

the major example, not only to give the discussion some coherence but also because, as the most recent program, it embodies the clinical concept of disability *in extremis* and so presents a magnified version of the central definitional problem of all disability programs. Chapter 6 shows how the intellectual underpinnings of the concept of disability combine with institutional incentives to produce a powerful dynamic of definitional expansion.

STONE, D. (1984). THE DISABLED
STATE. PHILADELPHIA: TEMPLE UNIVERSITY
PRESS.

I

The Distributive Dilemma

All societies have at least two distributive systems, one based on work and one on need, whose coexistence is a thorny problem in social policy and political theory. On the one hand, societies depend on their members to perform work of some kind; in varying degrees, people are expected to be self-sufficient and to produce a little bit extra to trade, sell, or give to others in order to improve the condition of society as a whole. On the other hand, in any society, not everyone can meet all of his or her own needs all of the time, and the very essence of society is providing help to those in need.

There are many possible responses to need, however need is defined or perceived. A society may not recognize real needs or may deny that they exist. It may recognize needs in some groups but not in others. It may recognize needs but be willing to let people suffer anyway. But if it decides to undertake any sort of humanitarian aid, it faces the problem of how to help people in need without undermining the basic principle of distribution according to work.

One reason for the tension between the two distributive systems has to do with the "logic of collective action."¹ In order for need-based distribution to be possible, some people must not only produce more than is necessary for their own subsistence but must also refrain from consuming the surplus. If surplus product is available for redistribution, however, what incentive is there for individuals to produce surplus, either for their own use or for possible redistribution to others? The need-based system is a classic example of a public good, and "the logic of collective action" leads individuals to withhold contribution—in this case, extra work.

The other major reason for the tension has to do with the motivation for work in market societies. The hallmark of market societies is that labor is treated as a commodity, and people receive wages or salaries as compensation for their work. They can then convert their income into goods and services, also through the mechanism of mar-

ket exchange. A critical assumption of theories of the market economy is that people work only for instrumental reasons, not for the inherent satisfaction or reward derived from work. In this view, if people could attain all the goods and services they needed and desired without working, no one would work.

This assumption about human motivation is at the core of Malthus's eighteenth century analysis of English welfare policy and, for that matter, most contemporary analyses of the welfare state:

It seems perfectly visionary to suppose that any stimulus short of that which is excited in man by the desire of providing for himself and family, and of bettering his condition in life, should operate on the mass of society with sufficient force and constancy to overcome the natural indolence of mankind.²

Malthus attributed the alleged aversion to work to "natural" human traits. Contemporary Marxists would attribute the instrumental or materialist attitude toward work to socialization under capitalism: because capitalism forces the laborer to sell his labor power as a commodity, people learn to think of work only in instrumental terms.³ But both analyses lead to the conclusion that there must be some coercive element to induce people to work, and that element is the denial of satisfaction of material needs.

Given this view of the nature of work, the work-based distributive system will be most effective—inspire the most productivity—when it is the only distributive system. Its incentives function best when they are not undercut and weakened by nonwork opportunities to fulfill one's needs. Yet paradoxically, the work system can never meet even the most minimal needs of many people. Some are incapable of working at all, or working enough to fulfill even basic material necessity. Labor markets never function perfectly: there are lag times and transition periods when markets have to "adjust," and disruptions in local or national economies, so that jobs are simply not available. And working itself creates new needs or perceived needs, so that even when people do work, they are in a sense always "behind" in meeting their needs and wants.

The conflict between work- and need-based systems obtains in both capitalist and socialist societies. Both are market societies, but with the difference that in one, accumulated capital is controlled privately while in the other, it is controlled publicly. It is the accumulation of capital per se, not the locus of control over capital, that

creates the distributive dilemma. Private control over investment certainly makes persons without capital less secure than owners of capital; their future well-being depends on continued employment, and therefore on the investment decisions of those who have capital. But even under socialism, where capital is collectively owned, the individual is at the mercy of investment decisions over which he or she has very little control; the lone voice of the average citizen is but a whisper in any large group, whatever its ideological persuasion. Thus, both capitalism and socialism contribute to the insecurity of individuals and their need for need-based redistribution.

But neither capitalism nor socialism *creates* the distributive dilemma. The clash between work- and need-based distribution does not derive from the individual's lack of control over capital, however that lack occurs.⁴ The clash comes ultimately from the fundamental tension between consumption and saving. How can people be given an incentive to save and economic security at the same time? Saving requires restraint from immediate consumption and, therefore, some restraint on what sorts of consumption people define as necessary—their concept of need. But need-based distribution, by definition, gives expression to need; by its very existence, it encourages people to think more expansively about what they define as necessary.

