Fiat silentium? Deafness in Medieval Thought

by

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Abstract

Scholars of both deaf history and medieval disability history have largely ignored deafness in medieval Europe. Deaf history scholars begin their history in the nineteenth century, when the first sustained attempts to educate the deaf began in Europe and America. Nineteenth-century proponents of deaf education established a progressivist view of history, seeing the "modern" methods of the nineteenth century as superior to pre-modern methods of educating the deaf. This presupposition caused them to view the pre-modern era selectively, particularly with respect to medieval Europe. This selectiveness led to a lack of serious historical scholarship, giving rise to assumptions about deaf history that have persisted to the present day. The traditional example for the medieval period was Saint Augustine having apparently considered the deaf as unable to learn or communicate. Augustine has been used as part of a narrative that pre-modern societies oppressed deaf people by denying them their legal and educational rights. To counter this narrative of historical oppression, modern disability theory has proposed two models of disability that treat disability positively: the social and cultural models. These models have been projected on to pre-modern history, giving rise to a number of anachronistic tendencies, particularly the imposition of modern "politically correct" language concerning disability on pre-modern texts and the assumption that pre-modern societies automatically viewed disability pejoratively. A review of the sixth-century Code of Justinian, the thirteenth-century English legal theorist Henry de Bracton's work, and thirteenth-century English legal cases involving instances of actual or alleged deafness and/or mutism demonstrates that there was a high degree of precision in how deaf and/or mute people were described with respect to their rights. This precision suggests that legal

proscriptions against deaf and/or mute people were actually designed to positively protect their rights and property to the fullest possible extent of the law, to the prejudice of any hearing person involved in a case against a deaf and/or mute person. This positive view of deaf and/or mute people in pre-modern law is also evident in Augustine's thought. A careful review of his commentary on *Romans* 10:17 shows that he never considered the deaf to be incapable of instruction or communication. In *De Magistro* (*On the Teacher*), Augustine carefully explicates his theory of language, using the deaf as an example for non-verbal communication by means of gestures. He concludes that the deaf can express nearly everything that spoken and written language can, but stops short of considering gestural communication a *bona fide* language. This is confirmed by a careful reading of the relevant passages in the work of the thirteenth-century scholastic, Saint Thomas Aquinas. I also use Aquinas' system of thought as the basis for constructing a possible medieval, Thomistic view of disability. I argue that Aquinas (and Augustine) would have rejected the modern idea of "disability" and its emphasis upon physical and mental impairments because these impairments are a consequence of Adam and Eve's rejection of God in the Garden of Eve, an event known as Original Sin. Logically and theologically, Aquinas and Augustine started from the premise that the most disabling event – indeed, perhaps the only disabling event in history – was Original Sin and the expulsion from the Garden, or the Fall. Both thinkers would necessarily have seen disability as a consequence of Original Sin, meaning that every human body labours under an infirmity: we are all disabled physically, mentally, and spiritually.

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Chapter 1 – Deaf History: A Nineteenth-Century Invention?

Towards the end of his life, the Roman orator Cicero composed the *Tusculan Disputations* in which he and several interlocutors discussed aspects of the question as to how a wise man could lead a happy life. In the fifth dialogue, Cicero and his interlocutors have reached the conclusion that the wise man could lead a happy life; here, they discuss whether or not virtue is necessary for leading a happy life. In propounding the argument that the wise man is always happy and virtuous, Cicero opines on whether or not a wise man who happens to be blind or deaf would consider himself to be happy. Cicero posits an argument that not having one or the other sense does not prevent the wise man from enjoying the pleasures of life and becoming wise, thereby permitting him to continue to work towards virtue as much as an able-bodied man can.

After discussing blindness, Cicero remarkably argues that all people are metaphorically deaf whether they realise it or not:

> In surditate vero quidnam est mali? Erat surdaster M. Crassus, sed aliud molestius, quod male audiebat, etiamsi, ut mihi videbatur, iniuria. [Epicurei] nostri Graece fere nesciunt nec Graeci Latine. Ergo hi in illorum et illi in horum sermone surdi, omnesque item nos in linguis quas non intellegimus, quae sunt innumerabiles, surdi profecto sumus.[1]

To this, an interlocutor objects that the deaf could never enjoy the pleasures of music. Cicero remarks that by the same token, the deaf do not hear annoying noises, such as the grating of a saw or the roar of the sea when one is trying to rest, before concluding that many wise – and thus happy – men lived before music was discovered and relied upon

[1] Marcus Tullius Cicero, *Tusculanae Disputationes* 5.116. (But what is there of evil in deafness? M. Crassus was somewhat deaf, but it was another more troublesome thing that he heard things said badly of himself, even if, as it seemed to me, unjustifiably. Our Epicureans [= Romans] generally do not know Greek, nor the Greeks Latin. So these Epicureans are deaf in the Greeks' language, and those Greeks in ours, and we are all likewise deaf in these languages – which are innumerable – which we do not understand.)

sight rather than hearing.[2] This point contrasts with Cicero's earlier argument that a blind man who happened to be blind would rely upon hearing rather than sight. Having lost one sense or the other does not preclude a man from becoming wise and virtuous.

Cicero's brief treatment of deafness in relation to blindness is surprising in two ways. First, he demonstrates the difficulty of examining pre-modern understandings of deafness. Cicero's analysis of the wise man privileges blindness over deafness despite his seeming indifference to which disability might be worse than the other.[3] Cicero devotes the bulk of this section to blindness, discussing the careers of several famous Greeks and Romans, and how they all – when they were asked – remarked that they found blindness to be no difficulty as they still had companions – particularly readers – to assist them in their work. In contrast, his section on deafness is brief, viewing deafness – positively – within a metaphorical framework and opining upon the lives of (hearing) men prior to the invention of musical instruments. Cicero concedes that it is far easier to comprehend the impact of blindness than deafness because one can speak with a blind man, whereas conceiving of deafness necessarily restricts a questioner to speaking or otherwise communicating with a post-lingually-deafened person. Blindness is not as socially isolating or disabling as deafness is.

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[2] Cicero, 5.116. "At vocem citharoedi non audiunt." Ne stridorem quidem serrae, tum cum acuitur, aut grunditum cum iugulatur, suis nec, cum quiescere volunt, fremitum murmurantis maris; et si cantus eos forte delectant, primum cogitare debent, ante quam hi sint inventi, multos beate vixisse sapientis, deinde multo maiorem percipi posse legendis his quam audiendis voluptatem. ("But they do not hear the voice of the harpist." Then they hear not even the hissing of a saw when it is sharpened, nor the grunt from a pig when its throat is cut, nor the din of the roaring sea when they desire to rest; and if they [= hearing people] perhaps are fond of singing, they ought, in the first instance, to consider that many wise men lived happily before they had discovered music, and secondly that they may have had greater pleasure from reading them [i.e. songs] than the enjoyment to be had from listening to them.)

[3] Cicero, 5.111. In response to an interlocutor who expresses amazement that a wise man should still consider himself to be happy even if he's deprived of the senses of seeing and hearing, Cicero responds affirmatively. "Etiamne, si sensibus carebit oculorum, si aurium?" Etiam; nam ista ipsa contemnit. ("Even if he lacks the senses of the eyes and of hearing?" Certainly; for he thinks little of these very things [the senses of sight and hearing].)

Second, Cicero's language to describe deafness is striking. He develops a subtle tripartite ranking whereby he moves from "full" deafness itself – *surdus* – to Crassus' partial deafness by employing the suffix *–aster* to turn *surdus* into the diminutive/comparative *surdaster*. The suffix indicates that Crassus' "deafness" was incomplete or otherwise imperfect, compared to the "perfect" or complete deafness implicit in *surdus*. Cicero completes his ranking by moving from Crassus' partial deafness to a metaphorical, theoretical deafness that affects all who are hearing. This "theoretical" deafness is more "perfect" for Cicero's purposes precisely because it permitted him to imagine, albeit briefly, what it must have meant to be truly deaf by way of a positive, yet imperfect, analogy of being unfamiliar with a foreign language. The metaphor ultimately fails, as one cannot "learn" deafness. Likewise, one cannot simply "learn" what it was like to be deaf in the pre-modern era by imagining it, yet this practice of imagining historical deafness is common practice; indeed, how can one speak of the idea of a history of the deaf when deaf people have only been communicating consistently with hearing society since the late eighteenth century?

The Historical Trajectory of the "Deaf Experience"

The ability of deaf people to communicate effectively with hearing people from the late eighteenth century onwards presents a difficulty, one recognized in "deaf histories" themselves: the division of history into two epochs: an epoch of silence – when the deaf were unable to communicate and thus participate effectively in society – and an epoch of language. *Fiat silentium; fiat lingua*. This dichotomy places pre-modern society and history on the side of silence, and (early) modern society on the side of language,

establishing a teleological framework through which to view the "deaf experience" as a struggle to attain language and – even now – to attain full participation in modern society.

