

## DISEASED, MAIMED, MUTILATED: CATEGORIZATIONS OF DISABILITY AND AN UGLY LAW IN LATE NINETEENTH-CENTURY CHICAGO

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In October of 1973, aldermen Paul Wigoda and Marilou Hedlund called on the City Council of the City of Chicago to repeal an ordinance that they deemed “cruel and insensitive,” “barbaric,” and so discriminatory that it was “a throwback to the dark ages.” The *Chicago Tribune* likewise called it an “affront to everyone.” The ordinance in question dated back to 1881 and read:

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 or herself to public view under penalty of one dollar for each offense. 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 committed to the county poor house.

Known to historians and disability scholars as the ugly law, a name that captures both the “unsightly” people the law intended to address and the nastiness of the law itself, this ordinance made it illegal for people with physical disabilities to appear in public in the city of Chicago for nearly a century. It was not the first such law in the nation (San Francisco had one as early as 1867), but it remains the most notorious and is often cited as the most egregious example of discrimination against people with physical disabilities in the United States. Chicago’s ugly law offers a window into the imaginings of disability in the late nineteenth century—one that is far more complex than the wording of the law suggests. It is my goal in this paper to reconstruct the categorizations of disability as lawmakers understood them and to demonstrate the prominent public life of the many people with disabilities whose bodies were officially barred from public view by the language of the ugly law.<sup>1</sup>

When studying disability history, it is important to understand that “disability” does not refer to a static category of people with medical pathologies but instead is culturally defined and therefore subject to change over time. In their book, *Understanding Disability*, Paul Jaeger and Cynthia Bowman offer a two-part definition of disability: “1) Having an ongoing physical or mental condition that society deems unusual, and 2) facing discrimination and exclusion as a result of having [this] condition.” Unusual bodies can create what disability scholar Tom Shakespeare dubs a “predicament,” such as chronic pain, that some people live

with on a daily basis, and this embodied experience should not be ignored. Yet societal factors—architecture, the clinical gaze of doctors, proscriptions of charity reformers, and legal edicts like the ugly laws—create the concept of disability by imposing categories of deviance on unusual bodies thereby creating hierarchies between strictly defined “able” or “normal” bodies and the bodies of disabled individuals.<sup>2</sup>

Because understandings of disability change over time, it can be difficult to find appropriate language to make nineteenth-century categories of disability intelligible to twenty-first-century readers. The modern term physically disabled, for example, does not have a nineteenth-century equivalent because physical disability was not a solidified category in that period. Rather than grouping all people with similar impairments together, Chicagoans in the 1870s and 1880s cast them in a variety of social roles each holding different rankings on the community hierarchy. Little solidarity existed between these groups of people, and the language used to describe them frequently varied depending on the characterization of individuals. For the purposes of this paper, I have used the historical terminology as applicable, but I have also chosen to use the modern term “physically disabled” as an umbrella category meant to encompass all of these groups.

The disparity between our modern notion of physical disability as a solidified category and the inchoate nature of physical disability in the late nineteenth century is crucial to making sense of Chicago’s ugly law. As disability scholar Susan Schweik argues in *The Ugly Laws: Disability in Public*, these laws embodied an effort to manage street begging by targeting the beggars whom the public found most offensive to the senses—those with disabilities. The story of the ugly law is therefore as much about class as it is about disability. Schweik’s excellent inquiry into the passage of ugly laws throughout the United States and her analysis of early twentieth-century life writings by unsightly beggars demonstrates how powerfully ugly laws enacted over time and across space meshed with ideas about class, gender, and ethnicity in an attempt to “control the economics of the underclass.” Yet despite their restrictive nature, she argues, the laws also allowed for the agency of disabled people living under difficult economic circumstances who banded together to resist arrest and wrote their own narrative accounts of their experiences.<sup>3</sup>

Chicago’s ugly law says nothing at all about crippled beggars, however, and instead bars any “diseased, maimed, mutilated” person from the streets. Despite this broad generalization, multiple sources indicate that the public expected many groups of disabled people to occupy public space, therefore they cannot be the intended objects of the ugly law. Studying the specific time and place of Chicago in the 1870s and 1880s when the most notorious ugly law passed reveals how varied the experiences of disability were for different groups of disabled people. As Schweik hints at, but never fully explores, public attitude towards disability was largely contingent upon the social standing of the individual person with the disability. Disabled people could be, for example, venerated Civil War veterans, revolting and duplicitous beggars, wondrous freak show performers, foolhardy victims of industrial accidents, or experienced workers. Each of these imaginings of disability carried with it different connotations of how able disabled individuals were considered, how their bodies were viewed, and whether they would be deemed worthy of public assistance. Understanding the categorizations of disability that lawmakers took for granted when writing the ugly law is crucial to un-

derstanding whom the law intended to constrain and, just as importantly, whom it did not. This paper will therefore explore Chicago's ugly law as it related to the crippled beggars it aimed to restrict and to the disabled workers, veterans, and freak show performers whom contemporary cultural standards accepted as prominent members of public culture despite the fact that their bodies were officially barred from view by the language of the legislation. Examining these different experiences under the ugly law reveals the complexities of late-nineteenth-century imaginings of disability and the varied status of disabled people in this era.<sup>4</sup>