The tension between the two systems based on work and need is the fundamental distributive dilemma. To resolve it, society must develop a set of rules to determine the boundaries of the two systems, rules that specify who is subject to each distributive principle and what is to be distributed within each system. There is no natural boundary between the two systems, no inherent definition of what constitutes need or who "belongs" in one system or the other. Rather, the boundary is something that each society has to invent, to redesign in the face of changing social conditions, and to enforce. Different societies will resolve the dilemma differently, and any one society will find different resolutions at different periods of its history. A successful resolution of the dilemma will have certain general characteristics, but every particular resolution is designed by politics, not by some universal logic.

The distributive dilemma has been portrayed here in a particularly stark version, assuming societies to have only two distributive principles—work and need. In fact, several distributive principles may operate simultaneously in a given society, though it is probably

fair to say that in all modern societies work remains the *primary* distributive criterion in the dominant political ideology. (In actual practice, property or wealth would seem to be the dominant criterion.) In addition to distribution according to labor, certain goods, services, opportunities, and privileges may be distributed on the basis of ascriptive characteristics (such as age, birth order, gender, or religion); blood relationships (as in special tax treatment of family gifts, or college admission preference to children of alumni); property ownership (as in tithes, rents, and stock dividends); or special kinds of achievement (such as military service, fame, and extraordinary talent). But the existence of multiple distributive principles does not eliminate the distributive dilemma.

Instead of viewing the dilemma as a tension between the work and need systems, we can view it as a tension between *all* rule-based systems on the one hand, and the need-based system on the other. Rule-based systems are those that use some principle other than need to allocate goods and services. Ascriptive characteristics, religious affiliation, blood relationships, ownership, and special achievement are all principles for rule-based systems. The question is, then, *when should need be allowed to supersede other rules as a principle for distribution?*

Need-based distribution is understood to be extraordinary, outside the normal rules. The need system is different in character from the others because it is regarded as a system of last resort, to be invoked only when all other systems have failed. The need-based system might usefully be viewed as society's "rescue" method; it is the distributive system that allows society to save people who cannot survive in the normal distributive regimes. Thus, even where there are multiple rule-based systems, a society still has the problem of determining when people should be allowed to receive social aid through a need-based system.

In societies where sheer subsistence is the overriding concern, there are elaborate, if usually unwritten, social arrangements for aiding people in dire need. E. P. Thompson's classic study of food riots in eighteenth century England³ shows that English towns had a well organized emergency system for dealing with grain shortages, codified in a "Book of Orders." When local officials failed to implement an emergency distribution system, popular protests in effect reproduced the system specified in the Book of Orders and signaled the town magistrates to initiate emergency measures and public relief. Food riots, far from being random acts of violence, were highly

organized, consistently patterned crowd behavior, shaped by very specific notions of political and moral obligation. James Scott has shown similarly that peasant societies of southeast Asia have definite social arrangements for guaranteeing subsistence to their members: communal land, regional granaries, reciprocal aid among kinsmen and friends, charity from the better off, and famine relief arranged by local governments are all part of a need-based distributive system that provides a measure of social security.⁴

The subsistence ethic characteristic of peasant societies is part of what has been called the "moral economy." In these societies, there is a shared belief that all members of a community are entitled to a living out of local resources, and that those with surplus have an obligation to give aid to those who might otherwise starve. The moral economy of a society is its set of beliefs about what constitutes just exchange: not only about how economic exchange is to be conducted in normal times but also, as Scott and Thompson have emphasized, when poor individuals are entitled to social aid, when better-off people are obligated to provide aid, and what kinds of claims anyone—landowners, employers, governments—can legitimately make on the surplus product of anyone else.

The concept of moral economy can be applied not only to peasant societies but equally well to modern societies. The moral economy is about nothing if not the boundary between work and need. That boundary may be "thinner" in peasant societies than in modern ones; the difference between what a person can comfortably provide for himself in the best of times and near starvation in the worst of times may not be very large. But the boundary's dimensions are not given by nature; rather, they derive from a set of ideas about need and justice, and a set of social arrangements that carry out those ideas. Although its substance may be different, the moral economy of modern societies still must provide legitimating answers to the same question about distributive justice: *when should need-based supersede work-based distribution?*

Further questions then arise: why are some kinds of needs thought to be appropriate objects of social policy while others are ignored? Where does a societal concept of need at any particular moment come from? There is no fixed quantity of needs, or even a fixed definition of what constitutes a need. Rather, needs are a complicated mixture of social resources and individual striving, of public expectations and private imagination.