I propose to critique and challenge this approach to deaf history three ways. In this chapter, I shall show how deaf history is based on a nineteenth-century progressivist view of history which prized sustained, "modern" methods of deaf education over the ad hoc attempts at deaf education that characterised pre-modern history. This led to a strong tendency to reduce pre-modern history to caricature, often using Saint Augustine to represent the whole of medieval thought concerning deafness.[4] As seen in the second chapter, this caricature led to the development of a narrative that people with disabilities, including the deaf, were oppressed throughout history until the modern era freed them from oppression. This narrative led disability scholars to develop several theoretical models of disability which treated disability as a positive concept, albeit in opposition to the majority (non-disabled) population. This positivism caused scholars to develop a tendency to view pre-modern references to disability negatively and to assume that pre-modern societies invariably viewed disabilities negatively as well; a review of medieval English legal cases involving actual or alleged cases of deafness will show that this is not the case. The final chapter discusses the implications of this apparently positive view of disability in medieval England by reviewing what Augustine actually said about deafness before developing a possible medieval understanding of disability based on the work of Saint Thomas Aquinas.

[4] Saint Augustine is properly considered a late-antique intellectual. My description of him as a "medieval" intellectual points more to how his writings were foundational to the development of medieval thought.

Deaf History: A Nineteenth-Century Invention

The American Annals of the Deaf: 1847 – c. 1910

Deaf history – at least in the English-speaking world – is perhaps unique in that the beginning of any serious attempt at studying it can be traced with some exactitude.[5] In October 1847, the first edition of the *American Annals of the Deaf and Dumb* was published.[6] Its first editor, Luzerne Ray, envisioned a remarkably expansive remit for the *Annals*, writing in his introduction to the first edition that

> [w]e intend that the range of discussion taken by the *Annals* shall be as wide and varied as the unity of our purpose will allow. The deaf and dumb constitute a distinct and, in some respects, strongly-marked class of human beings; and a much more numerous one also than is commonly supposed. They have a history peculiar to themselves, extending back for many centuries into the past, and sustaining relations, of more or less interest, to the general history of the human race. With our utmost diligence, we propose to seek after whatever stands connected with this particular history of deaf and dumb; to gather up its *disjecta membra* [dispersed members], for it exists as yet only in a fragmentary state; and to set it forth with such distinctness and completeness, that whoever shall hereafter desire to ascertain any fact, or resolve any doubtful question, concerning this class of persons, may find something in our pages to aid him in his search.[7]

Ray envisioned the *Annals* as having a dual purpose: first, it was intended to act as an organic encyclopedia by collecting the disjointed writings concerning the deaf throughout all of history; and, second, to establish the "official" history of the deaf because no such

[5] Sustained writings concerning the deaf and their education began to be published in France in the late eighteenth century onwards. See in particular *The Deaf Experience: Classics in Language and Education*, ed. Harlan Lane, trans. Franklin Philip. (Cambridge, MA: Harvard University Press, 1984). The first volume was published by the Harvard University Press, but all subsequent volumes have been published by Gallaudet University Press. This series provides selections of (primarily French) writings about and by deaf people during the eighteenth and nineteenth centuries in English translation. Anne Quartararo provides an excellent overview of the early writings concerning and by the deaf in her book on the deaf in nineteenth-century France. Anne T. Quartararo, *Deaf Identity and Social Images in Nineteenth-Century France* (Washington: Gallaudet University Press, 2008), both before the French Revolution (pp. 9-35) and during the Revolution (pp. 36-48).

[6] The title of the journal was changed to *The American Annals of the Deaf* in 1886.

[7] Luzerne Ray, "Introductory," in *American Annals of the Deaf and Dumb* 1, no. 1 (October 1847): 4.

deaf history yet existed. The *Annals* should be seen as initiating both the idea of "deaf history" and the study of deaf history itself.

Ray moved quickly to begin establishing the outline of deaf history, opening the next volume with a sketch of the Abbé de l'Épée, a recent teacher of the deaf in France who taught his deaf students through signs in the mid- to late eighteenth century.[8] Ray provides a florid description of Épée's labours, retelling the story of how, one day, Épée entered a small house and found two young women at their sewing. When he called out, neither woman made any sign that she had heard him: when the mother arrived shortly thereafter, she explained to Épée that her daughters were deaf and thus dumb.[9] Ray takes care to place great stress upon the Christian nature of Épée's work and desire to instruct the deaf in religion.[10] Ray placed Épée on somewhat of a pedestal as having led the deaf "with a skillful and tender hand, out of their natural darkness into the great light of intellectual and moral truth."[11] For Ray, the "deaf experience" before the time of Épée consisted, one supposes, of "darkness", and it was the desire of bringing the deaf to religion that paved the way for this great shift in the fortunes of the deaf.

Ray, however, carefully frames his biographical sketch of Épée around the questions of language and educational methods by casting Épée as a progressive. Ray obliquely references the fact that Épée himself had Jansenist leanings. Ray notes that in order to obtain a licence to preach, Épée had to sign "a certain formula of doctrine,"

[8] Luzerne Ray, ""The Abbé de l'Épée," in *American Annals of the Deaf and Dumb* 1, no. 2 (January 1848): 69-76. Ray concedes in his preliminary remarks that he simply translated and lightly edited large portions of a French text summarising Épée's life in order to produce the article in the *Annals*.
[9] Ray, "Épée," 71.
[10] Ray, "Épée," 69, 72-73.
[11] Ray, "Épée," 72.

which Épée objected to on the basis of his "intellect and conscience."[12] This oblique reference to Épée's Jansenist leanings brings Ray's encomium into sharper relief by positioning Épée as the progenitor of a "modern" way of thinking, independent from the ossified structures of his time – notably Roman Catholicism. Ray underscores the idea of Épée as making a break with the past by claiming that at the age of sixteen, Épée had learned from his tutor the principle that abstract ideas could be expressed just as clearly through writing as they could be through speech; Ray describes this principle as being the "foundation stone…of the system of instruction" which Épée would go on to develop in order to educate the deaf.[13] For Épée, this system would be predicated upon first mastering the "natural" or organic gestures and signs that deaf people in Paris already used to communicate and then codifying and expanding them methodically in order to then teach the deaf how to write and read French.[14] His system rapidly achieved

[12] Ray, "Épée," 70. Jansenism was a theological movement centered in France in the seventeenth and eighteenth centuries. Jansenism interpreted the theology of Saint Augustine so as to broadly place Augustine's thought in line with Calvinist theology concerning predestination. Jansenism was twice condemned as being heretical by Popes Innocent X (1653) and Clement XI (1713). For an extended discussion of Jansenism, see, for instance, William Doyle's *Jansenism: Catholic Resistance to Authority from the Reformation to the French Revolution* (New York: St. Martin's Press, 1999). Part of the difficulty of effectively explaining Jansenism lies in the fact that it was, at times, closely identified with Gallicanism, which could be imperfectly summarised as the French version of Anglicanism. Gallicanism, however, did not deny nor seek to overturn the papal office. John McGreevey's definition of Gallicanism best gets at the idea, describing it as "the notion that national customs might trump Roman [Catholic] regulations." John McGreevey, *Catholicism and American Freedom* (New York: Norton and Co., 2003), 26.

[13] Ray, "Épée," 71.

[14] Ray, "Épée," 71-72. For a fascinating description of the "natural" language of the deaf in late eighteenth-century Paris, see Pierre Desloges' description of the signs that he and other deaf people had used on the streets of Paris prior to being instructed by Épée. Pierre Desloges, "A Deaf Person's Observations about *An Elementary Course of Education for the Deaf*," in *The Deaf Experience: Classics in Language and Education*, ed. Harlan Lane, trans. Franklin Philip (Cambridge, MA: Harvard University Press, 1984), 26-48. See in particular pp. 41-46. For a thorough explication of Épée's methods of teaching the deaf linguistic concepts (relative to French) and the basics of the system of signs that he developed, see Charles-Michel de l'Épée, *The Method of Educating the Deaf and Dumb, Confirmed by Long Experience*, trans. anon (London: George Cook, 1801), 2-18.

prominence across Europe, leading to the development of schools for the deaf based upon his methods.[15]

To bolster his argument and framework, Ray dismisses the "backwards" age that predated the Enlightenment, writing:

> Familiar as this truth seems to us at the present day, it was almost universally regarded at that period as a philosophical heresy; the strange doctrine being held by the learned, that speech was absolutely indispensable to thought.[16]

Ray emphasises the success of Épée's method in educating the deaf and teaching them language, placing particular emphasis upon the idea that thoughts could be expressed by other means than speech. Épée's breakthrough relative to the "heretical" pre-modern past was to have placed *visual* language on an equal basis with *spoken* language, and to have successfully demonstrated that the two modes of language could be exclusive of each other.

This idea of Épée as the divider between "pre-modern" and "modern" deaf history with respect to language and education is brought into even sharper relief with Ray's next article in the *Annals*.[17] The nineteenth-century underpinnings of Ray's worldview are on full display: he breezily dispenses with the pre-Christian era in his introductory paragraph, declaring that "the ancient world…had nevertheless no heart of love in it for the poor, the ignorant, the unfortunate" and that giving "sight to the blind [and] hearing to the deaf" was not part of the "civilising" ethos of humanity until the advent of Christ.[18]

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[15] Ray, "Épée," 71-72. In 1780, Catherine II of Russia sent her French ambassador to Épée's school in order to learn how to establish a similar school in Russia, and Joseph II of Austria visited the school on one of his incognito visits to Paris to see his sister, Marie Antoinette; he subsequently established a school for the deaf in Vienna.
[16] Ray, "Épée," 71.
[17] Luzerne Ray, ""Historical Sketch of the Instruction of the Deaf and Dumb, Before the Time of De l'Épée," in *American Annals of the Deaf and Dumb* 1, no. 4 (July 1848): 197-208.
[18] Ray, "Historical Sketch," 197.

