

8. See James W. Cook, Jr., "Of Men, Missing Links, and Nondescripts: The Strange Career of P.T. Barnum's 'What is It?' Exhibition," and Nigel Rothfels, "Aztecs, Aborigines, and Ape-People: Science and Freaks in Germany, 1850-1900," in Freakery: Cultural Spectacles of the Extraordinary Body, ed. Rosemarie Garland Thomson, (New York University Press, 1996).

9. James W. Trent, "Defectives at the Fair: Constructing Disability at the 1904 Saint Louis World's Fair," unpublished paper Society for Disability Studies Annual Meeting, June 1996, Washington D.C.

10. Martin S. Pernick, The Black Stork: Eugenics and the Death of 'Defective' Babies in American Medicine and Motion Pictures Since 1915, (Oxford University Press, 1996), 79.

11. Trent, "Defectives at the Fair," 14.

12. Quoted in Ronald Takaki, Iron Cages: Race and Culture in 19th-Century America, (Oxford University Press, 1990), 263.

13. Pernick, The Black Stork, 54, 74.

14. Kevles, In the Name of Eugenics, 73.

15. Cynthia Eagle Russett, Sexual Science: The Victorian Construction of Womanhood, (Harvard University Press, 1989), 63.

16. Lisa Tickner, The Spectacle of Women: Imagery of the Suffrage Campaign, 1907-14, (University of Chicago Press, 1988), illustration IV.

17. Rosemarie Garland Thomson, Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature, (Columbia University Press, 1997), 15. Thomson's fascinating and important book, which came out just as I was completing this article and which does what I am calling for here, uses feminist theory to explore how unequal power relations are grounded in representations of physical difference.

The Origins of a Legislative Disability Category in England: A Speculative History

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Introduction

Disability theorists have increasingly employed historical arguments in their attempts to explain the contemporary exclusion of people with impairments from the mainstream of Western industrial societies. Social model theorists in particular have evoked a broadly materialist narrative of British economic history which suggests that the transition to an industrial mode of capitalist production was the key causal factor in excluding disabled people from participation in the labour force.

Morris (1969) focuses on the operation of nineteenth century labour markets in excluding people with learning difficulties from the mainstream of society while Topliss (1979: 11) notes the differential impact of industrial production on people with sensory impairments. Ryan & Thomas (1980: 101) stress the impact of mechanised production norms in the new factories. Similarly, Finkelstein (1981) speculates that people with physical impairments would have remained relatively well incorporated within their communities until the Industrial Revolution. Oliver

(1990) also argues that accelerating industrialisation during the nineteenth century was the determinant factor in disabled people's exclusion from the mainstream of British society.

The difficulty with many of these accounts is that they lack evidence. The causal explanation is mechanistic, but the mechanisms are not always clearly chronicled. Rhetorically, the arguments are convincing; empirically, they exhibit a certain poverty in their historicism. In this paper I will outline the basis of an alternative account. I will concern myself primarily with the social dislocation of people with impairments and their historical accommodation within a separate administrative category. In particular, I will focus on the period leading up to the Poor Law of 1601.

Where to Start?

I am not concerned here with a history of antiquity (see Garland, 1995 or Haj, 1970) and in Britain at least, I am aware of little information about the position of people with impairments before the end of the 'dark ages.' However, it is reasonable to suppose that the prevalence of impairment might have been quite high and that disabled people would have had a considerable presence in their communities. Most people judged to require 'care' would have been supported within the family or in the growing number of religious almshouses, infirmaries, and pilgrim shelters (Clay, 1909; Alderidge, 1979).

In general, people with impairments would have found themselves amongst, and largely undifferentiated from, 'the poor.' For our purposes it is significant that pauperism in the Middle Ages seems to have been defined primarily by dependency rather than by the characteristics of any particular sub-group (Lis & Soly, 1979: 20). The existence of a generic pauper category provides us with a bench mark from which to compare the situation as it exists in Britain today - a situation in which almost all aspects of disabled people's lives have been administratively segregated from the mainstream of society. There are distinctive policies and statutes covering education, health, housing, transport, employment, welfare benefits, sexuality, and civil rights.

Some Mechanisms of Social Dislocation

Finkelstein (1981) suggests that people with impairments remained relatively well incorporated within their communities until the introduction of factory work in the Industrial Revolution. Thus, he argues that earlier forms of commodification, manufacture, and exchange had relatively little impact by comparison. Finkelstein concludes that 'In these conditions "cripples" can be assumed to have lived not very differently to the cripples under feudalism' (1981: 59). Oliver (1990: 26) agrees that 'agricultural or small-scale industry, did not preclude the great majority of disabled people from participating in the production process' (although he is more circumspect about how and when this situation changed).