Need systems, if they are established at all, are set up to meet

needs not satisfied in the work system. In a very important sense, a society's concept of need mirrors its concept of work. People are thought to be in need when they do not have whatever it is that most people in the society obtain through their work. In subsistence economies, where the primary derivative of work is food, welfare systems (or more accurately, charity and norms of reciprocity) tend to provide aid in kind. In market economies, where wages are considered the primary benefit of work, welfare systems tend to provide aid in the form of cash.

Of course, work provides much more than subsistence in either case: it can be a source of social status, friendship, information, frustration, and pride; it gives opportunities for creativity, self-expression, learning, protest, and political organization; and it establishes many of the routines and rituals that structure our lives. Still, not all of these needs are satisfied for everyone in the work system, yet public and private programs single out a few of them as legitimate.

In peasant societies, dire need is commonly understood as *global but temporary*—an act of God or nature that affects the whole of society (or its crops) but clearly a seasonal, temporary event. Droughts, pestilence, bad harvests, and famine are the reigning images here. In ordinary circumstances, the economic norm may be self-sufficiency through independent farming and petty trade, but the moral economy recognizes that even in ordinary times, most peasants live close to the margin of survival. Thus, in subsistence societies, need-based distributive systems are always in the wings, and the interesting political question is how these systems are called into operation and allowed to override the prevailing distributive system based on self-sufficiency and reciprocal aid.

In modern welfare states, poverty is more likely to be understood as *partial and continuous*—a condition that affects only some individuals, localities, or categories of people within a society but one likely to last indefinitely for those segments. Need-based distributive systems are no longer in the background, to be implemented only in emergencies, but rather exist alongside work- and property-based distributive systems. The central political question is then how need systems are turned *off* or, more precisely, how they are constantly monitored and limited. In place of the triggering mechanisms of peasant societies, modern societies try to establish a regulating mechanism that continuously controls the boundary between need and other distributive systems.

The Categorical Resolution

A successful resolution of the distributive dilemma must perform certain functions. First, it must provide a rationale for assigning people to either the work-based or the need-based distributive system. Each system has its own set of rules about how allocations are to be made *within* it, but there must also be rules to determine who will belong to each one. Under what conditions should the needs of an individual be allowed to take precedence over his obligations to participate in the primary work-based system? The rationales for allowing individuals to participate in the need-based system must accord with the basic assumptions about human nature and justice that underlie the work-based system.

A successful resolution must also provide a validating device—a test for determining exactly when each distributive system should be operative. The validating device is in a sense a means of applying the rationale to individual cases. Two kinds of information are required. One pertains to the needs of the individual: are the person's needs in fact not being met under the primary, work-based system? The other pertains to the rationales for separating the two distributive systems: does the person have a valid excuse for being in need or for not participating in the work-based system? The validating device is the mechanism by which society obtains knowledge about individuals for the purpose of deciding whether to give social aid.

A good resolution must also perform one other function: it must maintain the dominance of the primary distributive system. It must allow for the possibility of rescuing people in dire straits (however that condition is defined), but it must also ensure that the work-based distributive system remains primary. The definition of boundaries between the work and need systems must maintain need-based distribution as an extraordinary phenomenon, not the norm.

The system we have come to call the "welfare state" is characterized by one particular resolution of the distributive dilemma: categorical exemptions from the labor market. Under this resolution, people will be given social aid when they belong to a category that has been granted social exemption from participation in the work-based distributive system. Welfare states have adopted the principle that certain characteristics—youth, old age, widowhood, and sickness—render people automatically incapable of participating in the wage-labor system. An important feature of this resolution is that the *categories* have a legitimate claim to social aid, not the indi-

viduals.) Individuals are given social aid only if they meet the test of belonging to one of the formally defined categories.

The categories thus act as boundaries between the primary, work-based distributive system and the secondary, need-based system. They are the devices that determine which people will belong to each system and under what conditions people will move from one to the other. The categories might be likened to membranes or filters designed to let only certain elements pass through.

As with any general resolution of the distributive dilemma, the categorical resolution must perform certain basic functions in order to be successful. Since the categories serve to define the boundaries, they must themselves be defined in ways that contribute to a stable resolution of the tension between the work-based and need-based systems.

