf-mutes or other defectives" on the grounds that they "will not result in the formation of a deaf variety of the human race, but rather in the extinction of the degenerate stock" (66). A section entitled "Charity as a Factor in Human Selection" counters the claim that charity promotes the survival of the unfit with a counterclaim that the "children of misfortune can be rescued from distress, without enabling the children of degradation to 'be fruitful and multiply'" (86). Acknowledging the appeal of euthanasia for the "gasping, pain-racked" bodies of "the most misshapen physically and morally" where "cure was out of the question," Warner et al. argue finally against it on these grounds: "By assuming the burden of protection we give bonds to our final interest in prevention." "Some talk," they continue, extending the discussion from illness and disability to poverty more generally, "as though extermination would be a remedy for pauperism. Possibly, but it would be a costly remedy biologically; and if we allow our instincts to compel us to forgo the use of it, we shall eventually find something better" (86–88). Later in the volume, Isaac Kerlin is quoted: "The temptation for their extinction rises to the lips of the careless, forgetful how far such a practice would be from all moral or judicial right, how revolting to every religious sentiment, and contradictory to every logical principle" (162).²¹

The lips of the careful provide cold comfort in *American Charities*. Warner et al. worry over whether, since badly administered charity increases death rates, well-administered charity might dilute the vigor of racial stock. As New York COS founder Josephine Shaw Lowell put it after returning from a national Conference on Charities in 1871 at which Richard Dugdale

delivered his influential findings on “Hereditary Pauperism as Illustrated by the Jukes Family,” “Better leave people to the hard working of natural laws than to run the risk of interfering with those laws in a mischievous manner” (Waugh, 116). In the end, however, the book argues emphatically with the force of a religious injunction, “charity may not cease to shield the children of misfortune.” Still: “Certain it is, that . . . [charity] must, to an ever-increasing extent, reckon with the laws of heredity, and do what it can to check the spreading curse of race degeneration” (89).

Many of Warner et al.’s points are echoed twelve years later by Charles Henderson, who was a professor of sociology at the University of Chicago and the leader of the Chicago equivalent of a COS.²² Henderson’s emphasis on disability as cause and concern for charity organization is marked in his *Introduction to the Study of the Dependent, Defective and Delinquent Classes*; an entire section of the book is devoted to chapters on “Education and Care of the Blind and of Deaf Mutes,” “Education and Custody of the Feeble-Minded,” “Social Treatment of the Insane,” and “Further Specialization of Institutions for Defectives.” On the question of charity and eugenics in this context, Henderson takes up Warner et al.’s conflicted refrain:

It is true that in some institutions, as in crowded infant asylums, charity has found a way of effectually exterminating imperfect and illegitimate children. Hospitals founded with pious intent, but managed by the incompetent, become plague-smitten, and increase mortality. But such results are not sought, the sincere purpose of philanthropy being to prolong the individual life. These illustrations do not prove that charity is necessarily cruel, but that in effect it may be. (21–22)

Like Warner et al., but with particular vehemence, Henderson makes the case against indiscriminate charity. His figures for the harm of almsgiving multiply, often dominated by images of sightlessness. “He who gives blindly, ignorantly, and thoughtlessly is as culpable as one who fires a gun into a crowd” (139), he writes at one point, and at another, “Giving without knowledge is, in its effects, like administering powerful medicines in the dark” (89).

For Henderson, the knowledge that must inform giving included, among many other things, understanding of “The Standard of Normal Man.” In a remarkable passage, he acknowledges that “our image of the normal man may not be exact” but calls on intellectuals and reformers to exert “much thought and care to make it as distinct as science will permit.” If charity

organization required a founding standard of the normal, that template was at once intuitively obvious—"very marked irregularities or deformities are noticed even by children"—and strenuously arcane. Only by study could one discern and uphold the normate.