While these arguments are rhetorically appealing, there is considerable evidence which suggests that they should not be accepted unquestioningly. Finkelstein's hypothesis is that people with impairments would have been productive primarily in the domestic sphere (cooking, making clothes, caring for children, spinning and weaving). Thus, he concludes 'This work was carried out in their houses and cripples had no need to seek employment beyond the family' (1981: 60). However, a closer examination of the socio-historical context reveals significant forces which would have undermined this position well before the onset of industrialisation.

The decline of villeinage and the manorial system of agrarian land management during the sixteenth century meant that poor families were increasingly forced from the relative security of

smallholding into the vagaries of the emerging market place (Johnson, 1909; Tawney, 1912; Kerridge, 1969). The inability to subsist on home grown food, combined with exponential population growth, brought inflated prices and a massive fall in real wages. The net result was the wholesale displacement of poor families from their traditional communities and modes of reproduction (but see Beresford, 1954 for a critique). This dislocation of village organisation and working class family structure would clearly have threatened the domestic niche of people with impairments.

Secondly, the dissolution of the monasteries between 1535 and 1540 is likely to have impacted on people with impairments in two ways. Firstly, the closure of religious foundations would have transferred large numbers of the 'impotent' poor to already strained parish support structures. Secondly, the tenants and servants of the monasteries would have swelled the pressure on an already saturated labour market. While Savine (1909) invites caution in this analysis, the effects were certainly felt (cf. Jordan, 1959: 61).

From the middle of the sixteenth century until the Restoration socio-economic and demographic change continued apace. Population growth was exponential (almost doubling between 1541 and 1651). This coupled with the commodification of agrarian production created a massive increase in the numbers of households without land. Even those who retained small land plots found that they had become uneconomic without additional income. Thus, wage labour became the only real alternative to destitution for most poor people.

Agricultural workers were increasingly hired on a casual basis and it was common for farm workers to change masters regularly. Increasingly, the geographical mobility of poor people became a structural feature of the emerging wage economy (Spufford, 1973). It is likely then that very many people with impairments would have been disadvantaged and economically dislocated by this feature of seventeenth century labour relations.

'Living-in' would almost certainly have been an easier option for people with visual or physical impairments. However, it is evident that this mode of wage labour also became progressively unavailable from the 1520s to the beginning of the eighteenth century. No doubt, the dissolution of the monasteries (Woodward, 1966) and a decline in the size of aristocratic households (Stone, 1965) would both have accentuated this trend. Casual labouring for cash payments was, conversely, in ascendancy.

The widespread transfer of industry from the towns to the countryside through 'putting out' schemes may have been more favourable to those people who remained productive within the domestic sphere. However, this industrial revolution also contributed to a further dissolution of the peasant economy and the extended family structures upon which they may have relied for flexible support in maintaining that productivity.

It is likely then that the commodification of agrarian production, the dislocation of village and family structures, the introduction of a wage economy, the decline of religious philanthropy, and increased geographical mobility would all have impacted differentially on people with impairments. Such processes may provide some indication of the reasons why people with impairments and elders became increasingly prominent amongst the vagrant poor during the sixteenth century.

Begging and Vagrancy

It is clear from contemporary accounts that vagrant paupers were perceived as a major social problem from the mid-sixteenth century (see Beier, 1985). The mass dislocation of poor people from their historic patterns of kinship and community challenged a state legislature committed to imperialist expansionism and monarchical authority. However, it is less clear whether people with impairments were predominantly amongst the impotent (confined and registered within their domiciliary parish) or whether they were part and parcel of the vagrant hoards.

It is evident that cripples, deaf and blind people demonstrated a significant 'community presence' amongst the growing ranks of the itinerant poor at this time. Many parish authorities were concerned by the tax burden of caring for crippled beggars. For example, Beier (1985: 114) provides some graphic examples of public hostility towards people with impairments including disputes over who should be responsible for their relief. In 1625 the authorities in Hertfordshire even went so far as to close the entire county to 'cripples, diseased and impotent persons' on the grounds that they were a 'great and unnecessary charge' upon the local community.

The most specific accounts of disabled travellers come from the spa towns where many journeyed for 'cures.' A statute of 1597 (39, Elizabeth, c4) specifically prohibited the large numbers of vagrants resorting to Bath and Buxton from begging there, although they could be licensed by their local magistrates to travel and receive relief (Shaw, 1734: 192). The numbers doing so were clearly sufficient to place a tax burden on the local townsfolk at Bath and 'Parish records show endless processions of the deaf and dumb, blind, mad, shipwrecked, crippled, epileptic, and fire victims' (Beier, 1985: 112). Indeed, Pierce (1697), a private physician in Bath during the seventeenth century, notes in the introduction to his memoirs that...