Uncovering the origin of Chicago's ugly law proves to be no easy task. While the ordinance is listed in every published volume of the *Municipal Code of Chicago* from 1881 to 1973, no records in the *Proceedings of the City Council of the City of Chicago* refer specifically to the passage of the ordinance. No evidence reveals which council member introduced the law or records any debates on its passage. The council may have received aid in drafting the ugly law from Chicago's privately run charity organization, the Relief and Aid Society, as it did with similar legislation, but the society left no written records of such involvement. Susan Schweik attributes the ugly law to Alderman Peevey who wrote a memo in May of 1881 calling for a ban on people who exhibit their "infirmities" to encourage alms donations and whose anti-beggar legislation unanimously passed in the City Council of the City of Chicago on June 27<sup>th</sup>, 1881. However, both Peevey's memo and his ordinance (which says nothing specific about disability or "unsightliness") appear over a month after the City Council of the City of Chicago passed revisions of its 1881 municipal code in which the first version of Chicago's ugly law appears. Therefore they cannot be the origins of Chicago's ugly law.<sup>5</sup>

Instead, Chicago's ugly law has a much more nebulous origin, one more befitting to Chicago's roughshod city politics. On April 18<sup>th</sup>, 1881, the council voted to accept a new version of its municipal code that had been revised by Aldermen Jamieson and Adams. The council debated a few of the revised ordinances, such as one that required the city treasurer to present bank statements to the council on a regular basis (which they voted against), but for the most part passed the Jamieson-Adams revisions en masse. Many new ordinances therefore came into being without any deliberation from the council or any historical record on their passage. Some of these later became the subject of widespread controversy, most notably one that imposed only a minor fine on anyone who erected a "shanty" that might become a fire hazard, a contentious measure in the wake of the Great Chicago Fire of 1871. This mass passage of a new municipal code was not an unusual practice in the City Council of the City of Chicago. Alderman Jamieson anticipated his colleagues less-than-thorough review of the new code so fully that he buried an ordinance that gave himself a \$12,000 budget to print the new ordinances and to reimburse him for his time and effort. Because printing costs ran to only \$2,660, Jamieson pocketed \$9,340, an exorbitant sum of money in 1881, which led to great controversy amongst his colleagues. Chicago's ugly law was a product of this system of revision without deliberation.<sup>6</sup>

Unlike the uproar caused by the fire hazard law, the public saw the ugly law as a positive addition to the code, however. The only nineteenth-century article specifically about the ugly law in the *Chicago Tribune*, written several days after the

publication of the new ordinances, states that getting crippled beggars out of sight by putting them in the poorhouse “WILL BE A PUBLIC BENEFIT” (capitals in original) because they tend to be a “shock to the ordinary nerves.” The law was one of many pieces of legislation designed to regulate the poor and therefore was popular rather than controversial.<sup>7</sup>

Anti-beggar legislation was not uncommon in the era of Chicago’s ugly law due to the worst economic depression the United States had seen, set off by the panic of 1873. Despite widespread bankruptcies and high levels of unemployment, the pervasiveness of laissez-faire ideology made it difficult for charity reformers and the general public to understand poverty as anything other than the failure of individual people to contract out their labor for wages. By 1876 the figure of the able-bodied tramp leapt onto the scene as a symbol of all that was wrong with the American charity system. The *Chicago Tribune* is filled with articles and letters to the editor calling for stronger vagrancy laws to alleviate the tramp crisis. These articles showed no sympathy for tramps’ unemployment, instead saying that they displayed “vicious idleness” and arguing that begging on the streets should be “absolutely forbidden.”<sup>8</sup>

The tramp crisis radically transformed the way that government agencies and benevolent societies doled out aid in Illinois. Throughout the nineteenth century, charity had taken two different forms: outdoor relief provided alms to people in their homes or on the streets, and in-house charity aided people inside of poorhouses, hospitals, and other institutions. In the 1870s and 1880s, the poor of Chicago relied on relief from several different sources. The Illinois Board of Public Charities ran in-house state institutions for the blind, the deaf and dumb, and feebleminded children, as well several state hospitals for the insane, a reform school, and a home for the orphans of soldiers. The Cook County Commissioner was in charge of the County Poor House and Insane Asylum in Dunning, Illinois and also doled out small amounts of outdoor relief. The only relief society affiliated with the City of Chicago was the privately run Relief and Aid Society, which worked with the city council to create policies on poverty-related issues, gave short-term aid to individuals in their homes, and donated funds to such institutional organizations as the Home for Wayward Women.<sup>9</sup>