Normate is Rosemarie Garland Thomson's generative term, one that has become a central concept for contemporary disability studies: "The term normate usefully designates the social figure through which people can represent themselves as definitive human beings. Normate, then, is the constructed identity of those who, by way of the bodily configurations and cultural capital they assume, can step into a position of authority and wield the power it grants them" (*EB*, 8).²³ Henderson seeks that social figure in canonical art: "In the figures of Greek sculpture and of great paintings of the best schools we may discover the forms which the culture races of Europe regard as most perfect. . . . these classic models are a fairly reliable standard of comparison." But only "fairly reliable," for even the classical normate—the normate *as* classic—slides into baroque, marred by deviance, excrescence, *deformity*: even in these ideal models "artificial deformities, for particular reasons, are only too common, owing to irrational and conventional standards of taste." The representational certainty of the normal (here equated with the ideal)—"it is certain that ideal forms may be presented in art with an approximation to truth"—can only be attained by "making all necessary allowance for these exceptional departures from type" (216). Here again, in the form of a discussion of aesthetics, we can identify the ambivalences of charity organization. "Deformities" are at once "exceptional departures from type" and "only too common"; the "normal standard" thrives as type, but "conventional standards" threaten it.

At the level of the social politic, Henderson's guarantee of the "standard of normal man" over and against the "irrational" and "common" depended on eugenics. In his final arguments, "common" shifts its meaning from "vulgar" to "public and mutual": "we must resist, by all available means, the deterioration of the common stock, the corruption of blood, the curses of heredity. It must be included in our plan that more children will be born with large brains, sound nerves, good digestive organs, and love of independent struggle. We wish the parasitic strain, the neuropathic taint, the consumptive tendency, the foul disease, to die out" (340). The biggest obstacle to this plan, in Henderson's COS terms, was "the great, awkward, sentimental, unthinking Public, which never seems to learn, bribing and hiring the youth to become a tramp by means of its unsystematic, impulsive, unreflecting doles of alms and broken victuals and old clothes at the door" (86).

It is important to pause at this last quotation and dwell on the difference between COS and other responses to begging and disability. Henderson's frustration with the "great . . . unthinking Public" demonstrates a slippage: the inability of COS reformers to control people's responses to human difference; the resilience of discourses of need and freely given charity in a context of social and economic inequality. Across the country in the 1880s and 1890s, Henderson's COS predecessors attempted to stamp out the tramp by stamping out the unreflecting dole, and repeatedly they failed to achieve their ends. Ugly law emerged at the epicenter of the storm around giving and tramping.

TRAMPS, BEGGARS, AND UGLY CROWDS

The fear of the unsightly beggar emerged simultaneously with the fear of the tramp.²⁴ The COS played an active part in the making and the managing of both cultural panics. The tramp problem and its various "organized" solutions were particularly high on COS agendas. "The question of how to deal with the tramp is said to be of special urgency in every locality in the United States with which I am at all acquainted," wrote Warner et al. (114). The tramp "has become an institution, and appears to think that he has an inalienable right to life, liberty, and the pursuit of vagabondage" (122). Citing an 1879 Connecticut law mandating an automatic year of prison for vagrancy, Warner et al. cautioned,

Latterly, however, there have been no convictions under this law. . . . It gives a very good illustration of what repressive legislation can and cannot accomplish in this matter. The method, if rigidly applied, may cause tramps to disappear for a time; but there is always a doubt in the minds of the community as to whether or not many cases of honest destitution are not dealt with too harshly. Such stringent laws are apt to become dead letters. (116)

The "doubt in the minds of the community" and the question of the law as "dead letter" bring us back to the ugly laws. In at least one case, the COS's frustrated dealings with "doubts in the minds of the community" in the context of tramp fear led directly to its promotion of an unsightly beggar ordinance—one dead letter answered by another. The story of COS efforts to establish the letter of an ugly law in New York City illustrates broader, if

more implicit, dynamics at play in the enactment of unsightly beggar ordinances across the country.