Each category must be based on a culturally legitimate rationale for nonparticipation in the labor system. Since the dominant ideology in a market society holds that each individual is responsible for fulfilling his or her needs by working and earning, categories will define conditions under which people cannot be held responsible for working. The traditional categories have been childhood, old age, sickness, and sometimes widowhood. The rationale behind these categories is that something inherent in the conditions they describe *prevents* people from working, no matter how strong the will to work in individual cases. The categories are meant to describe circumstances under which individuals cannot be held at fault for not working.

The definitions of categories are thus tied to concepts of control and responsibility. They are meant to describe general circumstances when individuals should be exempt from the duty to work and when *not* working can be unequivocally interpreted as beyond the conscious control of the individual. The definitions are also tied to underlying cultural notions about work. For example, if work is conceived as a physical process requiring certain kinds of strength and stamina, then the categories for exemption will be defined in terms of some lack of these abilities. If, however, work is defined as a mental process, requiring certain kinds of intelligence, imagination, and perception, then the categories might be defined very differently.

Each category must also be defined in terms of a validating device that determines whether the generally recognized, culturally legitimate excuses apply in particular cases. An effective validating

device should enable a fairly speedy determination, since the applicants in question are presumably in dire straits and in need of immediate aid. Therefore, it must make use of information about individuals that is readily available or easily obtainable.

The validating device must also be based on objective rather than subjective information. This requirement is important because of the assumption in market societies that individuals do not desire to work, that they work only because labor is instrumental in acquiring things they do desire. Since individuals are assumed to be motivated to escape from the work-based distributive system, they are presumed to have incentives to misrepresent information about themselves in order to meet the categorical tests of the need-based system. Therefore, the validating device must rely on information that cannot be manipulated by the individual claimants.

The necessary information for some traditional categories of welfare policy is easily obtained and interpreted by disinterested individuals. Childhood and old-age require only evidence of a birth date (if not simply visual observation), and birth records were one of the first elements of public statistics. Similarly, proof of status as a widow requires only proof of a husband's death, and again, death records tend to be among the most accurately kept of social statistics. Disability, however, has always been more problematic, both because no single condition of "disability" is universally recognized, and because physical and mental incapacity are conditions that can be feigned for secondary gain. Hence, the concept of disability has always been based on a perceived need to detect deception. The problem of a validating device—a means to define and determine disability—is central to the current crisis of disability benefit programs.

The validating device must also provide information about the individual's needs. It should tell not only whether the person has a culturally legitimate excuse for not working but also whether he is in fact needy. If a person belongs to one of the socially defined categories, then he or she is by definition needy. The categorical resolution is so appealing precisely because it eliminates the necessity of a "means test," or information about an individual's financial resources and needs.

Finally, since any resolution of the distributive dilemma must maintain the dominance of the primary work-based system, each category must be highly restrictive, defined in such a way that the number of people who can possibly belong to it is very small relative

to the number who do not. The question of what determines the relative sizes of a society's work- and need-based distributive systems has occupied many scholars of the welfare state. What is important to this discussion is that the tolerance of different societies for need-based distribution may vary, but the need-based system will be labeled as "in crisis" at precisely those moments when the *restrictiveness* of a category is felt to be too loose or ineffective. The definition of a category is essential to its restrictiveness, because the definition is the boundary; every definition is a mechanism for allocating people to the category.

Categorical exemptions are not the only possible solution to the distributive dilemma. Another possibility is a system of multiple citizenship statuses, with different sets of rights and privileges: typically, those who participate in (and are successful) in the work-based system (and perhaps all rule-based systems) have something like full citizenship, while those participating in the need-based system have only partial citizenship. In exchange for social aid, the recipients of need-based distribution give up some of the rights they would otherwise have. Under the old Poor Laws in Britain, virtually anyone could enter the need-based system, becoming a pauper, but in lieu of restrictions on entry, there were penalties meant to act as deterrents. Paupers lost some of their citizenship rights, such as the right to travel out of the parish, the right to live with their families (in the workhouse), and—notably—the right to vote. The categorical resolution allows for the provision of welfare to categories of citizens without having to define them as lesser citizens. The innovation of the modern welfare state was the invention of categories of *faultlessness* in which a person could be both a citizen and in need.⁷

Not all systems of dual citizenship are established as solutions to the distributive problem. For example, slaves are not given the opportunity to prove themselves first in the full-citizenship domain; they are assigned to slavery status on the basis of some criterion other than their personal achievement. When dual citizenship is used as a device to make rescue possible, however, personal achievement becomes relevant in determining citizenship status. People are given a chance to participate in the rule-based distributive system first, and only if they fail do they enter the need based system.