Prior to the tramp crisis, the Illinois Board of Public Charities condemned counties that severely restricted outdoor relief because they believed that relegating people to the poorhouse too quickly would demoralize them. This demoralization would turn their “temporary misfortunes into permanent poverty, for it is difficult for one who has once been forced to seek admission to an alms-house to ever fully regain his self respect.” Instead, it advised counties to take a middle ground and offer outdoor relief to people whom it believed could regain their independence and relegate only the most wretchedly poor to the almshouse.<sup>10</sup>

As the tramp crisis escalated in the 1870s, however, these organizations shifted away from giving long-term outdoor relief for fear that it enabled people to become dependent on public aid. By 1876 the Illinois Board of Public Charities cited outdoor relief, along with the indiscriminate handouts given by benevolent citizens, as the root cause of the tramp crisis. The agency believed that the best way to solve the tramp problem was to reduce the amount of available outdoor charity. “Pauperism grows by what it feeds on,” the agency wrote in its annual report. “If any man will not work, neither let him eat.” Rather than

recommending that counties find a middle ground between in-house and outdoor relief, it instead advised that the general rule should be to force charity recipients to obtain aid in county poorhouses. Outdoor relief should still be available, but should only be offered in exceptional circumstances. The agency believed that this restriction on outdoor aid would stimulate people to make a “renewed effort to secure their own living” because no one would choose to live in the poorhouse if they had other alternatives.<sup>11</sup>

At first glance, this tramp crisis appears to have little to do with the ugly law. Tramps were assumed to be able-bodied, and the ugly law says nothing at all about vagrancy. Yet for people living in late-nineteenth-century Chicago, tramps and crippled beggars were two sides of the same poverty (and nuisance) coin. An article from the *Chicago Tribune*, for example, suggested that police officers should wait at every train depot so that “the moment a tramp or begging cripple steps from the cars he can be arrested.” Likewise, the Board of Public Charities stated that the majority of the people in the poorhouses in Illinois were “old, infirm, crippled, lazy and profligate.” The discursive link between crippled and lazy in this sentence is important. The board did not differentiate between physically disabled people who turned to street begging because they could not find work and people whom they believed refused to work. Both groups were unworthy poor, and both belonged inside of poorhouses rather than receiving outdoor relief. Crucially, both groups were also subject to legislation that removed them from public view.<sup>12</sup>

To a reporter in 1881, the ugly law obviously fit within this anti-beggar legislation. The article about the law in the *Chicago Tribune* stated, “The ordinance, of course, is directed at the exhibition, for the purpose of securing alms, of such deformed mendicants.” The phrase “of course” is significant here. While the grotesque language used to describe people with disabilities in Chicago’s ugly law implies that disabled people had such a low status in the city that they ceased to be human and instead were nothing more than “unsightly or disgusting objects,” the actual status of disabled people in this period was far more complex. Disabled Civil War veterans and disabled workers, for example, both commanded a measure of respect and were an accepted part of the public realm. Freak show performances were both legal and popular. Rather than conflating all disabled people, I believe lawmakers took for granted that enforcers understood the categorizations of disability well enough that they would only use the ugly law as an anti-vagrancy measure. In 1881 it was understood that the ugly law was not intended as a blanket indictment of all physically disabled people but would only effect those disabled people who were unable to support themselves through their wages or pensions.<sup>13</sup>

Disabled workers, for example, were not subject to an ugly law so long as their employment fit squarely with the bounds of acceptable wage labor. The twentieth-century assumption that many physically disabled people were unable to work without first being cured of their disability through rehabilitation did not hold true in the 1870s and 1880s. Instead, two different relationships between disability and work existed in this period. On the one hand, most people with physical disabilities were expected to support themselves through their labor. On the other, high rates of industrial accident meant that able-bodied workers could be

transformed into disabled workers in an instant. Either way, work and disability were linked together.

The historian John Fabian Witt has dubbed the late nineteenth century a period of industrial accident crisis and has documented a sharp rise in these accidents in the 1870s and 1880s, especially for railroad, mining, and factory workers. Being maimed did not entirely prevent people from gaining or maintaining employment, however. As John Williams-Searle has demonstrated, employers in this period did not consider minor physical disabilities incompatible with the ability to work. Accident rates for railroad workers, for example, were so high that a minor disability such as a crushed or missing finger marked a man as an experienced and skilled laborer rather than as an “unable” dependent. Because workers’ slightly maimed bodies proved advantageous in the job market, charity reformers and the public alike assumed that people with physical disabilities (even those with more severe disabilities than missing fingers) should be able to find work.<sup>14</sup>