Ray makes no mention of any attempts to instruct the deaf during the pre-Christian era. The remainder of his historical sketch is concerned with outlining the status of various attempts to instruct and educate the deaf in speaking the local language. Ray claims that the fifteenth-century humanist Rudolphus Agricola provides the "earliest record" of any attempt to "instruct" a deaf person, having noted that he once met a deaf man who could communicate by means of writing.[19] Jerome Cardan, a sixteenth-century physician, is identified by Ray as having begun laying the foundations of the "true theory of instructing the deaf and dumb" by suggesting that the deaf could "hear" by reading and "speak" by writing.[20] He identifies the Benedictine monk Pedro Ponce de León as being the first recognised "instructor" of the deaf due to his success in teaching several deaf Spanish boys to speak Latin, Greek, and Italian.[21] Ray spends the remainder of his article in cataloguing references to Spanish, Italian, English, Dutch, German, and French instructors of the deaf in the seventeenth and eighteenth centuries, who all taught their deaf pupils to both write and speak.[22]

This historical sketch is significant in two respects. Ray anachronistically imposes the nineteenth-century interest in educating the deaf in (spoken) language on to the pre-modern period. His examples have been selected on the basis of their references to education, language, and instruction, thereby handicapping pre-modern history on the basis of whether or not it can be integrated into his "modern" assumptions. Ray does not allow for the possibility that pre-modern ideas about deaf people could have been formed

[19] Ray, "Historical Sketch," 198-199. Ray dismisses this instance by noting that Agricola attributed the deaf person's skill in writing and language to "miraculous agency."
[20] Ray, "Historical Sketch," 199.
[21] Ray, "Historical Sketch," 199-200. There is no mention of instructing the boys in Spanish.
[22] Ray, "Historical Sketch," 200ff. Ray notes that most of these men were moved to instruct the deaf due to having familial relationships with them.

outside of his "modern" preconceptions. In addition to his anachronistic framework, Ray relies upon a superficial and encyclopedic approach, making no serious effort to evaluate the data he has presented. He does not consider the possibility that some of the deaf people he references may have been post-lingually deafened, or may have simply been hard of hearing, nor does he consider the question of what linguistic fluency meant for the men whom he references – whether it may have meant near-native fluency in language or a limited ability to either write or speak depending on the severity of the "deaf" person's hearing loss.[23] Ray's focus is not so much about history as it is about the methods of educating the deaf. This narrow definition of deaf history on the basis of education and language quickly became a feature of historical scholarship in this period.

Ray's dismissal of the pre-modern period due to its irrelevance in relation to his "modern" assumptions about education and language is particularly brought into sharp relief with his discussion of the Justinian Code. Ray writes that

> in the ante-Christian ages, we find no trace of any effort…to remedy the misfortune of the deaf and dumb. On the contrary, this very misfortune was generally regarded as the proof of Divine [*sic*] displeasure, and subjected its innocent victim to additional pains and penalties. A prejudice, equally cruel and absurd, denied them the common rights and privileges of humanity, and even the law, which should have been their protector and defender, lent its solemn sanction to their civil and political disenfranchisement.[24]

To drive his point home, Ray cites the Code as evidence of his assertion that the "pre-Christian" age did nothing for the deaf, even going so far as to call the age of Justinian "the best days of heathenism."[25] Given that the Code was promulgated well into the

[23] Ray reports that Emmanuel Philbert, a seventeenth-century prince of Savoy, was capable of writing and speaking four languages fluently (p. 201) and that a German, Georges Raphel, taught his eldest daughter – who was deaf – so well that "her voice could not be distinguished from that of a hearing person." (p. 204). It is clear that Ray is merely quoting from elsewhere without any commentary or analysis.
[24] Ray, "Historical Sketch," 197.
[25] Ray, "Historical Sketch," 198.

Christian era – in the sixth century AD – it is difficult to determine whether Ray genuinely erred in misdating the Code, or whether he deliberately intended the misdating in order to suggest to his readers that the pre-modern period before the fifteenth century had nothing of value with respect to the education of the deaf. Either way, Ray's historical amateurism was built upon by other writers in the *Annals* over the subsequent decades.

One of Ray's contemporaries, Samuel Porter, contributed an extensive annotated bibliography of the historical information pertaining to deafness that was available in English across six issues of the *Annals*.[26] Porter's bibliography is ordered chronologically, with the intention of focusing on English writers only, which explains why he omits classical antiquity in his list. He begins with two references to deafness found in the works of the seventh-century monk-scholar Bede, which comprise the entirety of the medieval period in Porter's bibliography. The first, found in Bede's *Historia ecclesiastica* (*Ecclesiastical History*), recounts the story of how Saint John of Beverly, a bishop, cured a deaf man by blessing him, then teaching him how to speak, apparently instantaneously. The second reference is to an extended passage in Bede's *De temporum ratione* (*On the Reckoning of Time*), in which Bede outlines a method of communicating by expressing the letters of the alphabet on the hand.[27] Porter expresses his disdain for the medieval period, characterising Bede's account about the deaf man as

[26] Samuel Porter, "Bibliographical," in *American Annals of the Deaf and Dumb* 1, no. 1 (October 1847): 33-44; *Annals* 1, no. 2 (January 1848): 93-112; *Annals* 1, no. 3 (April 1848): 181-193; *Annals* 1, no. 4 (July 1848): 229-237; *Annals* 2, no. 1 (October 1848): 39-51; *Annals* 2, no. 2 (January 1849): 112-123.
[27] Porter, "Bibliographical," (October 1847): 33-34. For a visual explanation of how Bede's "alphabet" works, see "Bede's Latin Hand Alphabet," Medieval Baltic, accessed May 30, 2018, http://medieval-baltic.us/latinbede.pdf. For the Latin text, see Beda Venerabilis, *De temporum ratione liber* cap. I, lines 1-105. For an English translation, see Bede, *The Reckoning of Time*, trans. Faith Wallis (Liverpool, UK: Liverpool University Press, 2004), 9-13.

being based upon "fable" rather than "authentic history." Porter writes that "[i]f the story was founded in fact" Bede's account would thus stand as "an instance of successful instruction of a deaf-mute by articulation"; the only thing standing in Porter's way of accepting Bede's "fable" as truth is the "superstitious credulity of the age."[28] The next work Porter mentions is John Bulwer's *Chirologia*, which dates from 1641 and – like Bede's *De temporum* – includes a passage on a system of communicating the letters by using the hands. Porter thus follows the nineteenth-century prejudice of viewing the medieval period as a dark and superstitious age. Aside from Porter's inclusion of Bede, his bibliography is significant for its narrow focus on English authors who – aside from Bede – all wrote in English.[29] Porter's bibliography is intended to be read both as a supplement to Ray's work and as an affirmation of Ray's plan for the *Annals*, having executed Ray's commission quite literally, save the modification of focusing, like Ray, upon the methods of educating the deaf. The limitation to English authors also speaks to the fact that the English-speaking world had become interested in the status and education of the deaf only after France had taken the lead.[30]

A lengthy 1851 article by Harvey Peet went some way in bringing a level of historical sophistication to the encyclopedic entries thus far promulgated by Ray and Porter.[31] While continuing the practice of claiming that there was little evidence concerning the deaf in pre-modern history, Peer qualifies his comments several ways. First, he points out that even though few pre-modern references to the deaf have been

[28] Porter, "Bibliographical," (October 1847): 33.
[29] Porter makes no comment on whether or not Bede would have considered himself "English" in what can only be taken as the nineteenth-century sense.
[30] See note 7.
[31] Harvey P. Peet, "Memoir on the Origin and Early History of the Art of Instructing the Deaf and Dumb," in *American Annals of the Deaf and Dumb* 3, no. 3 (April 1851): 129-160.

found, this should not be taken as *prima facie* evidence that there were either few deaf people in history or that there was no interest in ameliorating their "condition."[32] Second, Peer critiques the tendencies of his contemporaries to follow Enlightenment theories in considering speech to be the pre-eminent means of communication and thus the best – or only – means of determining whether or not a person is rational.[33]

Third, Peet directly challenges the amateur scholarship found in the *Annals* by critically analysing several straw men that had become popularised in deaf histories. Aristotle had often been cited as stating that the deaf could not be educated: Peet remarks that this comment had been taken out of context, as Aristotle had qualified this statement by erroneously claiming that ideas could only be expressed through speech.[34] Aristotle, Peet pointed out, had simply meant that the deaf were incapable of speech due to their inability to hear, not that they were incapable of possessing intelligence.[35] Peet also explained that the Greek term for "dumb" referred more precisely to a "dullness of mind," thus it was perfectly possible for a deaf person to not be dumb and for a dumb person to not be deaf.[36] Peet even takes issue with Porter's interpretation of Bede, arguing that the brevity of Bede's account of St John teaching the deaf man does not permit

[32] Peet, "Memoir," 131-132.
[33] Peet, "Memoir," 132-133.
[34] The idea that Aristotle considered the deaf to be "dumb" comes from not carefully reading his comments on deafness in *De Sensu et Sensibilibus* (*On Sense and the Sensible*). There, Aristotle writes that "rational discourse is a cause of instruction in virtue of its being audible, which it is, not directly, but indirectly; since it is composed of words, and each word is a thought-symbol. Accordingly, of persons destitute from birth of either sense, the blind are more intelligent than the deaf and dumb." Aristotle is in fact correct if we understand his argument to mean that without language, one cannot think. The absence of words, for Aristotle, prevents the conceptualisation of thought. For Aristotle, the intellect is quantifiable as reasoning can only happen through language, which enables the user to describe or otherwise rationalise concepts. According to Aristotle's logic, the blind are more intelligent precisely because they are able to demonstrate an ability to think (through spoken speech). The deaf are simply unable to think because they have no language. Aristotle, *On Sense and the Sensible*, trans. J. I. Beare (South Bend: Infomotions, Inc, 2000), 2.
[35] Peet, "Memoir," 134.
[36] Peet, "Memoir," 134.

historians to dismiss the case as being miraculous. Peet sensibly points out that Bede merely provided the necessary details and that some reasonable assumptions on the part of the historian are in order, such as considering that the process of teaching the man to speak may have taken a lengthy period of time and required much patience of both teacher and student.[37] Through analyses such as this, Peet builds a case for suggesting that the great thinkers of classical antiquity were in this way "enlightened" (in at least considering the possibility that the deaf could be instructed) to be more probable than not.

