Ugly Laws

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So-called “ugly laws” were mostly municipal statutes in the United States that outlawed the appearance in public of people who were, in the words of one of these laws, “diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object” (Chicago City Code 1881). Although the moniker “ugly laws” was coined to refer collectively to such ordinances only in 1975 (Burgdorf and Burgdorf 1975), it has become the primary way to refer to such laws, which targeted the overlapping categories of the poor, the homeless, vagrants, and those with visible disabilities. Enacted and actively enforced between the American Civil War (1867) and World War I (1918), such laws and their enforcement can tell us much about the very sorts of people who were also, a generation later, subject to explicitly eugenic laws, such as sterilization legislation. And like eugenic laws and policies, such laws continue to affect the lives of people with disabilities to this day (Schweik 2011).

History

The first of these laws was introduced by the City of San Francisco on 9th July, 1867: “Order No. 783. To Prohibit Street Begging, and to Restrain Certain Persons from Appearing in Streets and Public Places” (Schweik 2009: 291). As the name of this ordinance suggests, ugly laws were concerned with more than appearance, prohibiting both the activity of street begging and the appearance in public of “certain

persons". The phrasing that one finds in the Chicago City Code in 1881 originates in this San Francisco law; the reference with that law to deformity, unsightliness, and being a "disgusting object" is common across comparable ordinances in New Orleans (1979), Portland, Oregon (1881), Denver (1886), Lincoln (1889), Columbus (1894), Omaha (1890), New York (1895, drafted but not enacted), Manila (1902, under US jurisdiction), and Reno (1905). The State of Pennsylvania was the only non-municipal jurisdiction to enact a comparable law, in 1891.

Function, Conception, Mechanism

The most obvious function of such laws was to discourage people with visible disabilities from "hanging out" in public urban spaces asking people for money, and to provide a legal basis for removing them from such spaces. But the wording and enforcement of these laws, like that of eugenic sterilization and marriage and immigration restriction laws, reveal much more at work than perhaps indicated by this ostensible function. Just as the most obvious function of eugenic sterilization laws—to prevent certain sorts of people from both producing and parenting children—is accompanied by a range of conceptions of those people and mechanisms for intervening in their lives in more far-reaching ways, so too with so-called "ugly laws". Consider three parallels and contrasts between these set of laws.

Ugly Laws and Eugenics

First, even though disability is the sole preoccupation in neither legislative domain, it is explicit in and central to both. In the earlier ugly laws, this is primarily in terms of "certain persons" being disease-ridden and physically deformed; in the later sterilization legislation, disability is explicit primarily as feeble-mindedness and mentally deficiency or defectiveness. At the same time, this explicit focus locates these central targets of the legislation against a background that

encourages a much broader set of targets: the poor, the criminal, the homeless.

Second, the emphasis in the ugly laws on visible disability and behaviour that disturbed present urban social order contrasted with that in eugenic sterilization laws on less visible disabilities that threatened future social order. That later putative threat was to the health and well-being of future generations, sometimes construed as a threat to “racial purity”, a threatn taken to justify extreme forms of intervention on the lives and bodies of certain persons.

Third, this contrast corresponds to two distinct dimensions to the construction of disability. As reflected in the attention given to “unsightly” and “disgusting” objects in the ugly laws, one dimension concerns the visceral effects on a viewing public. And as reflected in the focus on subnormality, especially psychological subnormality, in eugenics legislation, another dimension concerns the inferiority of certain sorts of people relative to others. It may be worth reflecting further on the relationship between such disgust reactions and perceived subhuman status, especially in the context of understanding contemporary forms of eugenics; here the burgeoning literature on dehumanization may be of help (Smith 2011, Haslam and Loughnan 2014).

Historiography, Lexicography, Futurography

Given the history of the term “ugly laws”, there is a sense in which there were no ugly laws. But mapping out the history of words and deeds might tell us something about the present and the future of disability and it's ongoing entanglement with broader social issues.

Sometime around 1916, a woman known as “Mother Hastings” was told by authorities in Portland, Oregon that she was “too terrible a sight for the children to see.” “They meant my crippled hands, I guess,”

she told a reporter. “They gave me money to get out of town.” (Los Angeles Times 1917). “Mother Hastings” complied, moving to Los Angeles just as that city’s leaders were discussing enacting a version of the city ordinance that had restricted her access to urban space in Portland. These laws closed city spaces across the United States to people we would now call disabled, through variants of the words with which we began: “No person who is diseased, maimed, mutilated or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, or shall therein or thereon expose himself to public view.” These ordinances were panhandling law at their core. Unsightliness was a status offense, illegal only for people without means. Though fitfully enforced, the laws had profound consequences for people like Mother Hastings.

In the 1970s, after the well-publicized arrest of a man in Omaha for violating the ordinance, the disability movement, beginning its push for the Americans with Disabilities Act, seized on the law they called the ugly law as an iconic story of generalized state-sponsored disability oppression (Fogarty 1974). The link to begging, poverty and homelessness was minimized or forgotten in the eloquent citations of the ordinance in 1970s disability activism, arts culture and legal advocacy.

Disability activists used the story of the ugly law as a cry and demand for inclusion in a truly open city. For this reason it is particularly ironic that city leaders in Portland, Oregon have recently seized upon the Americans with Disabilities Act as a ruse for foreclosing begging and closing off public space to street people (Schweik 2011). A few years ago Portland’s mayor Sam Adams announced a new “Sidewalk Management Plan” creating a “pedestrian use zone” justified by its basis in the federal American with Disabilities Act, drawing on

provisions in that act for specific design guidelines that disabled citizens need for unobstructed passage on public sidewalks (Adams 2011). In Portland, the ADA, intended to be the legal end of the ugly law that closed the city to “Mother Hastings,” was now being cynically twisted, in a terrible but familiar irony, precisely against people exactly like her.

Cite this document (APA):

Wilson, S. (2015, February 5). Ugly Laws. Retrieved December 31, 2019, from http://eugenicsarchive.ca/discover/encyclopedia/54d39e27f8a0ea4706000009

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