Records from Chicago’s privately run charity organization, the Relief and Aid Society, demonstrate that Chicagoans subscribed to this belief that people with physical disabilities could, and should, be self-supporting workers. In the years immediately following the Great Chicago Fire of 1871, the Relief and Aid Society had flexibility in the amount of charity it gave out because the agency had received a large grant to assist the victims of the fire. By 1875, however, the fire money had run out, and the society returned to relying on individual donations to fund its charitable activities. As part of a budget reduction, the board of directors passed new rules governing who should receive aid. Henceforth, the society would only aid people who “with temporary help [would] become self-supporting.” All people whom the society considered “permanently dependent” would be transferred to Cook County jurisdiction rather receiving assistance from the Relief and Aid Society. Records indicate that the society did not equate physical disability with permanent dependence. In fact, rather than limiting the number of disabled people it aided, the society instead put a prescription on aiding able-bodied men and women without families whom they believed did not truly need their assistance. The expectation was that disabled people would be out in public, working.<sup>15</sup>

A gap existed, however, between the discursive belief that people with disabilities could be workers in late nineteenth-century Chicago and the difficulty they faced in finding employment. Sample cases from the Relief and Aid Society’s *Annual Reports* from 1884 and 1887 demonstrate this disparity:

No 30260. German family. Five children, 15, 14, 12, 7 and 2 years; intelligent, honest people; man has been disabled for two years; scarcely able to earn anything; wife is very sick with typhoid fever. Were helped in February, March, April. Have not applied since.

No 30426. Bohemian family, six children- 13, 11, 9, 7, 5, 18 mo.; man crippled by an accident when at work; respectable, sober people; never asked help before. Was helped two months, has not applied since.

A Swede family. The father died in 1880, leaving widow and six children aged 13, 12, 8, 7, 5, and 3. The eldest child is a cripple. We have looked after the family and aided them occasionally as needed. The last report on the case December 12, 1884; woman’s eyes have failed; cannot sew on pants as formerly, but

crippled boy has learned to sew and earns \$2.00 a week at home. The eldest girl lives out at \$2.00 a week. With a little help from us occasionally, and county aid, they manage to get along and in another year or two will probably be entirely self supporting.

While minor disabilities may have aided Williams-Searle's railroad workers in getting jobs, these aid recipients faced greater challenges in supporting themselves. Blindness prevented the Swedish woman from maintaining her job as a seamstress. The disabled German man was "scarcely able to earn anything." Yet the crippled Swedish boy did find work sewing, so employment was not unattainable. We can never know why these first two families stopped asking for assistance after such a short period of time. Were they able to get back on their feet after several months of aid? Did they slip further into poverty and resort to life in the Cook County Poor House? Did they leave the city in search of better opportunities? That all of these cases appear in the Relief and Aid Society's *Annual Reports*, however, presumes that the agency viewed all of these cases as success stories and assumed that these families became self-supporting. For them, the point was not how difficult it was for people with disabilities to find work but how possible it was for them to do so with just a little help. If these people were unable to find work and had to resort to begging after they stopped receiving aid, then they fell into the camp of the unworthy poor who would be passed off to the undesirable Cook County Poor House in an effort to save the agency money. In any case, that Relief and Aid Society papers display the assumption that disabled people had both the right and the obligation to work indicates that Chicago's ugly law was not intended to keep employed people with disabilities off of the streets.<sup>16</sup>

Disabled Civil War veterans were likewise prominent members of Chicago's public culture; they fought for and eventually received a federally-funded disability pension. The national government also created and funded National Asylums for Disabled Soldiers in such places as Washington, D.C. and Milwaukee, Wisconsin. The aid these veterans received did not characterize them as non-workers, however. The asylums had training programs to teach veterans to become teachers, bookkeepers, and telegraph operators, which four hundred veterans chose to attend in 1870. The disabled veterans living in the national asylums were also expected to perform all of the labor needed to keep the institution running. Fifteen years later, the newly opened Illinois Soldiers' and Sailors' Home for disabled veterans boasted that its inmates were also workers. "Of the two-hundred and forty persons on the [pay]roll," the agency claimed, "two hundred and ten or two hundred and fifteen [are] inmates." Further, at the same time that disabled veterans' groups fought for pensions, they also fought for their right to become workers. They argued that honorably discharged disabled veterans should have priority in applying for civil service jobs. When Sidney Wilson, a double-amputee, was overlooked for the job of postmaster in Fredonia, New York, members of the Veterans' Rights Union even arranged a meeting with President Chester Arthur in an attempt to persuade him to compel the city to hire this veteran. Disabled veterans therefore saw themselves as both capable workers and worthy of public aid. Because they were organized and because much of the public viewed them as heroes, they achieved support from the federal government on both fronts. No other group of physically disabled people was able to achieve similar prominence or assert their rights as successfully in this period.<sup>17</sup>