For several decades, despite the qualms articulated by Warner et al., COS strategists regularly encouraged municipal experiments with stringent general antivagrancy and antibegging legislation. Many COS efforts concentrated on the municipal level. With the prodding of COS, several cities established special forces of plainclothes vagrancy police backed by harsh begging penalties. Boston did so in 1897, Philadelphia as early as 1855, and New York City at various intervals, including in the early 1890s, in 1901, in 1914, and in 1921.²⁵

Sometimes these plainclothes operatives were designated police officers. At other moments cities experimented with specially appointing COS citizens as lay-police to go among the crowds detecting and arresting beggars.²⁶ Either way, the COS stayed closely involved in the effort both to eradicate mendicancy and to bring all vagrants under total scrutiny. A special order sent out by New York police chief Peter Conlin to the captains of his precincts in 1897 on the “imperative necessity of taking effective measures to suppress the professional beggars and vagrants” lays out very clearly the privileged role of COS:

You must instruct your detectives and officers assigned to duty in citizens [*sic*] clothes to be on the look out. . . . In this connection you must work in co-operation with the officers of the Charity Organization Society. They have special knowledge of this class and their schemes. . . . their officers may look the prisoners over, to the end that if he [*sic*] is known to them the Judges before whom he will be taken may get his full pedigree and be in a position to deal with him as he deserves. (“Special Order #2639”)²⁷

In Boston, first offenders were warned once they were caught and written up by plainclothes detectives; habitual offenders were arrested, registered with the Associated Charities, referred to various social services, and finally jailed for two to six months or for up to two years in the State Farm system. Denver, where antibegging policies were said to be “severe,” listed thousands of arrests in one year alone, 1902 (Marsh, 414). In New York, during the first fifteen months in which the Mendicancy Squad was in force in 1890, “all beggars caught”—18,603 people—“were sent for six months to the workhouse” (Watson). In a speech to the Chicago City Club in 1910, Charles Henderson “expressed the opinion that the New York Society had

grappled with the problem of vagrancy as no other organization in the country had done" (149).

But New York City's attempt to counter the growing influx of "tramps" was not as successful as Henderson's account suggests—as the repeated, spasmodic reestablishments of New York mendicancy squads makes clear. Paul Ringenbach writes that in 1890, during the COS's attempt that year at establishing an antimendicancy police squad, "the officers stopped arresting beggars except in cases of fraud, because *ugly crowds* collected and generally supported the beggar suspect against the officer" (54; italics mine). In 1901, as two COS leaders planned a meeting with the New York chief of police on how to eradicate begging, they strategized about this problem:

I doubt very much the expediency of making a big outcry over the operations of the blind and crippled. The unthinking public are inclined to regard that as persecution. . . . the result in times past has been to encourage the beggars and to make the police officials feel the public is not with us. (Merrill, letter to Devine)

As late as 1921, when the New York police tried yet again to enforce anti-begging ordinances with plainclothes officers, a similar dynamic emerged. A *New York Times* article that year offers the perspective of the detectives in the "Mendicant Squad" about the special difficulties involved in arresting the crippled beggar: "They find that the chief impediment to a general elimination of public begging is the sympathy of the public. Frequently when the detectives attempt to make an arrest . . . a sympathetic audience soon gathers. Frequently members of the Mendicant Squad have been threatened by such crowds who invariably side with the prisoner" ("Flock of Crippled Beggars").

The problem of the ugly crowd was not confined to begging arrests. In Chicago, Thale notes, people under arrest "often had to be pushed, dragged, even carried by wheelbarrow to the station house, sometimes while their friends attempted to 'rescue' them." Even after the patrol wagon was introduced, in the same year as the first ugly law, "much violence remained" (626). (It may be, in fact, that the existence of the patrol wagon enabled the bringing into being of Chicago's ugly law; it is physically harder, as well as socially more awkward, to push and drag paralyzed or blind people to the station than to transport them in an enclosed vehicle.) A sympathetic and resistant audience might gather around the scene of any arrest, but it is

clear from these accounts that both cops and crowds responded with particular unease when police arrested disabled beggars.