'One of the Anglo-Saxon Names, by which this ancient city was formerly call'd was ACKMAN-CHESTER, or the City of Ached and Lame People, from the Concourse of such Infirm Persons, that came hither in Bathing Seasons. Were it to have a new Name given it now, upon the same consideration, it might be call'd CRIPPLE-TOWN...' (Pierce, 1697: 1)

Begging had frequently been made an offence, but few authorities implemented the laws (e.g. 12, Ann, c23) with any great zeal and a licensed beggar could probably still make more than most wage-earners in a good week (Beier, 1985: 27). In this climate having a visible impairment was a market advantage. Thus, Shaw (1734: 183) cites the example of 'a lusty young fellow' named Wright from Leicestershire who persuaded his companion to 'strike off his Left Hand' so as to make himself 'the better quality for Begging' (both Wright and his friend were indicted and fined for their enterprise).

Stone (1984: 179) argues that in order to restructure the workforce for the demands of early capitalist production it was first necessary to eradicate all viable alternatives to wage labour for the mass of the population. Thus, the licensing of impotent beggars can more properly be seen as the prohibition of begging for the 'able-bodied.' More generally, the regulation and surveillance of a new administrative category - the 'impotent' poor - can be seen as ideologically concomitant with attempts to control labour during periods of intense economic depression.

Labour Supply and the 'Impotent' Poor

It is safe to say that there was no real public policy with respect to the itinerant poor from the Magna Carta until at least the death of Richard III. The first specific legislation appears in 1494 when provision was made for the rounding up of paupers and their return to the familial parish (11, Henry VII, c2). Under this statute 'vagabonds, idle and suspected persons' were to be put in the stocks for three days before being expelled from the town while 'Every Beggar not able to work, shall report to the Hundred where he last dwelled, is best known, or was born, and there remain....'

Henry's statute is characterised by a two pronged approach - surveillance and discipline for those whose labour could fruitfully be exploited; surveillance and confinement for those the market could not profitably employ. In this statute begins an administrative segregation of the poor according to the requirements of a prevailing labour market which has remained the central tool of social policy throughout the intervening five hundred years. I will argue, as others have done (notably Stone, 1984), that this principle is central to an historical understanding of disabled people's contemporary exclusion in Britain.

It is no coincidence that there were at least eighteen separate statutes dealing with the poor (fifteen with vagrancy and begging) between 1530 and the end of the sixteenth century. Most significant amongst these was the administrative separation in 1530 of the 'impotent' from the 'indolent' and the prescription of different responses for each (22, Henry VIII, c12). The latter were to be whipped and returned to their home parish while local justices of the peace were permitted to license those 'poor, aged, and impotent Persons to beg within a certain Precinct, as they shall think to have most Need.'

The 1494 category of those 'not able to work' did not explicitly mention people with impairments. However, by 1530, it was more clearly defined as 'poor, aged and impotent Persons, compelled to live by Alms' (22, Henry VIII, c12). By 1597 that category becomes '...the lame, impotent, old, blind and such other among them being Poore, and not able to worke...' (39, Elizabeth, c3). It would be wrong to set too much store by changing legislative definitions alone. The point is simply that at some time between the end of the fifteenth century and the end of the sixteenth century impairment became the primary legislative criterion for inability to work.

The Elizabethan statutes of 1572 (14, Elizabeth, c5 & c6) added sophisticated mechanisms of surveillance over the 'true poor' including the keeping of registers. Detailed assistance lists of the legitimate poor were drawn up for many towns. These lists clearly illustrate the flexible nature of the 'impotent' category and the bureaucratic politics involved in defining who should qualify. Thus, the lists show how people with certain impairments functioned as part of a flexible administrative category, employed to legitimise existing social relations between state, labour, and capital. As Lis & Soly (1979: 90) point out...

According to the financial means over which the institution disposed, the rising or falling demand for labour, the socio-political situation in the affected town (such as fear of revolt), and other external factors, some groups were accepted, some rejected. Hence, the aged and lame poor predominated at some times, while the majority of the assisted at other times consisted of young and able poor.'

From 1580 wages fell prefiguring the onset of economic recession in 1594. There were bread riots in London and by the peak of the crisis (in 1596) inflation and unemployment meant that starvation became a real threat in many areas. Elizabeth's government acted decisively, but the poor remained very much 'with them.' In 1593 An order for avoydyng of all kinds of beggars provided for the expulsion of vagrants and maimed soldiers from London and by 1597 Parliament was forced to a major debate on poverty. The legislative outcome was An Act for the Reliefe of the Poore (39, Elizabeth, c3).