If the intention of the ugly law had been specifically to keep all people with physical disabilities from public view, it is likely that it would have barred freak shows—whose explicit purpose was to display unusual bodies for public amusement—from the city of Chicago, which, significantly, it did not. The 1881 *Municipal Code of Chicago* sanctioned the “exhibition of monsters or freaks of nature” underneath a canvas tent as long as the proprietors of the show obtained the necessary permits. The freak show did not become subject to an ugly law until 1899, almost twenty years after Chicago’s ugly law went into effect. Passed by the state of Illinois, this “freak law” adapted the language of Chicago’s ugly law to specifically prohibit the display of people with disabilities in sideshows and dime museums. It banned the “exhibition in any public place of deformed persons or animals or persons or animals so diseased, maimed, or mutilated as to be unsightly or disgusting, or wax figures or representations of diseased or maimed persons.” Unlike Chicago’s ugly law, which remained on the books for nearly a century, the Illinois freak law was overturned within a year of its passage because it violated the right of freak show performers to make contracts with their employers.<sup>18</sup>

Historians have rightly questioned the notion that the freak show was a valid form of employment for people with disabilities, citing the exploitation of performers by managers who gave them little or no choice in how much work they performed and often withheld the performers’ pay. Nineteenth-century sources, however, reveal that the general public, as well as the Illinois court system, believed freak show performing to be a viable, although not necessarily respectable, form of employment. In a sensationalized interview with the city’s freak show performers, a *Chicago Tribune* article portrayed freaks as opposing Illinois’ new law as a defense of the American ideology of free labor. The *Tribune* quoted a man with an “ostrich stomach,” capable of digesting garbage, glass, and other assorted objects, as saying that the law “takes from me my capital ... Here now I’ve been years qualifying in my profession and this here law comes along and says I can’t practice it ... it’s a dead raw confiscation of my professional opportunities.” Likewise the Circassian beauty, who dressed in Turkish garb to demonstrate her supposed upbringing in a harem, bemoaned the loss of her right to contract her labor to the employer who would pay her the highest wages. She said, “I am a good American. I wasn’t born in Circas or any other old place than South Halsted Street [in Chicago], and all I got to say about the law is that it is lumpy work. It means that I’ve got to go back to handing out coffee and sinkers again at \$2 a week” rather than earning \$14 a week at her current job. When Judge Gibbons overturned the law on January 27, 1900, he did so with the ideology of free labor in mind. He said, “as the right of contract is an inalienable right ... [a performer] may hire out to any one desiring his services and the person employing him cannot be held amenable to the law.”<sup>19</sup>

The overturning of the Illinois freak law highlights some important differences between this law and Chicago’s ugly law. First of all, the freak law did not punish people with disabilities themselves, but instead fined or arrested the (usually able-bodied) proprietor of the freak show. When George Middleton, a dime museum owner, was arrested under the freak law in 1899, he had both the financial resources and cultural clout to challenge his arrest in a court of law. Chicago’s ugly law, on the other hand, targeted the poorest disabled people who had resorted to street-begging for their survival. These people had neither the money nor the



power to challenge the system. Middleton also benefited from the spectacle and performativity of the freak show to publicize his case and influence its outcome. His lawyers quite literally turned his trial into a circus by putting the “armless wonder,” Barney Nelson, on the stand to sketch with his feet a picture of the court’s minute clerk, Joseph Lammers, to prove that he was a skilled worker. This stunt impressed Judge Gibbons so much that he declared the picture the “best likeness” of Lammers he had ever seen and eventually ruled in Middleton’s favor.

While crippled beggars, like freak show performers, relied on the display of their bodies for their livelihood, their bodily display fit neither into an accepted form of public entertainment nor was it an acceptable form of work. They had no contractual obligations and their labor was perceived as non-work rather than employment. It therefore gave them no cultural capital to fight the ugly law. Despite the similarity in their methods of earning a living, no solidarity existed between crippled beggars and freak show performers: the two groups saw themselves as categorically distinct from each other rather than linked by the similarities of their labor. Chicago’s ugly law remained on the books for seventy-three years after the Illinois state freak law was overturned.<sup>20</sup>

While the intention of Chicago’s ugly law may not have been to remove all physically disabled bodies from the public realm, we should not underestimate the extent to which attitudes toward these bodies motivated the passage of this law. The tone in which the *Chicago Tribune* described disabled bodies in the 1870s varied widely, depending on the status of the person whose body was being depicted. While many groups of disabled people may have been diseased, maimed or mutilated, only the bodies of crippled beggars were “so diseased, maimed, mutilated” that they could be classed as “unsightly or disgusting objects” (*italics mine*).