One might think that the ugly laws would have simply exacerbated these problems, provoking even more scenes between bystanders and police. But in fact there is evidence, paradoxically, of the exact reverse—at least in the minds of some framers of the unsightly beggar ordinances. Ugly laws developed in part, in the context of the late-nineteenth-century “tramp scare,” as a peculiar attempt to *prevent* public resistance to arrests of and public alliance with all beggars. This counterintuitive situation is illustrated in the surprising history of New York City’s flirtation with ugly law.

In 1895, in an attempt to get around the problem of the ugly crowd and to back up the police in New York, the COS attempted to get enacted what Ringebach calls an “antifreak bill,” modeled after a law passed by the Pennsylvania legislature (54). COS leader Edward Devine wrote to Mayor William L. Strong regarding the problem of vagrants whose “deformities are exposed to the public gaze simply to excite sympathy, and as a means of begging”:

The evil has excited so much attention in Philadelphia, and especially among the medical profession, that at the last session of the Pennsylvania legislature a law was enacted forbidding such exposures in places of public resort upon the grounds of public health and public morals. The same reasons . . . apply equally to New York.²⁸

The Pennsylvania law to which Devine refers was probably not the one that had been most recently passed by the Pennsylvania legislature (Act 208, in 1895, which specifically prohibited what we would now call freak shows) but the one passed by Pennsylvania’s House of Representatives in 1891 (Act 276), a copy of which rests in the COS archives where this letter to the mayor can be found. Though Act 276 collapses freak show and street begging into one forbidden category, it has all the hallmarks of ugly law:

an act. To prohibit the exhibition of physical and mental deformities. Be it enacted that whoever shall exhibit any physical deformity to which he or she shall be subject or which is produced by artificial means for hire or for the purpose of soliciting alms shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars or suffer imprisonment not exceeding six months.

The New York COS proposed an even more extreme amendment of the Pennsylvania language in its own draft of a law designed to reduce the friction encountered by antimendicancy forces, producing the most elaborate version of an ugly ordinance I have encountered, with a proposed fine of a thousand dollars for offenders:

Be it enacted, &c, That on and after the passage of this act it shall be unlawful for any person, whose body is deformed, mutilated, imperfect or has been reduced by amputations, or who is idiotic or imbecile, to exhibit him or herself in any public hall, museum, theatre or any public building, tent, booth or public place for a pecuniary consideration or reward, or to solicit or receive charitable relief, or to go from house to house or to stand or display themselves upon any public street or place to solicit or receive alms. ("Crude Suggested Draft by CDK")

It is perhaps not surprising that in New York City an idea of the law would stretch so far that it included as its target anyone whose body was "imperfect." Kellogg's extreme version of the ordinance was never enacted despite COS efforts.

But this fragment in New York's COS archives, titled "Crude Suggested Draft by CDK [Charles D. Kellogg]," holds a partial key to the proliferation of enacted ugly law. Forwarding the draft to the mayor, Devine emphasized that a law such as the one Kellogg proposed would *aid*, not hinder, police arrests of all beggars. It would shut up, not rile up, people on the street. Clearly, if angry crowds intervening to prevent the arrest of beggars are supposed to be contained by the enactment of an ugly ordinance, the law directs itself implicitly at all begging *through the vehicle of disabled beggars*.²⁹ "Nondisabled beggars could be ignored as shiftless vagrants or hurried from the street," writes Brad Byrom. "Disabled beggars could not be so easily disregarded. . . . Exempting cripples from bans on begging is a tradition that existed in the earliest civilizations" (2004, 4). It is particularly in alliance with disabled beggars that other people get *ugly*. The object of control is not only the abject body with cup in hand and deformities exposed to view; it is also the militant body of the forming crowd.