Finally, Peet also devotes several pages of his article to sign and gestural systems from classical antiquity, commenting admiringly on the possibilities that such systems existed in Greece, Rome, and Judea, before devoting the bulk of this section to his discussion of Bede's *De temporum ratione*.[38] Given that the remainder of his essay discusses the various theories of teaching the deaf to speak and ranges from the sixteenth century to Peet's time, Peet seems to be equivocating as to whether or not he considers either sign language or the oral method to be superior to the other, given the tendency as established by Ray and Porter to emphasise spoken language. Read positively, Peet's essay could be taken as an attempt to suggest that sign language has a longer history than was previously supposed, reaching back to classical antiquity, and should be seen as the (near-)equal of spoken language in terms of historical longevity. The essay could then be seen as suggesting that the attitude of hearing people towards the deaf in the past relative to the nineteenth century was not necessarily as radically different as was being suggested by his contemporaries. Peet's positive comments about gestural and sign

[37] Peet, "Memoir," 137.
[38] Peet, "Memoir," 141-145.

systems should be seen as a nuanced means of conceding the utility of sign language in the absence of any viable means of instructing the deaf otherwise.

Peet, unfortunately, maintains the nineteenth-century prejudice against the medieval period and religion. At the end of his corrective analysis concerning Bede – despite his commendation of Bede's system of expressing the letters on the hand – Peet writes that the "simple Angles" may have considered Saint John's work to be "a miracle"; medieval accounts, as a result, must be evaluated for "the exaggerations of enthusiastic faith."[39] Peet seems to have corrected for "enthusiastic faith" a few pages before when he argues that pre-modern thinkers had uniformly supposed ideas as only being expressed "in articulate words." He suggests that this idea meant different things: to the majority of people, it represented the division between animals and humanity; to philosophers, articulate words were "essential to at least all the higher operations of thought"; to theologians, "it seemed impossible to receive the faith except through the literal word."[40] A footnote – a rarity in many of the historical articles and essays in the *Annals* – makes it clear that Peet's discussion of "theologians" is really referring only to one: Saint Augustine. Peet uncritically claims that Augustine, in a gloss on *Romans* 10:17, stated that being deaf from birth would render such a person incapable of learning the word of God through hearing or reading.[41] For Peet, the pre-modern era was of little value, and could easily be summed up with reference to one or two straw men.

[39] Peet, "Memoir," 137.
[40] Peet, "Memoir," 135.
[41] "Faith then comes through hearing, while hearing comes through the word of Christ." (*Ergo fides ex auditu, auditus autem per verbum Christi.*) Peet also notes later on that St. Augustine's pronouncement was "generally entertained by theologians even down to the middle of the last [= eighteenth] century." Peet, "Memoir," 140.

After Peet, the explication of deaf history gradually ceased to be a major focus in the *Annals*, which shifted focus towards primarily discussing pedagogy and providing updates on the spread of deaf schools throughout North America, thereby further emphasising the importance of education and language rather than the study of history to comprehend how deafness and deaf people had been perceived prior to the nineteenth century. Ray's ambitious vision of the *Annals* as a historical encyclopedia had finally proved to be untenable. It would be over fifty years before another significant overview of deaf history was published, which ushered in a brief explosion of interest in the status of deaf people during classical antiquity. J. A. Tillinghast's series on the social status of the deaf from antiquity to the fall of the Roman Empire in the fifth century is perhaps the most notable.[42] Tillinghast presents the type of history envisioned by Ray and exemplified by Peet, rehashing many of the claims that had been put forth by his predecessors. His extended summation of the status of the deaf in antiquity is neatly bookended by Aristotle and Augustine who, for him, represent the pinnacles of classical thought: both men summarily condemn the deaf to ignorance due to their own ignorance of the possibility that the deaf could themselves be educated.[43] He continues the theme of considering pre-modern history to be of little value to deaf history, writing that a "baffling silence" and "forgetfulness" existed in pre-modern history concerning the deaf, contrasting this with the wealth of information about the deaf since the seventeenth

[42] J. A. Tillinghast, "The Social Status of the Deaf in the Past," in *American Annals of the Deaf* 46, no. 2 (March 1901): 170-182; *Annals* 46, no. 3 (May 1901): 250-264; *Annals* 46, no. 5 (November 1901): 467-477; *Annals* 47, no. 2 (March 1902): 147-156. In 1906 and 1907, Giulio Ferreri, who had founded a school for the deaf in Italy at Siena, published translations of some of his Italian articles in the *Annals* concerning the treatment of the deaf and deafness in Greek and Latin literature. See Giulio Ferreri, "The Deaf in Antiquity," in *American Annals of the Deaf* 51, no. 5 (November 1906): 460-473 and "The Deaf in Latin Literature," in *American Annals of the Deaf* 52, no. 3 (May 1907): 272-284.

[43] For Aristotle, see Tillinghast, "Social Status," (November 1901): 469; for Augustine, see Tillinghast, "Social Status," (March 1902): 152.

century and the immense resources being expended in the education of the deaf at the turn of the twentieth century.[44] He concludes his essay by reminding his readers that the history of the deaf in antiquity is not "a cheerful story," but reminding them that great strides have been – and will continue to be – made concerning the deaf so as to attain their "emancipation" and integration into (hearing) society.[45] The deaf needed to be educated and integrated into society because the means to successfully do so were now available in the nineteenth century.

The decline of history as a primary impetus for the *Annals* thus signaled the ossification of the foundational historical scholarship undertaken by Ray and his successors in the first fifty years of the *Annals*. There were two attempts to provide correctives, particularly with respect to the medieval period, but neither piece was able to successfully undercut the idea that deaf history was much more than a history of the education of the deaf.

In 1906 and 1907, Albert Gaw presented a seven-part comparative analysis of the legal status of the deaf in ancient Roman law, as well as French, English, and American law.[46] In a detailed footnote, Gaw criticizes the predilection of English-language scholars in deaf history for uncritically relying upon an extensive, but poorly-researched, history of the deaf published by the Baron de Gérando in the early part of the nineteenth

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[44] Tillinghast, "Social Status," (March 1901): 171. It certainly begs the question of why Tillinghast felt obligated to write an essay of forty-seven pages if classical sources were as "silent" as he claimed them to be.

[45] Tillinghast, "Social Status," (March 1902): 156.

[46] Albert C. Gaw, "The Development of the Legal Status of the Deaf: A Comparative Study of the Rights and Responsibilities of Deaf-Mutes in the Laws of Rome, France, England, and America," in *American Annals of the Deaf* 51, no. 4 (October 1906): 269-75; *Annals* 51, no. 5 (November 1906): 401-423; *Annals* 52, no. 1 (January 1907): 1-12; *Annals* 52, no. 2 (March 1907): 167-183); *Annals* 52, no. 3 (May 1907): 229-245; *Annals* 52, no. 4 (September 1907): 373-388; *Annals* 52, no. 5 (November 1907): 468-489.

century.[47] Gaw points out that Gérando based his own brief – and ill-informed – comment on the legal status of deaf people under ancient Roman law upon a "hasty review" of a "careful[ly] research[ed]" Latin dissertation by Rembt Guyot which reviewed the legal status of deaf people under the Justinian Code. Gaw takes Gérando to task for having "misrepresented" the Code by citing only the passages pertaining to testamentary acts, which do state that the deaf could not perform any actions such as establishing wills or entering into contracts; Guyot, by contrast, noted that Roman law consistently held that the deaf still possessed all legal rights which did not themselves presuppose an ability to speak or write. Gaw goes so far as to point out that ancient Roman law granted deaf people more legal rights than the later legal codes of France, England, and the United States.[48] Despite Gaw's correctives, his analysis appears to have gained little traction in the *Annals*, probably because it neither dealt explicitly with education or language.[49]

A few years later, Edward Fay published a brief piece which sought to correct the misconception that Augustine had condemned the deaf to a life of ignorance.[50] Like Gaw, Fay makes clear his disdain for the persistent misquoting of Augustine in contemporary scholarship and the uncritical acceptance of it as fact.[51] Fay quotes a Catholic priest who objected to the inclusion in the 1911 edition of the *Encyclopedia Britannica* of Augustine's alleged condemnation of the deaf based on *Romans* 10:17 and wrote to the