If my analysis is correct, then the reaffirmation of these policies in the 1601 Poor Law (43, Elizabeth, c2) can be seen as the culmination, rather than the genesis, of administrative segregation for the impotent poor. Moreover, the legislative definition of 'impotence' was by this time firmly linked to impairment.

At the same time, the confirmation of local authorities' power to raise taxes for the maintenance of the impotent poor in the sixteenth century created the essential policy tools for the physical segregation and control of disabled people which was to occur much later.

Legislation in 1535 (27, Henry, c25) had clarified Parochial responsibility for the impotent poor and prohibited the giving of any alms except to the 'common Boxes and common Gatherings.' Similarly, Elizabeth's statute of 1597 (39, Elizabeth, c3) conferred on local authorities the power to raise 'taxation of every inhabitant and every occupier of lands in the...parish' in order that 'necessarie Places of Habitation' might be provided for those not able to work. While much private alms giving continued (Jordan, 1959), the creation of a common box is of enormous significance since it illustrates an administrative shift of responsibility for the impotent poor from the private to the public domain. If, as disability theorists suggest, people with impairments did experience a transition from integration in the private sphere to segregation, surveillance, and control within the public sphere, then that process seems to have begun in the first half of the sixteenth century.

Conclusions

In order to control labour supply it has frequently been necessary for the English legislature to define categories of those 'able to work.' In order to do this it has been equally necessary to define the residual category of those whose labour could not be profitably exploited under a given system of production. Contemporary disability theorists have pointed to the seventeenth or even the nineteenth century as the genesis of this process, but the strategy is evident at least as far back as the 1349 Ordinance of Labourers (36, Edward III, c8) which prohibited the giving of alms to 'sturdy beggars' and placed a duty on all able-bodied men to work.

I have argued that an administrative category of those 'not able to work' emerged at the end of the fifteenth century and that, within less than a hundred years, impairment became the primary criterion for its definition. The prescription of separate remedies for the impotent and the indolent poor depended upon the effective maintenance of this new administrative category. This bureaucratic maintenance required, in turn, a whole system of surveillance, regulation, and control to be put in place which brought responsibility for the impotent poor (and thus disability) from the private into the public domain.

Writers such as Ryan & Thomas, Finkelstein, and Oliver provide us with important and rhetorically convincing narratives which illustrate graphically the principles of social model analysis. However, their accounts do not yet provide us with a sufficient level of evidence to

constitute good history. Thus, they leave themselves and the social model of disablement vulnerable to potential criticism. A much more systematic investigation of this hidden history is required in order to validate the political claims of the disabled peoples' movement in its historic quest for greater participation, integration, and citizenship. This is a task well suited to historians but one which they have often chosen to ignore.

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**Political Movements of People with Disabilities:
The League of the Physically Handicapped, 1935-1938**

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From 1935 to 1938 New York City's League of the Physically Handicapped militantly fought disability-based discrimination in public and private employment and in public policies.¹ Its brief history draws attention to some of the major features of 20th-century political movements of people with disabilities.

Most League members had contracted polio as children, wore leg braces, and used crutches or canes. A few had cerebral palsy, tuberculosis, or heart conditions. At least two had lost limbs in accidents. None rode wheelchairs. None was blind or deaf. Some had become friends in New York City's public elementary special-education classes and, after graduating from mainstream high schools, continued to socialize at clubs and recreation centers for disabled people in Manhattan. League activists were immigrants or the children of immigrants from southern and eastern Europe; most were Jewish. Some had been active or had relatives who were active in labor unions or leftist political organizations.

League members asserted that they faced discrimination in private industry. Some businesses required physical examinations unrelated to the tasks of jobs. Florence Haskell recalled that when she applied for a clerical position, "the man told me, 'I'm afraid you'll have to take a physical.'...[Then] he disqualified me....I was very hurt, upset, and mad." Lou Razler, who had cerebral palsy, attended business college for a year and spent five years fruitlessly searching for work. Sylvia Flexer excelled at the Drake Business School, but no business would hire her. "And finally I got a job," she remembered indignantly, "at the Brooklyn Bureau of Charities." Even if they did find jobs, some handicapped people felt they suffered from wage discrimination. Jack Isaacs, who had lost a leg in an industrial accident, had worked as a linotypist, "turn[ing] out just as much work" as the men alongside him, but getting one-third the wages.