In this way we may come to see the ugly law on a continuum with other means of suppressing labor organizing and social unrest, and to see that the psychoanalytic or psychological frameworks (explicit and implicit) commonly brought to bear on the ordinance are inadequate unless we supplement them with a materialist analysis.³⁰ In a sense, I am arguing, as Brad

Byrom has helped me understand, that the display of a limb, or a marker of blindness, while begging was (or was sometimes or could be) not only a direct means of subsistence but also a circumspect and informal means of political struggle. When “writing of the historical experiences of disabled Americans,” Byrom writes, “scholars have focused on the public invisibility of the disabled person.” And yet, he points out, the very public gestures of unsightly beggars paved the way for social transformation:

The public presence of cripples along with the graphic and brazen act of displaying disfigurement . . . encouraged change in social policy and cultural beliefs. So long as the physically disabled suffered quietly in a state of dependency their plight went relatively unnoticed. . . . after 1890, as the number of beggars reached a critical mass and begging practices became more aggressive, change began to occur. . . . the more readily apparent presence of crippled beggars . . . led reformers to create the dozens of hospitals, schools, and rehabilitation facilities . . . that comprise the most lasting monuments to the rehabilitation movement. . . . By claiming public space on the sidewalks of urban centers, destitute cripples had made an effective political statement. (2004, 5, 28–29)

Rarely, before Byrom, has the cripple’s begging—or the bystander’s attempt to stop the police from stopping it—been granted a politics. The small scene around the beggar as a crowd gathered to join in objecting to his or her arrest was the kind of disguised, low-profile noncompliance that James C. Scott has called an “infrapolitics”: “infra” because, like infrared rays, it is “beyond the visible end of the spectrum,” and “infra” as in “infrastructure,” a “cultural and structural underpinning of . . . more visible political action.” “Infrapolitics,” writes Scott, “is always pressing, testing, probing the boundaries of the permissible. Any relaxation in surveillance and punishment, and footdragging—or, we might say, insistence on begging or street trading—“threatens to become a declared strike” (1990, 201).³¹ Hence the surveillance and punishment of ugly law.

The infrapolitics of disability are everywhere in history, once you begin looking for them.³² But they are rarely noticed; when disabled people “foot-drag,” it is often supposed to be a natural fact, not a dilatory tactic. A full account of them would take volumes. What I wish to emphasize here is their connection in this case to other infrapolitics (as well as other more visible and organized political actions), the infrapolitics of poverty and homelessness, for instance. Byrom’s point is that beggars acted in some sense as

political agents, paving the way for the development of rehabilitation programs. I would add that gestures on the part of momentary allies, of those who gathered to object to the arrest of a given disabled beggar, also functioned as (relatively) silent partners of the louder forms or broader gesticulations apparent in the strike or mass march—in a sense, that we can spot here a brewing infrapolitics of pity.

I am aware of the dangers of valuing a politics of pity; after all, “no pity” has been the crucial rallying cry of the disability rights movement, and a disability studies not committed to repudiating “pity” risks replicating the sentimental oppressiveness of the slogan of the Charity Organization Societies, “not alms but a friend.” Moreover, it is important to note that any infrapolitics of pity that clustered around the arrests of disabled people for begging may have resulted in the terrible backlash that *was* ugly law. It is also the case that we cannot ascribe pity as the sole motivation for these moments. Perhaps these spontaneous waves of unrest stemmed from something more like “solidarity,” or from any number of other possible responses. Often the show of support would have been for someone who belonged in the neighborhood, a familiar member of the community, known to other beggars, peddlers, paper boys, shoe shiners, rag pickers, stand operators, and everyday passersby who might come to aid. We have little historical evidence on which to base any claim about motives—or for that matter any assessment of who (nondisabled or disabled, middle class or poor, male or female) was in these “ugly crowds.”