[47] J. M. de Gérando. *De l'Éducation des Sourds Muets de Naissance* (Paris: Méquignon, 1827).
[48] Gaw, "Legal Status," (November 1906): 401-403. Gaw does not provide any examples of any legal rights that do not require one to be conversant in either speech or writing, but one such example would be the right to inherit property.
[49] I have not seen Gaw's work quoted or cited elsewhere, either in contemporary or subsequent scholarship.
[50] Edward A. Fay, "What Did St. Augustine Say?" in *American Annals of the Deaf* 57, no. 1 (January 1912): 108-120.
[51] Edward Fay, "Augustine," 108 and 112.

article's author and requesting that he provide the pertinent quote from Augustine's works. Fay notes that the priest received a reply, in which the author himself admitted that he could not find any reference in Augustine and had simply "followed…the foolish comments of [other] writers."[52] Fay remarks that the misquoting of Augustine had probably persisted for so long because it had been so difficult to disprove, as the reference was from one of Augustine's lesser-known works, *Contra Julianum* (*Against Julian*).[53] Fay points out that in the relevant passage, Augustine neither stated that the deaf were incapable of instruction, nor that the deaf were forever condemned to ignorance. He further comments that the Latin verb which Augustine uses – *impedit* – has been misunderstood as meaning "preventing" or "being an obstacle to"; the verb also has the additional meaning of "hindrance."[54]

Fay concludes his criticism of the scholarship by naming Gérando, Peet, Thomas Arnold – an Englishman who wrote a manual for teachers of the deaf – and Ferreri as the only four writers who quoted Augustine directly;[55] only Ferreri quoted Augustine correctly, while the other three misquoted Augustine to the point of including a completely new sentence.[56] Fay surmises that Arnold copied from Peet, who copied from Gérando. Fay convincingly demonstrates that Gérando probably took the new sentence

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[52] Edward Fay, "Augustine," 108-109.
[53] Edward Fay, "Augustine," 109-111. Julian espoused Pelagianism, which Augustine opposed; the Catholic Church considers Pelagianism to be a heresy. Among other things, Pelagianism rejected infant baptism, which is what Augustine is objecting to here. See pp. 79-82 below for a further discussion.
[54] Edward Fay, "Augustine," 110. Fay correctly notes that the noun *impedimenta* referred to the baggage train of an army, and that this is the real sense that Augustine intends. The baggage train did not *prevent* an army from moving from place to place, but *hindered* it in that it limited how far and quickly an army could move while on march.
[55] For Thomas Arnold, see his *The Education of Deaf-Mutes: A Manual for Teachers* (London, 1888). He quotes Augustine at p. 8. Also see note 42.
[56] Edward Fay, "Augustine," 112. The new sentence in question reads *Nam surdus natu litteras quibus lectis fidem concipiat discere non potest* (For instance, one being deaf from birth is unable to learn the letters by which he might adopt the faith by reading).

nearly verbatim from Willem Hessels van Est's commentaries on the Pauline epistles by way of a sloppy citation by Épée, in which Épée mistakenly conflated van Est's scholarly commentary on Augustine with Augustine's own words.[57] Much like Gaw, Fay's careful analysis and corrections were of too technical a nature to be considered relevant to the larger issues of deaf education and language.

The War of the Methods: Manualism and Oralism

The importance accorded in historical pieces in the *Annals* to the manual and oral methods of teaching the deaf was the consequence of a long-running debate which had its origins in the eighteenth century. Épée had established himself as the leading proponent of the "manual" method – teaching the deaf by means of gestures and signs and writing. A German contemporary, Samuel Heinicke, argued that lip-reading was the best method for instructing the deaf because it taught his students how to speak and thus understand (spoken) language as it was employed in general society. Épée in turn argued that manualism was the best method for instruction because it employed the natural gestures that the deaf themselves used rather than imposing a completely new system of communication upon them. This debate soon led to an epistolary debate between the two men.[58] The debate lasted less than a decade, as Épée died in late 1789 and Heinicke the following year, but the question of which method would prove to be superior had been

[57] Edward Fay, "Augustine," 113-117. Van Est was a Catholic theologian of the sixteenth century whose particular specialty was the Pauline epistles.
[58] See Christopher B. Garnett Jr, *The Exchange of Letters Between Samuel Heinicke and Abbé Charles-Michel de l'Épée* (New York: Vantage Press, 1968).

established, and quickly became the *cause célèbre* in the field of deaf education.[59] This contest quickly made its way across the Atlantic.

In 1815, Thomas Gallaudet arrived in Europe to learn about the advances being made in deaf education. His interest in deaf education had been sparked the year before when he had noticed his younger siblings playing with a girl, Alice Cogswell, who turned out to be deaf. With the financial assistance of the girl's father, Gallaudet made his way to Europe, with London being one of his first stops. In London, Gallaudet met Abbé Roch-Ambroise Sicard, who had taken over Épée's school for the deaf following the latter's death; Sicard had brought two of his deaf students, Laurent Clerc and Jean Massieu, with him to London to demonstrate the success of his method and to raise funds for the school for the deaf in Paris. Shortly after following them back to Paris, Gallaudet convinced Clerc to emigrate to the United States and help him establish a school for the deaf in Hartford, Gallaudet's hometown. On the voyage back to the United States the following year, Clerc taught Gallaudet sign language and received tuition in (written) English from Gallaudet in return. The next year saw the establishment of the American School for the Deaf in Hartford, with Clerc as the first deaf instructor in the United States.[60]

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[59] The issue remained a flashpoint in Europe during the nineteenth century, particularly in France. Anne Quartararo has written extensively concerning the manualist and oralist debate in France in the nineteenth century. See Anne T. Quartararo, "The Perils of Assimilation in Modern France: The Deaf Community, Social Status, and Educational Opportunity, 1815-1870," *Journal of Social History* 29, no. 1 (1995): 5-23. Also see Quartararo, *Deaf Identity and Social Images in Nineteenth-Century France*, 49-67.

[60] This is a brief summary of one of the most famous episodes in deaf history. The most extensive account of this is to be found in Harlan Lane's *When the Mind Hears: A History of the Deaf*. The book is written from Laurent Clerc's perspective, so the relevant passages are scattered throughout the book. See pp. 170-178 for Gallaudet's instruction of Alice Cogswell, pp. 160-162 for Gallaudet's visit to Europe, pp. pp. 162 and 186-187 for Gallaudet's first meeting with Clerc, pp. 199-201 for Gallaudet's invitation for Clerc to come back to the United States with him, and pp. 201-205 concerning the subsequent establishment of the Hartford school.

Gallaudet and Clerc established themselves as the proponents of manualism in the United States, as sign language was employed in instructing the deaf at the American School for the Deaf; manualism enjoyed a high degree of prominence until the Civil War.[61] By the late 1860s, following the Civil War, oralism began to gain in prominence: the Clarke School for the Deaf became the first oralist school in the United States when it opened in 1867.[62] This eventually led to a show-down between the manualists and oralists, headed respectively by Edward Gallaudet and Alexander Graham Bell.

Just as Épée and Heinicke had inaugurated the "war of the methods" at the end of the eighteenth century, Thomas Gallaudet's son, Edward Gallaudet, and Bell became embroiled in a fierce debate in the later nineteenth century over the merits of their favoured systems. Edward Gallaudet favoured the combined method (sign language and, where appropriate, oral instruction), whereas Bell favoured oralism. The "war of the methods" as exemplified by Edward Gallaudet and Bell quickly centered around the issue of integration into mainstream (hearing) society versus maintaining the distinctiveness of the deaf population on the basis of their use of signs to communicate.

Bell argued that Gallaudet's system prejudiced the deaf by not integrating them fully into society due to its emphasis upon sign language.[63] Bell, in a lengthy article in the *Annals*, did not completely reject the use of gestures, noting that "natural actions and gestures are of great utility in the instruction of the Deaf [*sic*], when used as hearing

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[61] Douglas C. Baynton, *Forbidden Signs: American Culture and the Campaign Against Sign Language* (Chicago: University of Chicago Press, 1996), 108-131, where Baynton particularly links the idea of manualism with natural language.
[62] Richard Winefield, *Never the Twain Shall Meet: Bell, Gallaudet, and The Communications Debate* (Washington: Gallaudet University Press, 2000 [1987]), 4. For the negative impact of social Darwinism on manualism in favour of oralism, see Baynton, *Forbidden Signs* 36-37, 43-45, and 52-55.
[63] Robert Bruce, *Alexander Graham Bell and the Conquest of Solitude* (Boston: Little & Brown, 1975), 81. See also Winefield, 16.

people employ them, as accompaniments of English words."[64] Bell, however, disagreed with Gallaudet that formalised sign language was the natural language of the deaf, arguing that

> [t]he proposition that the sign language is the only language that is natural to congenitally deaf children is like the proposition that the English language is the only language that is natural to hearing children. It is natural only in the sense that English is natural to an American child. It is the language of the people by whom he is surrounded.[65]