Another possible resolution of the distributive dilemma is the use of organizations other than the state to provide aid on the basis of need. In feudal society, the guilds had systems of social aid primarily for their own members, but they also provided charity for some poor people outside their membership. The church was, of

course, the major institution for charity, and charitable foundations were also part of the feudal era's social landscape. Later on, in the eighteenth and nineteenth centuries, various mutual aid societies, friendly societies, and eventually trade unions took on the function of providing social aid to members in need. Indeed, these institutions coexisted with state programs for quite a while during the development of the welfare state, and many private organizations for social welfare based on need continue to exist.⁸

Relegating charity to the realm of private organizations does not in itself solve the problem of delineating the boundaries between work and need systems. If these organizations are allowed to set their own policies on entitlement (that is, on who will be allowed into their need-based systems), their policies may conflict with or undermine the work-based system. In fact, welfare policy in Europe evolved partly out of legislation designed to restrict the availability of private charity, and thus drew the state into one important aspect of conflict with the church.⁹

Another way that a society provides aid on the basis of need is through *unorganized* private charity. In all societies a certain amount of voluntary, informal charity exists alongside the primary distributive system. Goods and services may be provided to people in need through kinship networks and informal community ties, and the obligations to repay may be very strict, even if never formally stated.¹⁰ Even less formal is the institution of begging, whereby people in need solicit aid from strangers. Begging and informal networks are in one sense good solutions to the distributive dilemma: because they are relatively invisible, they do not undermine the work-based system as much as public and more visible need-based distribution might. Aid received through these channels appears as an isolated, random, and infrequent phenomenon, rather than a stable institution upon which people might rely. The donors of charity are free to decide whether to give, how much to give, when to give, and to whom. However, as we will see in the next chapter, when private, unorganized systems of need-based distribution are thought to be undermining the primary system, even they will be subject to regulation.

The Disability Category

That old age, childhood, and disability should be conditions automatically entitling people to social aid seems entirely natural to us in the present day. But for social historians, what a society takes for

granted is often much more interesting than its overt controversies. If one removes the contemporary cultural lenses through which disability is normally viewed, the obvious becomes very perplexing indeed.

In his study of the social treatment of children, Phillippe Aries found that for much of Western history, people did not perceive childhood as a distinct period in individual development or as a state of being requiring any special treatment.¹¹ The emergence in our culture of the idea of childhood as a distinct phase is a modern phenomenon. The same must be said of disability. What seems to us so obvious now—that there is a state of being called “disabled” which is clearly different from the normal state of being and which requires special treatment—is a fairly modern perception.

To understand the concept of disability and how it both resolves and complicates the distributive dilemma, we need to know how and when it became an administrative category of the welfare state. In very early descriptions of welfare programs in European towns, there was no category of disability as such, but only reference to special treatment for the aged and infirm, for lunatics and defectives, invalids and the lying-in, able-bodied and impotent beggars, and orphans. How did some of these originally distinct classes come to be lumped together in one unified category? How did disability come to be recognized as a single phenomenon, with enough shared cultural meaning to serve as a defining characteristic for public welfare programs?

This book takes the view that disability is a socially created category rather than an attribute of individuals. This perspective is not the same as the claim, common among disability advocacy groups, that the disabled are handicapped only because they live in a world dominated by the able-bodied and therefore not adapted to the needs of the minority: “It is not the fact that [a person] cannot walk that is disabling but that society is organized for walking and not wheel-chair-using individuals. [A person’s] disability is not paraplegia but steps, pavement kerbs, buses and prejudiced shopkeepers.”¹² In that view, disability, like other forms of discrimination, is created by the “ablist” biases of mainstream society: the disabled are like fish out of water, and if physical and social barriers to integration were removed, they would cease to be a distinct group. Such a perspective on disability has its merits, particularly as it reveals ways that society can make changes to enable the disabled to participate more fully. Without dismissing this view, I want to emphasize that it

is not the sense in which I argue that disability is a socially created category.