The bodies of honored disabled soldiers, for example, tended to arouse curiosity and wonder while the bodies of lowly crippled beggars provoked overt disgust. The *Tribune* reported that the National Soldiers’ Home in Milwaukee, Wisconsin, was “chockfull of human curiosities. Among the wreaked and maimed survivors of the War are some of the most singular specimens of bipeds ever gathered under the sun . . . They afford the most extraordinary studies and contrasts in physiognomy and physical development to be witnessed anywhere.” The bodies of disabled soldiers were certainly cause for amazement, and the article slipped into a quasi-clinical tone when reporting about them as if they were medical specimens. But the reporter never dismissed the humanity of these disabled veterans. He reported on their occupations, their religion, the places they had traveled, and the battles they had fought in. He even reported that many of these soldiers were immigrants, but, because of their war service, he considered them all good Americans. The bodies of disabled soldiers may have been curious but the reporter never dismissed them as curiosities rather than human beings.<sup>21</sup>

In contrast, Chicagoans in the 1870s and 1880s openly displayed their abhorrence for the bodies of crippled beggars in the *Chicago Tribune*. One article dehumanized them until they became nothing more than particularly noisome roadblocks. It said, “The idea of a thoroughfare being obstructed by the hideous monstrosities, which are only half human, begging piteously for alms is disgraceful.” Another feared that these bodies might prove too shocking for decent women. After calling crippled beggars an “affront to the public eye,” it stated, “The consequences to a lady in delicate health of having a repulsive deformity

suddenly presented to her by an abrupt appeal for charity might be serious." This article even picked out individual crippled beggars to lambaste. It condemned the woman "who wears brilliant-colored and striped stockings, so as to make the deformity of her legs very conspicuous," and the man frequently found on Madison Street who wore "a tin sign telling of some explosion in which he lost his sight ... [and who] by twisting his head backward he compresses the veins of the neck ... [which] gives him a particularly horrible aspect." This article is a reminder that Chicago's ugly law intended to penalize specific men and women for whom street-begging was a means of subsistence that allowed them to stay out of the poor-house. The combination of physical disability and unabashed beggary made these individuals particularly loathsome to the public.<sup>22</sup>

At the same time that they expressed disgust for disabled bodies, Chicagoans questioned the authenticity of beggars' disabilities. Numerous *Chicago Tribune* articles argued that people who displayed their disabled bodies for profit must either be faking their disabilities or have intentionally inflicted wounds upon themselves in an effort to gain the sympathy (and spare change) of passersby. The author of an article from the *London Standard*, reprinted in the *Chicago Tribune* in January of 1880, for example, claimed to have infiltrated a circle of crippled beggars and learned the secrets to their self-induced disabilities. "One of this class of beggars that I saw had the tips of his ears seared away by frequent touches of the tap-room poker heated red hot," he wrote. "Another would bare his calves and run half a dozen pins into them to the heads; a third would strike his knuckles with all his force against a wall; a fourth was given to suspending himself in a halter by the chin for minutes at a time, and there were others who would bear to be half roasted, doubled up into excruciating positions, or to have poisonous drugs poured down their throats," all for the sake of inducing gullible and sympathetic pedestrians to donate a few pennies. The widespread anxiety about the counterfeit disability of beggars speaks to the unease associated with the rapid urbanization of the late nineteenth century. In a rapidly expanding city like Chicago, people no longer knew their neighbors and could not easily determine who was worthy of their aid. The fear of being tricked by a crafty mendicant only added to the public distaste for crippled beggars.<sup>23</sup>

Newspaper reports also portrayed crippled beggars as a particularly un-American problem. The *Chicago Tribune* reported on the crippled beggar crisis in such countries as England, Ireland, France, Germany, Norway, Sweden, Belgium, Greece, Mexico, and above all Italy. Italy was considered a particular haven for beggars who turned the pitiful look and display of fearful deformities into both a profession and a science. *Tribune* writers asserted that poverty could not be endemic to the United States, but instead was transplanted by the hoards of immigrants coming from Southern and Eastern Europe. "More and more this class of vermin find their way to this country," the *Tribune* reported in 1875. Not only did these foreign beggars block the streets with their disabled bodies, this article's author bemoaned, but they did not even understand the English language well enough to know when pedestrians were refusing them aid. "To questionings or the declaration 'Nothing for you,' they return the convenient 'Me no speak Inglis' or, better still, stand in dumb entreaty," he wrote.<sup>24</sup>

By the late 1870s, the burgeoning science of eugenics added another layer to the fear of disabled bodies by teaching that these bodies were a symptom of hered-

itary criminal or pauperous behavior. In 1877, Rev. Richard Dugdale published the first American work of eugenics, *The Jukes*, named for the pseudonym he gave to the “degenerate” family that he studied in the state of New York. The book traced the lineage of the Juke family and explored the role that “hereditary taint” played in causing their pauperism, criminality, sexual depravity, and diseased bodies. According to Dugdale, the same poor hereditary bloodline could produce a diseased person in one generation and a criminal or pauper in the next. Disability was therefore inextricably linked to poverty and crime. When Dugdale wrote about disease, he was talking overwhelmingly about either acquired or congenital syphilis: sixty-seven of the eighty-five diseased people in his study had one of these illnesses. Only one person was described as “deformed.” Yet when the *Chicago Tribune* reported on *The Jukes* it made no mention of syphilis (perhaps because it was considered indecent) and instead wrote that, “among the terrible results flowing from this class of diseases, originating in sin, among the Juke family are various physical deformities.” With the creation of eugenics, physical disability was no longer an individual problem; disabled blood could infect the community, not just with more disability but with poverty and crime as well. The *Chicago Tribune* had therefore created the figure of the crippled beggar as a foreign, uneducated, barely-human, degenerate, repulsive fraud. It was these people that the ugly law tried to remove from public view.<sup>25</sup>