Bell disagreed with Gallaudet's favouring of manualism on two grounds: first, it unnecessarily obligated deaf people to learn sign language in order to learn the majority (spoken) language rather than allowing for the possibility that the deaf could learn the majority (spoken) language directly, thereby saving time in the process.[66] Second, it separated the deaf from hearing society: Bell's ultimate goal was integration into mainstream society: instructing the deaf in anything other than the majority language would impair their ability to integrate into mainstream society.[67]

Edward Gallaudet had grown up around deaf people and had become a fluent signer in childhood, and was very much in favour of sign language as the natural language of the deaf.[68] In an 1887 essay, Edward tacitly argued against Bell's favouring of oralism, arguing that it was hearing people who had invented an artificial language on the basis of speech.[69] Edward also carefully distinguished between gestures – for him,

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[64] Alexander Graham Bell, "Utility of Signs," in *Educator* (May 1894): 11.
[65] Bell, "Fallacies Concerning the Deaf," in *American Annals of the Deaf and Dumb* 29, no. 1 (January 1884): 47-48.
[66] Winefield, 22-23.
[67] Bell is often claimed as having been completely opposed to the use of sign language, but this is not the case. Later on in his "Fallacies" article, he fully concedes the point that it is well-adapted to developing the deaf person's mind, but that it is, ultimately, not the majority language. Bell, "Fallacies," 52.
[68] Winefield, 25-26.
[69] Edward Milner Gallaudet, "The Value of the Sign-Language to the Deaf," in *American Annals of the Deaf* 32, no. 3 (July 1887): 143.

natural gestures that accompany speech – and what he describes as "graphic expression presented to the sense of sight," noting that "graphic expressions" referred to signals expressed through the human body when speech was not suitable or preferable, as in the case of military signals.[70] It was on the basis of this "graphic expression" that Edward Gallaudet staked his claim in favour of sign language, writing that nature left the deaf child

> capable of using as freely as his hearing brother the gestural and the graphic means of communicating thought; in that [Nature] has made it natural and easy for him to employ a method of expression…which is, beyond all dispute, the *only* means of communication which can be to the deaf what speech is to the hearing as a vehicle of thought.[71]

Gallaudet emphasised the artificial nature of spoken language by pointing out how sign language prefers to associate the "plain suggestion" of the idea or object being conveyed, rather than ascribing to it an "almost wholly arbitrary" meaning as in spoken speech.[72] For Gallaudet, Bell's approach was the opposite of what was needed: deaf people already had a natural system of gestures and signs that could be developed further into language, which had been successfully demonstrated by Épée; Bell was simply attempting to reinvent the wheel unnecessarily by discrediting the value of sign language.

The debate Edward Gallaudet and Bell found themselves in had assumed its importance due to a decision made several years earlier. In 1878, the International Congress on the Education of the Deaf met for the first time in Paris. The question of sign language and its utility to the education of the deaf was discussed, but no definitive

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[70] Gallaudet, "Value," 142-143.
[71] Gallaudet, "Value," 143-144. Emphasis in original.
[72] Gallaudet, "Value," 144. See also Mgr. de Haerne's argument in favour of sign language twelve years before, which largely presupposes Gallaudet's defence of it. "The Natural Language of Signs," in *American Annals of the Deaf and Dumb* 20, no. 2 (April 1875): 73-87; *Annals* 20, no. 3 (July 1875): 137-153; *Annals* 20, no. 4 (October 1875): 216-228.

decisions were taken on the issue.[73] Two years later, the Congress met in Milan, and, after hearing arguments in favour of both sign language and oral instruction, decided in favour of oralism.[74]

The effects of this decision were quickly felt on both sides of the Atlantic, as advocates for either side quickly entrenched their positions over the next two decades in a controversy that would continue down to the present day.[75] The controversy also cost Gallaudet and Bell their friendship, as their attempts at unifying the combined and oralist movements became increasingly unlikely as the century drew to a close and oralism came to the fore as the major effect of the Congress of Milan.[76] Milan also came to prominently colour the history of the deaf and how it would perceive pre-modern references to deafness.

The Impacts of the Nineteenth Century on Deaf History

One of the implications of Bell's position that the deaf needed to be integrated into mainstream society rather than being seen as a distinct class of people is the idea that deaf history must then be narrowly defined. Although Bell never discussed the history of the deaf in his writings, he probably would have agreed with the idea that deaf people

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[73] Richard G. Brill, *International Congresses on [the] Education of the Deaf: An Analytical History, 1878-1980* (Washington: Gallaudet University Press, 1984), 13-15.
[74] Brill, 17-25; and Lane, *When the Mind Hears*, 386-401. Winefield also notes that Gallaudet considered the vote to be a "stacked deck" in favour of oralism since the Italians – who comprised more than half of the voting delegates – had long favoured oralism. Winefield, 35.
[75] See Winefield, 51-66. See also Douglas C. Baynton, "A Silent Exile on this Earth: The Metaphorical Construction of Deafness in the Nineteenth Century," in *American Quarterly* 44, no. 2 (June 1992): 216-243, esp. pp. 217-220. One of the major effects was a push to replace teachers who were themselves deaf and users of sign language in favour of hearing teachers who promoted the oralist method. See Lane, *When the Mind Hears*, 148-152 and 369-372 regarding teachers who were themselves deaf.
[76] Winefield, 52-62. Bell and Gallaudet effectively ended their friendship after a convention for teachers of the deaf in 1895, when both men bitterly attacked and mocked each other's methodologies in speeches to the convention. Winefield, 62-66. Also see Lane *When the Mind Hears*, 396-399 and 401 for the effects of the Congress, as well as pp. 387 and 394-395 for the response of deaf contemporaries to the Congress.

integrated into mainstream society would have as much of a right to mainstream history; their deafness would merely be accidental to their membership in mainstream society. In this respect, Bell would have fully agreed with the nineteenth-century idea that the history of the deaf was properly a history of the education of the deaf.

Gallaudet would almost certainly have disagreed. For him, the natural inclination of the deaf person would have been towards gestures and signs, and eventually sign language. This use of a language unique to the deaf would, for him, have meant that the deaf were capable of developing a culture of their own predicated upon their language.[77] This culture would then both need and come to develop a history of its own.

Throughout the nineteenth and twentieth centuries, deaf people who employed sign language to communicate gradually began developing their own communities.[78] Over the twentieth century, deaf people began establishing the structures that would underpin what came to be called the "Deaf World."[79] In this "world," deaf people who chose to communicate through sign language identified themselves as being "culturally" deaf, expressing this idea in written English with the capitalised word "Deaf" in order to

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[77] American Sign Language (ASL), which is the descendant of the sign language system initially taught by Gallaudet and Clerc in Hartford, has often been interpreted as being a defective form or mode of English. William Stokoe demonstrated that ASL was a fully-formed language on the same level as spoken language in 1960. See William C. Stokoe, *Sign Language Structure: An Outline of the Visual Communication Systems of the American Deaf* (Buffalo: University of Buffalo, 1960).

[78] Perhaps the most famous deaf community was that formed on Martha's Vineyard, an island south of Cape Cod (Massachusetts) from around 1715 to the middle of the twentieth century. See Nora E. Groce, *Everyone Here Spoke Sign Language: Hereditary Deafness on Martha's Vineyard* (Cambridge, MA.: Harvard University Press, 1985) for an excellent history of this community. For a discussion of the nascent communities established in the United States prior to the arrival of Thomas Gallaudet and Laurent Clerc, see Harry G. Lang, "Genesis of a Community: The American Deaf Experience in the Seventeenth and Eighteenth Centuries," in *The Deaf History Reader*, ed. John Vickrey Van Cleve (Washington: Gallaudet University Press, 2007), 3-23.

[79] For a summary of the genesis of "Deaf World," see Harlan Lane, Richard C. Pillard, and Ulf Hedeberg., "Origins of the American Deaf-World: Assimilating and Differentiating Societies and Their Relation to Genetic Patterning," in *The Deaf History Reader*, ed. John Vickrey Van Cleve (Washington: Gallaudet University Press, 2007): 47-73. Lane also provides an overview of the "Deaf World" in the modern era in his *A Journey into the Deaf-World* (San Diego: Dawn Sign Press, 1996).

distinguish themselves from deaf people who had usually been taught via the oralist method and were thus integrated – to varying degrees – into mainstream (hearing) society.[80] This distinction between the culturally Deaf and deaf people who have been mainstreamed has at times been fiercely contested.[81]

Aside from emphasising their use of sign language as a point of difference from mainstream society, the culturally Deaf have also developed their own version of history. Instead of emphasising the education of the deaf, the culturally Deaf view "their" history as one of a minority culture being oppressed by a majority culture throughout history. This presumption of oppression has led them to claim and establish – erroneously – that culturally Deaf people existed in all periods of history. To the culturally Deaf, the Congress of Milan marks a negative watershed in their culture and history,[82] thereby ushering in what they consider to be an age of opposition and suppression in which they

[80] Harlan Lane strongly emphasises this throughout all of his writings. For an equivalent perspective from a culturally Deaf thinker, see Paddy Ladd, *Understanding Deaf Culture: In Search of Deafhood* (Clevedon, UK: Multilingual Matters Ltd., 2003). Ladd argues that cultural Deafness should be understood as being analogous to the idea of personhood, hence "Deafhood." This idea of cultural Deafness has been extended so far as to suggest that Deafness is an ethnicity as well. See Harlan Lane et al., *The People of the Eye: Deaf Ethnicity and Ancestry* (Oxford: Oxford University Press, 2011). There have been arguments for the development of deaf spaces in the United States, most notably a running debate in the 1850s and 1860s about the practicality of establishing a "deaf state" by divesting a portion of Alabama for this purpose. Christopher Krentz, *A Mighty Change: An Anthology of Deaf American Writing, 1816-1864* (Washington: Gallaudet University Press, 2000), 101-103.