In addition, in a key way, these struggles were staged by the beggar. They could not occur, to begin with, without the prior action of the disabled person who begged. Thinking of the beggar, not the intervening sympathizer, as the primary agent on the ugly law’s street corner changes how we interpret the reactions of the crowd: pity becomes something that can be strategically manipulated, produced by the disabled person for his or her material ends. This is, of course, exactly what antibegging ordinances sought to stop. Note the emphasis in the account by New York’s 1921 police Mendicant Squad on this aspect of the stage management of the scene of the protected beggar: “frequently when the detectives attempt to make an arrest, the panhandler, exaggerating his affliction, if he has one, or faking one if he has not, will berate the officer in the presence of impressionable spectators, . . . crowds who invariably side with the prisoner.” It is the panhandler, both as performer and as director, who orchestrates the drama on the curb.³³

These scenes when “ugly crowds” attempted to prevent arrest of disabled beggars became small theaters of collaborative infrapolitical struggle,

exposing what Deborah Stone, in her classic work on disability policy, called the “distributive dilemma”: the thorny problem of the balance between two distributive systems, one based on work and one on need, a dilemma that the welfare category of “disability” has evolved in order to resolve (15).³⁴ I am arguing for reading unsightly begging ordinances as attempts to cover and alleviate the economic contradictions between these two distributive systems in the United States. I am also arguing for understanding the “ugly crowds” around the arrests of crippled beggar as effects that uncovered and exposed those contradictions as surely as the exposure of any “diseased, maimed, deformed, disfigured” portion or person. I am arguing, in short, that in order to understand the ugly laws we need to think about poverty and class, labor unrest and capitalism.

After all, the injuries of ugly law—both those it recognizes and those that it inflicts—are capitalist deformities. Sometimes we can discern capitalist pressure on, in, and around the laws with a relatively immediate clarity. For instance, Alderman Peevey’s original proposal to the Chicago City Council made a point of indicting “beggars . . . and other unsightly objects” as “an offense to business houses along the streets,” presumably because business owners feared dips in profits (Bailey and Evans, 65). Similarly, when an editorial in a 1901 Brooklyn paper opined that “there are special reasons why deformities and monstrosities should be kept out of shopping districts,” the reasons had to do with sales (“Undesirable Immigrants”).

Other connections to the broader economic context of American capitalism are also apparent. Manufacturers marketed prosthetics to amputees, as Edward Slavishak has shown, precisely by pitching artificial limbs as tools for concealing the “unsightly and improper” injured body targeted by the ordinances. An 1881 *New York Times* article describes freak-show performers subject to an informal ugly law that keeps them off the streets for fear of eating into their theatrical profits by becoming “too familiar to the people” (“All Protests against Beggars”; Slavishak; “Dwarfs and Giants”). In a sense, ugly law forbids a form of commodity fetishism practiced by disabled people who lost or never had access to the means of production and could only commodify what they had—a withered hand, a sore, a missing limb.³⁵

But the connections between ugly laws and capitalism are deeper than these and also more structural. What put unsightly beggars on the streets in numbers to begin with? Though begging, work-related injury, and stark disability oppression predate the advent of capitalist economies, certainly industrial capitalism inflicted impairments on workers at a fiercely escalated

pace. The market society meant, Marta Russell writes, “that disabled people who were perceived to be of no use to the competitive profit cycle would be excluded from work” (59).³⁶ At the same time, the category “sturdy,” with its connotations of stoop work and of thing-ness (sturdy back, sturdy table), placed the “sightly” subject in direct relation to potential exploitation of labor. In “ugly crowd” encounters, people on U.S. city streets responded to these pressures on the spot.

The contradictions in these scenes sometimes seem practically intolerable. It is one of the ironies of the history of the ugly that the very city council that had crafted Chicago’s ugly ordinance, five years later, at the height of Chicago’s increasingly violent “class war” and in the immediate wake of the Haymarket Riot on May 4, 1886, issued another resolution on behalf of the very police who had been supposed to enforce that ordinance, as follows:

RESOLUTION TO PROVIDE FOR DISABLED POLICEMEN
Whereas in the defense of peace and good order. Several members of the Police force have met with Death and a large number have received grievous [*sic*] wounds. Which may render them incapable of supporting themselves and their families, and

Whereas it is one of the highest duties of Nations and Municipalities to reward and take care of those who so suffer in the support of the public welfare, and Whereas the Charter of our City does not permit of making appropriations either for rewards or for giving pensions.