If Chicago’s ugly law was only intended to affect crippled beggars and not other people with disabilities, however, why did it not specify them as the intended recipients of the ordinance? The law says nothing about begging and instead indicts “*any person who is diseased, maimed, mutilated*” (italics mine) who ventured out in public. If beggars were the only prominent class of disabled people in 1870s Chicago, then we could infer that the council simply overlooked or chose to ignore other disabled people in the city. As we have seen, however, physically disabled people figured prominently as workers, veterans, and freak show performers. Why then did the council fail to differentiate between these different categories of disabled people?

One possible explanation is that the council did build into the law a way to differentiate between the poorest disabled people (beggars) and those people who could support themselves (workers or veterans with a pension). For a violation of the ugly law, a person would receive a flat fine of \$1. While \$1 was certainly not a nominal fee in 1881 (remember, the crippled boy who learned to sew and his sister who lived out as a maid each earned \$2 per week), it is the lowest of any of the fines in the nuisance section of the 1881 *Municipal Code of Chicago*. For example, loitering in a group of three or more people could incur a \$2-\$25 fine. Game playing or performing acrobatic feats that frightened horses could result in a \$3-\$25 fine. Leaving a team of horses attached to an unattended vehicle could lead to a \$5-\$25 fine. And blocking the sidewalk with building materials could result in a \$5-\$50 fine. The flat \$1 fine levied by Chicago’s ugly law was quite atypical. Even more anomalous, however, was the clause added to the law that stated, “if it shall seem proper and just, the fine provided for may be suspended” and the person convicted of the offense sent to the Cook County Poor House instead of paying the fine. No other ordinance contained a similar exemption. Could it be that the law intended to require people with physical disabilities to prove their ability to sup-

port themselves by charging them a \$1 fine? If those charged under the ugly law had enough spare income to pay off the fine, then they were free to go. If they could not spare a dollar, then the court deemed them paupers and forced them into the poorhouse.<sup>26</sup>

Whoever drafted the ugly law for the city council included a clause stating that anyone arrested on the law should “be well cared for, until he can be committed to the county poor house.” But the conditions at the poorhouse in Cook County were so deplorable in the late 1870s that even the Board of Public Charities—which promoted the idea that poorhouses should be unappealing so that people would choose work over aid—could no longer stomach them. In its *Fifth Biennial Report*, sent to the governor of the state, the board exposed the horrendous conditions of the Cook County Poor House:

In the winter every crack is closed, to keep out the cold, when the atmosphere necessarily is loaded with foul odors of every description, and with the germs of various diseases—tuberculosis, syphilis, etc., etc. ... No notice of this almshouse is complete, which does not make mention, however disagreeable it may be to do so, of the lack of privies of proper size and in sufficient number, properly placed. The result is, that the ground all around the buildings is offensive both to the sight and to the smell, but the subject is one which will not bear more than a faint but unmistakable allusion to the actual state of the premises.

Cook County’s almshouse had quite literally gone to shit. When Chicago’s ugly law condemned crippled beggars like the woman in the brightly colored tights or the man with the tin sign on Madison Street to the county poorhouse, this was where they were sent. No records survive to indicate how many people the ugly law forced into the Cook County Poor House, but we do have figures of how many disabled people were in all of the poorhouses in the state of Illinois in 1884, three years after the ugly law passed. In that year, 30,130 “disabled” people resided in poorhouses in Illinois as opposed to 22,896 “able-bodied” people. 4,885 of these “disabled” people were lame or crippled, 1,648 were paralytic, 2,600 were epileptic and 7,780 were simply “sick.”<sup>27</sup>

As outrageous as Chicago’s ugly law was, there is no evidence that it led to a mass internment of the city’s crippled beggars. In fact, Alderman Peevey’s memo written a month after the ugly law passed appears to be a revision intended to strengthen the law. It calls for the city to “at once take steps to remove from the streets all beggars, mendicants, and all those who by making Exhibition of themselves and their infirmities seek to obtain money from people on and along the streets,” so it is likely that Chicago’s ugly law did not have the power to rid the streets of those people that its authors intended. Yet the law still matters for its longevity if not for its effectiveness. In 1905, the city council revised the ugly law, removing the clause about sending violators to the poorhouse and raising the fine to \$5-\$50. For most of the twentieth century, therefore, the law did not even have ostensibly charitable intentions; it simply fined people with disabilities for appearing in public. And while it may have been obvious to people in 1881 that the law was intended to affect only crippled beggars, by the mid-twentieth century this context was long lost, yet the law remained, forgotten, on the books until 1973. Studying the origins of Chicago’s ugly reveals how varied experiences of disability were in late the late nineteenth century, but it is also a reminder of how

widespread discrimination against disabled people was in the twentieth. While Chicago's ugly law may not have criminalized all disabled people, it should not lose its notorious status as an egregious example of discrimination against the disabled—and the poor—in the late nineteenth century.<sup>28</sup>