[81] A recent example of this acrimony can be seen around the cochlear implant. Harlan Lane summed up the bitterness that the Deaf community felt towards the medical invention, describing it as an attempt to subject the culturally Deaf (those who used sign language, such as ASL) to a revived eugenicist movement. Harlan Lane, "Cochlear Implants: Their Cultural and Historical Meaning," in *Deaf History Unveiled: Interpretations from the New Scholarship* ed. John Vickrey Van Cleve (Washington: Gallaudet University Press, 1993), 272-291, esp. pp. 285ff. Even to this day, the sign for "cochlear implant" in ASL is based upon the sign for "vampire" to express the idea that "hearing society" wishes to prey upon the culturally Deaf and integrate them wholly into mainstream (hearing) society.

[82] In the film *Through Deaf Eyes* which views the history of the culturally Deaf in the United States since the eighteenth century, several culturally Deaf individuals describe the Congress of Milan as initiating the "dark ages" for the education of the culturally Deaf. Diane Garey and Lawrence R. Hott, "Through Deaf Eyes," published by PBS Home Video, 2007, video, 120 minutes.

view mainstream (hearing) society as attempting to "fix" their physical deafness with no regard for their cultural Deafness.[83]

This history has particularly sought to emphasise the uniqueness of Deaf culture, particularly its language, even to the point of anachronistically projecting cultural "Deafness" back on to pre-modern history. Paddy Ladd is one of the few culturally Deaf writers to have examined deaf history prior to the eighteenth century, and his views are typical of his contemporaries. At the beginning of his history section, Ladd writes that his goal is to develop a "counternarrative" that promotes his idea of Deafhood: he tries to demonstrate that the ideas that underpin modern cultural Deafness existed in all historical epochs.[84] To reinforce his argument, Ladd uncritically uses the descriptor "Deaf" to refer to all deaf people in his history with no regard for the actual historical context itself. He goes so far as to whitewash history by "correcting" pre-modern writers, such as Socrates, Augustine, and Talmudic Sages by changing any references to deaf people to "Deaf" people.[85] The emphasis of Ladd's history is not to rehash the history of the education of the deaf, but to browbeat the reader into believing that cultural Deafness is a historical phenomenon, having an equally long history compared to mainstream history. For Ladd, Deaf history is ultimately the history of the Deaf minority against the hearing majority.[86]

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[83] For two instances of scholarship which explicitly pit the culturally Deaf against mainstream (hearing) society, see Branson and Miller's *Damned for Their Difference*, particularly 121ff. Branson and Miller characterise the nineteenth century as being akin to Foucault's "great confinement" due to the rise of institutional schools for the deaf that favoured oralism, with the twentieth century turning the schools into a bureaucratic system designed to "cure" the deaf through technological advances such as hearing aids and the cochlear implant., as well as Susan Burch's *Signs of Resistance: Deaf Cultural History, 1900 to World War II* (New York: New York University Press, 2002). Branson and Miller examine the historical trajectories of the term "disabled" from the seventeenth to twenty-first centuries, arguing that the culturally Deaf resisted the label of "disabled" to varying levels of success throughout recent history. Burch argues that rather than destroying cultural Deafness, attempts by oralists to discredit and end the use of sign language actually reinforced the desire of the culturally Deaf to preserve their culture.

[84] Ladd, 88-90.

[85] Ladd, 91-93.

[86] Ladd makes his position particularly apparent in his introduction at pp. 1-25.

This emphasis upon "proving", anachronistically, the existence of cultural Deafness in all historical epochs has, as hinted at above with Ladd, led writers who are either culturally Deaf or who accept the premise of cultural Deafness to uncritically recycle some of the pre-modern examples that were first used in the *Annals* in the nineteenth century, most notably Aristotle and Augustine. Raymond Lee's *A Beginner's Introduction to Deaf History* – written for the British Deaf History Society – wastes no time in making this point clear. Culturally Deaf history begins with references to "Deafness" in the Book of Genesis.[87] Lee goes on to rehash the standard condemnation of Aristotle and Augustine, writing that as a result of Aristotle's negative assessment "the Deaf [*sic*] were classed with idiots." He claims that Aristotle and Augustine single-handedly condemned the culturally Deaf to a life of disenfranchisement on the basis of their influence in Western society:

> Aristotle's influence was taken up by many and reinforced by St. Augustine of Hippo and this was to deprive the Deaf [*sic*] of an education, equal rights and participation in society for over 2,000 years.[88]

Lee goes so far as to claim that the entire medieval period was one of insignificance, as the "early Christian Church was…averse to the capacity of the Deaf for instruction."[89] This tendency to disregard the pre-modern era has been taken up by subsequent scholars, who either minimise the pre-modern period or choose to avoid the issue by beginning their histories in the eighteenth century.[90]

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[87] Raymond Lee, ed., *A Beginner's Introduction to Deaf History* (Feltham, UK: BDHS, 2004), 1.
[88] Lee, 2.
[89] Lee, 6. The only reference to anything that could be considered "medieval" is Lee's brief summary of Bede's system of signs, discussed at pp. 9-11.
[90] For two further examples of the latter tendency, see Clifton Carbin's sketch of deaf history. Unlike Ladd and Lee, Carbin disregards the anachronistic notion of employing the descriptor "Deaf." Clifton F. Carbin, *Deaf Heritage in Canada: A Distinctive, Diverse, and Enduring Culture* (Toronto: McGraw Hill Ryerson Ltd., 1996), 1-11, esp. pp. 1-6 for the period prior to the eighteenth century. For the latter tendency, see

In Deaf culture, history is very personal. The culturally Deaf view their history as a visual history, rather than as a written history given their use of sign language as their native language.[91] Given that formal sign language systems (such as ASL) are relatively recent developments, culturally Deaf history heavily favours modern history, with a particular emphasis upon the deeds of culturally Deaf people. The tendency of culturally Deaf history to place a strong emphasis upon the biographical aspect of history is a direct challenge to "deaf history" with its focus upon the history of educational methods rather than of the deaf people impacted by these methods. This biographical tendency has also placed a strong emphasis upon the role that activism has played within the culturally Deaf community in defining itself relative to mainstream (hearing) society.[92]

This activism is foundational to Deaf studies, which traces its genesis to the 1970s, and particularly defines itself in opposition to mainstream (hearing) society. The field of Deaf studies began when culturally Deaf communities began to challenge the assumption that sign language was merely "signing," rather than a bona fide language, as well as the assumption that deafness was a medical issue that could – and should – be "solved" by medicine.[93]

Lane's *When the Mind Hears*, which focuses exclusively on Deaf history from Épée onwards. Van Cleve's *Deaf History Reader* follows the same tendency as Lane's work.

[91] The visual nature of sign language obviously predicates the need for a visual history, which is particularly amplified by the production of visual materials, particularly video recordings and artwork. *Through Deaf Eyes* (note 81) is an excellent example of this.

[92] One of the best-known examples of activism in the culturally Deaf community is the *Deaf President Now!* campaign of 1988, which saw Gallaudet University, the only university founded explicitly for the education of the (culturally) deaf, shut down by its students, faculty, and alumni for a week until Elisabeth Zinser, the recently-elected hearing president of the university, vacated her position in favour of Dr. I. King Jordan, who became the first deaf (and culturally Deaf) person to serve as Gallaudet's president in its history. See John B. Christianson and Sharon N. Barnartt, *Deaf President Now!: The 1988 Revolution at Gallaudet University* (Washington: Gallaudet University Press, 1995) for a brief, albeit politicised, overview that places particular emphasis upon the contributions of the culturally Deaf leaders of the campaign. This account explicitly employs activist language to describe the events of 1988.

[93] The earliest reference to the term "Deaf studies" appears to be by Frederick Schreiber in 1971. As the executive director of the National Association of the Deaf, he wrote: "If deaf people are to get ahead in our

This opposition to medicine was driven by emphasising the value and utility of sign language to the culturally Deaf. Following Stokoe's ground-breaking study confirming that American Sign Language was a fully-functioning language, linguists sought to prove that all sign languages were fully-formed languages, not bastardised visual forms of the majority (spoken) language. Culturally Deaf communities explicitly drove this shift: their goal was to follow upon the success of the civil rights movement in the United States by arguing that the "Deaf World" was a minority culture *sui generis* that deserved to be recognised alongside African American culture.[94] One of the first signals in the development of Deaf culture was the suggestion that in written English, the term "Deaf" should be used on the basis that other (hearing) cultures were capitalised as proper nouns in English.[95] In developing the beginnings of a Deaf culture and identity, culturally Deaf people began to explicitly oppose oralism: they argued that oralism viewed physical deafness as a medical "issue" with negative connotations. This view of deafness as a "problem" that needed to be "corrected" with hearing aids and auditory training was in direct opposition to the positive cultural image that was being developed of the Deaf person identifying with sign language rather than an ability to speak.[96]

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time, they must have a better image of themselves and their capabilities. They need concrete examples of what deaf people have already done so that they can project for themselves a brighter future. If we have Black studies, Jewish studies, why not Deaf studies?" Quoted in H-Dirksen L. Bauman, *Open Your Eyes: Deaf Studies Talking* (Minneapolis: University of Minneapolis Press, 2008), 7. Bauman explicitly rejects the relationship between medicine and deafness, writing at p. 9: "Rewriting deaf to Deaf is about disowning an imposed medicalized identity and developing an empowered identity in a community and culture of others who share similar experiences and outlooks on the world."