Therefore, Resolved that the City Council of the City of Chicago hereby requests the Mayor and advise all future mayors to employ all officers of the Police Department. Who were on the 4th day of May 1886 so maimed, as to render them incapable of performing police duty. In such positions. As they can fill. And that we pledge ourselves and all future councils as far as we can. to appropriate for the pay of those so employed a sufficient sum to make the annual pay equal to that of able bodied Policemen. (Bailey and Evans, 79)

It might therefore have been theoretically possible for a maimed (but in the terms of his day reasonably accommodated) policeman, a veteran of the Haymarket Riot, to process the arrest of a diseased, mutilated, or deformed citizen for begging while maimed in public.³⁷ We can begin to see, in the pressures of this document, the social vectors that moved by the close of World War I toward more organized safety-net systems of compensation and rehabilitation. But the forces at work in this resolution are part of the

same struggle reenacted at five-year intervals by the city council, a struggle to patrol and discipline the streets and suppress spontaneous unrest.

The point here is not to allow “labor” or “poverty” or “economic justice” issues to overtake or obscure “disability” issues. The point is to recognize that it is precisely at this arresting intersection that the subject of the ugly law stands. Perhaps even a better metaphor than the familiar “intersection,” however neatly appropriate to the city street, is Diana Courvant’s figure of confluence, as in the confluence of two rivers: different currents but not entirely different matter or substance.³⁸

My point is this: some COS reformers insisted that without ugly law in place, the so-called undeserving poor might mobilize more easily around and with the so-called deserving poor. As I have already noted, that insistence does not make much sense; ugly law might just as well produce ugly crowds as prevent them. But to Charles Kellogg and his fellow New York City charity organizers as they promoted his “crude suggested draft” of an unsightly beggar ordinance, the crisis was real and the plan logical. All spontaneous outcries on behalf of the “crippled beggar” had to be stopped. “Indiscriminate giving” might lead not just to chronic pauperhood but to dissent by “sturdy” and “unsturdy” beggars alike, escalating demand and unrest, direct action, political mobilization. Against this possibility, ugly law had to crack down. The cultural response to tramps and paupers, writes Michael Katz, “reflected a collective hysteria, a fear that swept through the respectable classes” beginning in the 1870s.

The source was the spectacle of working class organizing, gathering itself for massive protest and what many feared would be a massive assault upon American social institutions. Antitramp legislation, the abolition of outdoor relief and related policies . . . all were attempts to weaken collective action, to reassert class control. (1983, 179–181)

Ugly law was one of those “related policies.”³⁹

The category of unsightly beggar was designed to trouble the boundaries between the deserving and the undeserving in ways aimed at shoring up the dominant social, not simply the public, order. Unsightly beggars were, in a sense, legally “not/sturdy,” occupying both the position of the *unsturdy* (rickety, flimsy, frangible) and the *bad* sturdy (false, lazy, purposefully shoddy). But the transgressive instability of the “not/sturdy” social grouping was not easily quelled. Not/sturdiness continually unsettled models of social welfare and city beautification. The ugly crowds that clustered

around unsightly beggars were also small challenging knots and hubs of not/sturdiness.

Ian Hacking argues, in his model of the “ecological niche” for transient illness, that a niche requires a vector of “cultural polarity: the illness should be situated between two elements of contemporary culture, one romantic and virtuous, the other vicious and tending to crime” (2). If the ugly law, as a kind of transient symptom, has a niche in Hacking’s terms, then what cultural polarity allows it to flourish? On the side of virtue: the romance of safe, planned public space, with all its bodies—the genteel pedestrian free of disgust, the sequestered cripple—properly organized.⁴⁰ On the side of vice and crime: rabble rousing. The law discountenanced not only publicly being ugly but the public getting ugly.