Disability is a *formal administrative category* that determines the rights and privileges of a large number of people. The idea of blindness can serve as a good illustration. It might seem on first thought that blindness is a straightforward case of disability where everyone could agree that a person who “can’t see” is blind and that the inability to see is purely an individual characteristic. Now consider these three instances. The first is a man who is “legally blind” but who sight-reads Bach at the harpsichord, up to tempo with nary a mistake; he has tunnel vision and can see only a small field, but enough to perform a musical feat. The second is a customer at a car dealership, who, after carefully examining the color charts in selecting the color of her new purchase, informs the salesman that she is going to pay for her car partly with a government check she receives by virtue of being legally blind. The last is a photograph in a university newspaper showing students from a nearby school for the blind visiting a laser sculpture exhibition in the university art gallery; the caption says that some of the students, who are “legally blind but partially sighted,” are describing the exhibit to their blind classmates—truly a case of the blind leading the blind.¹³

Thus, there is blindness and there is “legal blindness.” The claim here is that legal blindness is a socially created category, established for specific policy purposes as part of the general categorical resolution of the distributive dilemma. Along with the other categories, it is part of a search for a means of objectively determining who is deserving of social aid. The concept of disability embodied in the administrative category represents a politically fashioned compromise at any given time and place about the legitimacy of claims to social aid.

The argument that disability is a socially created category does not deny that certain characteristics of individuals significantly limit their ability to function. But to view disability as a socially constructed phenomenon is to focus on a different set of questions: one asks not what is “wrong” with some individuals, but why social institutions respond to some individuals differently than to others. The phenomenon under examination is interactive, to be sure. Social institutions respond to some individual characteristics that people perceive, but they also engage in selective perception and actively shape the way people are treated.

Another historical problem is how the concept of disability came

to be associated with clinical medicine and clinical reasoning. In earlier times, people could receive social aid on the grounds of conditions we still consider disability, but they could do so without ever going near a physician or hospital. If we do not take for granted what is true in our own society, it is not obvious why judgments about inability to work, or about the legitimacy of an individual choice not to work, should be made by physicians rather than by priests, judges, juries, teachers, or public officials. That the concept of disability is so connected to medical definition in contemporary society is an artifact of history.

The link between the formation of disability as an administrative category and its definition as a medical phenomenon is the concept of deception. The other two major categories of modern social welfare policy, old age and childhood, were always assumed to represent authentic states of being, totally independent of the will of individuals. Disability, on the other hand, even in its early incarnations as more specific conditions, was seen to exist in both genuine and artificial forms. People could either be truly injured or feign injury. In the modern understanding of disability, deception has become part and parcel of the concept itself, and the nature of this deception is tied to the particular form of validation used to detect it. The definition of disability and the means to determine it became critically linked.

Finally, a social observer cannot fail to notice that disability entails (or may entail) at least as much political privilege as it does social stigma. It is a political privilege because, as an administrative category, it carries with it permission to enter the need-based system and to be exempt from the work-based system. It can also provide exemption from other things people normally consider worth avoiding: military service, debt, and criminal liability. Disability programs are political precisely because they allocate these privileges. The evolution of contemporary programs must be seen in this context, and the intense political interest in disability benefit programs in recent years can only be understood if we see that the fight is about privilege rather than handicap or stigma.

2

The Origins of the Disability Category

English Poor Law Policy

To understand how the disability category evolved, we must go back to early English poor relief, which itself grew out of a series of fourteenth-century laws for the regulation of vagrancy. The relationship between vagrancy and disability would seem to be very remote, but an examination of poor relief policy shows important connections. Both vagrancy and disability are understood in the culture of their times as social roles that might be adopted either legitimately or illegitimately. A genuine vagrant or "honest beggar," as the phrase usually went, and a genuinely disabled person are those who occupy the roles involuntarily, forced by circumstances to enter the need system. Both disability and vagrancy are unstable states. Vagrants are literally on the move, and may at any time shift back and forth between steady employment and wandering. Disabled people are metaphorically on the move: their handicapping conditions may be improving or deteriorating, and their ability to move in and out of normal or nondisabled roles may be constantly changing. In poor-relief policy, the two conditions of vagrancy and disability intersect in the question of how to detect the genuinely needy beggar from the one who feigns disability.

The question of legitimacy pervaded all discussions of vagrancy from the fourteenth to the nineteenth century, and it is certainly true that vagrants have a bad name in English social history. Statutes, treatises on welfare and poverty, and proposals for reform of relief all portray vagrants as a major social problem.¹ Contemporary descriptions were unanimous on two points: that the number of vagrants was growing rapidly, and that all manner of social problems were caused by vagrancy. (In many ways, vagrancy played a role in