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## ENDNOTES

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1. Edward Schreiber, "Affront to Everyone': A Law That's An Offense," *Chicago Tribune*, October 18, 1973, A1. The original ordinance appears in *The Municipal Code of Chicago: Comprising the Laws of Illinois Relating to the City of Chicago and the Ordinances of the City Council* (Chicago, 1881), 325. The term "ugly law" was first used in Marcia Pearce Bergdorf and Robert Bergdorf, Jr., "A History Of Unequal Treatment: The Qualifications of Handicapped Persons as a 'Suspect Class' Under the Equal Protection Clause," *Santa Clara Lawyer* 15 no. 4 (1975): 863. See Susan Schweik, "Begging the Question: Disability, Mendicancy, Speech and the Law," *Narrative* 15 no. 1 (2007) for a discussion of ugly laws around the nation, including San Francisco's ugly law. For other discussions of the ugly law, see Susan Schweik, *The Ugly Laws: Disability in Public* (New York, 2009); Sander Gilman, *Making the Body Beautiful* (Princeton, 1999), 24; Paul K. Longmore, *Why I Burned My Book on Disability History* (Philadelphia, 2003), 36; Tom Shakespeare, *Disability Rights and Wrongs* (New York, 2006).

2. Paul T. Jaeger and Cynthia Ann Bowman, *Understanding Disability: Inclusion, Access, Diversity and Civil Rights* (Westport, 2005), 6. For an overview of disability theory, see Sharon L. Snyder and David T. Mitchell, "Re-engaging the Body: Disability Studies and the Resistance to Embodiment," *Public Culture*, 13, no. 3 (2001): 374–376; Paul K. Longmore and Lauri Umanski, "Disability History: From the Margins to the Mainstream," in *New Disability History* (New York, 2001), 16–19; and Shakespeare, *Disability Rights and Wrongs*, 63–64. For more on the medical gaze, see Michel Foucault, *The Birth of the Clinic: An Archeology of Medical Perception* (New York, 1994), 107–123.

3. Schweik, *The Ugly Laws*, 290.

4. See Schweik, *The Ugly Laws* for further information on anti-begging legislation and the ugly laws.

5. James Peevey, "Resolution to Remove Beggars from the Streets" in Schweik, *Ugly Laws*, 31–32. *Proceedings of the City Council of the City of Chicago* (Chicago, 1881), April 18, 571–572 and June 27, 52.

6. "The Council: A Fire-Engine to Be Located in the Exposition Building, Controllers Reasons for Not Paying the Jamieson Revision," *Chicago Tribune*, October 4, 1881, 7. "A Defective Ordinance: Who is Responsible," *Chicago Tribune*, August 26, 1881, 2. "Annoying Nuisances," *Chicago Tribune*, July 13, 1881, 8. My assertion that no record on the passage of the ugly law survives is based on a review of the *Proceedings of the City Council of the City of Chicago* (Chicago, 1873–1881), the unpublished *Mu-*

*municipal Code of Chicago*, 1873–1881 in Northeastern Illinois University archives in which new ordinances and revisions to the municipal code were handwritten in between printings of the *Municipal Code of Chicago*, and *Minutes of the Chicago Relief and Aid Society*, 1875–1881 in the Chicago History Museum archives.

7. "Annoying Nuisances," *Chicago Tribune*, July 13, 1881, 8.
8. "The Pauper Problem," *Chicago Tribune*, January 30, 1876, 4. "Beggars: An Obsolete Ordinance," *Chicago Tribune*, September 14, 1876, 8. "The American Lazzaroni," *Chicago Tribune*, August 5, 1876, 4.
9. *Sixth Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois* (Springfield, 1880), 44–45.
10. *Second Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois*, 1872 (Springfield, 1873), 190.
11. *Fourth Biennial Report of the Board of State Commissioners of Public Charities of the State of Illinois*, 1876 (Springfield, 1877), 97–98.
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22. "New York Gossip," *Chicago Tribune*, June 18, 1876, 5. "Mendicancy," *Chicago Tribune*, July 25, 1875, 15.
23. "Tricks of Beggars," *Chicago Tribune*, January 17, 1880, 3. For more on fraudulent disability and the ugly law see Schweik, *Ugly Law*.
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