[94] For an excellent overview of this phase of Deaf history, see Joseph J. Murray, "Academic and Community Interactions in the Formation of Deaf Studies in the United States," in *Innovations in Deaf Studies: The Role of Deaf Scholars*, eds. Annelies Kusters, Maartje De Meulder, and Dai O'Brien (Oxford: Oxford University Press, 2017): 77-100.

[95] James Woodward, *How You Gonna Get to Heaven if You Can't Talk with Jesus: On Depathologizing Deafness* (Silver Spring, MD: T. J. Publishers, 1982).

[96] For an early explication of this argument, see Carol Padden, "The Deaf Community and the Culture of Deaf People," in *Sign Language and the Deaf Community*, eds. Charlotte Lee Baker-Shenk, Robbin Battison, and William C. Stokoe (Silver Spring, MD: National Association of the Deaf, 1980): 98-104. For

This activist tendency of Deaf history to define cultural Deafness on the basis of sign language has recently been challenged. In their introduction to an essay collection examining the impact of culturally Deaf scholars in the field of Deaf studies, three culturally Deaf scholars have noted that Deaf studies as a field risks becoming irrelevant due to its emphasis upon activism. The authors argue that culturally Deaf scholars are frequently invested personally in the success of the "Deaf World," and that they align their research priorities and interests accordingly; the result has been a largely adversarial relationship between Deaf studies and other disciplines.[97] The historical shift from the *American Annals of the Deaf and Dumb* to the rise of Deaf culture has spanned more than 150 years, but the minimising and devaluing of pre-modern history has remained constant. Where the nineteenth century had sought to anachronistically co-opt pre-modern writers and thinkers in establishing the relative merits and demerits of the manual and oralist methods, recent scholarship has chosen to co-opt these same writers and thinkers in favour of an anachronistic history showing the oppression of the deaf by the hearing majority. This apparent history of oppression would go on to play a role in

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a more recent view that is very much in favour of cultural Deafness to the point of considering it not only a culture but also an ethnicity, see Branson and Miller, 203ff. Branson and Miller argue that the cochlear implant is hearing society's attempt to commit violence against the Deaf community similar to Nazi eugenic practices. They present an explicitly ethno-nationalistic argument whereby Deaf people should be considered a culture and nationality on the basis of their use of American Sign Language. In contrast to the idea of capitalising the term "deaf" to refer to cultural Deafness, H-Dirksen Bauman and Joseph Murray do the opposite in capitalising the term "hearing" to emphasise the distinction between the culturally Deaf culture and the majority, oralist "Hearing" culture in order to reject the idea that being deaf is a bad thing or a disability; their argument is that cultural Deafness should be a source of pride and that Deaf people "gain" positive benefits via their deafness, hence their term "Deaf Gain". See *Deaf Gain: Raising the Stakes for Human Diversity*, eds. H-Dirksen L. Bauman and Joseph J. Murray (Minneapolis: University of Minnesota Press, 2014), particularly pp. 3-22.

[97] Annelies Kusters, Maartje De Meulder, and Dai O'Brien, "Innovations in Deaf Studies: Critically Mapping the Field," in *Innovations in Deaf Studies: The Role of Deaf Scholars*, eds. Annelies Kusters, Maartje De Meulder, and Dai O'Brien (Oxford: Oxford University Press, 2017): 1-53.

developing the basis for disability activism and disability studies, and would also have implications for the study of deafness in pre-modern history.

Chapter 2 – Shouting at the Deaf: Modern versus Medieval Theories

The field of disability studies grew out of the disability rights and advocacy movements in the 1960s and 1970s. Just as cultural Deafness sought to view deafness throughout history through the lens of oppression, disability rights advocates characterised themselves as fighting against institutional oppression. This narrative gradually became a foundational principle of the fields of disability studies and history, which in turn developed the social and cultural models of disability in an attempt to view disability positively, albeit still within the framework of oppression.

This narrative presumes that disabled people throughout history would agree with the view that they had been oppressed by the majority (able-bodied) society throughout all of history, and that the majority society had always viewed them negatively. A review of thirteenth-century English legal cases pertaining to either actual or alleged cases of deafness and/or mutism suggests that medieval English law sought to given deaf and/or mute people the benefit of the doubt as far as legally possible; this view is further confirmed by a review of the legal rights of the deaf and/or mute in both the writings of the thirteenth-century English legal jurist Henry de Bracton and the sixth-century Justinian Code.

The Rise of Disability Studies and History

Models of Disability in Disability Histories

In a 2003 article, Catherine Kudlick argued for the legitimisation of disability history as a new sub-field of historical enquiry.[1] Kudlick points out that the history of

[1] Catherine J. Kudlick, "Disability: Why We Need Another 'Other'," in *American Historical Review* 108, no. 3 (June 2003): 763-793.

disability is really a history of the medicalisation of disability since the nineteenth century. Disability, Kudlick argues, has been viewed as "unglamorous backwaters primarily of interest to people in rehabilitation, special education, and other applied professional fields."[2] Disability needed to be codified, controlled, segregated, and cured: it was an undesirable aspect of the human experience.

Kudlick suggests that instead of this pessimistic view, disability should be seen as a positive aspect of the human experience, one that would help

> historians ask and attempt to answer the overarching questions…: what does it mean to be human? How can we respond ethically to difference? What is the value of a human life? Who decides these questions, and what do the answers reveal?[3]

Kudlick's questions are described with terms that hint at the history of activism that would eventually give rise to disability studies and history: questions of ethics, values, and the relationship between the disabled and non-disabled person, as well as the relationship between the disabled person and society.[4] Most importantly, Kudlick's phraseology signals that her conception of disability history is itself anachronistic, as any discussion of disability in pre-modern history must then fit well with the questions Kudlick poses above.

In the 1960s and 1970s, the foundations for disability studies were laid by disability activists challenging what had come to be described as the "medical model" of

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[2] Kudlick, 764.
[3] Kudlick, 765.
[4] Disability scholars and activists have coined a term to describe able-bodied people: the "temporarily able-bodied," or TABs for short. Disability advocates argue that this term indicates that most people will eventually acquire disabilities as they age, and that disabilities should not be understood as referring only to congenital disabilities. For a recent summary of disability studies geared at a popular audience (including the idea of TABs), see Cecilia Capuzzi Simon, "Disability Studies: A New Normal," *New York Times*, November 3, 2013, https://www.nytimes.com/2013/11/03/education/edlife/disability-studies-a-new-normal.html?_r=0.

disability.[5] The medicalised view of disability, according to disability studies, functions on the basis of negative assumptions which degrade the disabled person, thereby limiting their inclusion in mainstream society. The medical model views disability as inherently problematic, being the result of disease, trauma, or a congenital condition. Disability is seen as an entirely abnormal aspect of the human experience, something that must be medically treated or managed.[6]

More precisely, the medical model individuates disability as a diagnosis that can only be linked to an individual body. Furthermore, the model presumes that the presence of a disability will reduce the individual's quality of life to some degree. The intention of medical intervention is to diminish, manage, or correct the disability in order to restore the individual to the biomechanical status quo.[7] Disability activists argued that the medical model de-emphasised the role and value of patients' narratives not only in terms of diagnostics, but also in evaluating the patient's perception of his quality of life.[8] It was

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[5] An excellent overview of the history of disability activism in establishing the theoretical and practical foundations of disability studies through the cultivation of disability activists who eventually went on to become disability scholars, see Tom Shakespeare's *Disability: The Basics* (London: Routledge, 2018), particularly at pp. 12-19 and his chapter dedicated specifically to the history and current state of disability advocacy and resistance at pp. 144-163. Shakespeare rejects the medical model as being paternalistic and demeaning towards people with disabilities and argues forcefully in favour of the social model, discussed above. Also see Barbara Altman, "Disability Definitions, Models, Classifications, and Applications," ed. Gary L. Albrecht, Katherine D. Seelman, and Michael Bury, in *The Handbook of Disability Studies* (Thousand Oaks, CA: SAGE Publications, 2001), 97-122. See in particular pp. 99-103 for her overview of the impact of medical definitions and categories on understandings of disability.

[6] For Shakespeare's brief discussion of the medical model, see pp. 121-122 and later on at pp. 127-134, where he particularly rejects the medical model as being paternalistic.

[7] Pamela Fisher and Dan Goodley, "The Linear Medical Model of Disability: Mothers of Disabled Babies Resist with Counter-Narratives," in *Sociology of Health and Illness* 29, no. 1 (January 2007): 66-81, esp. pp. 66-67.

[8] N. D. Jewson, "The Disappearance of the Sick-Man from Medical Cosmology, 1770-1870," in *Sociology* 10, no. 2 (May 1976): 225-274. Jewson argues that the rise of microscopy and the professionalisation of medical practice and theory de-emphasised the holistic approach that had previously been employed, thereby limiting the opportunities that the "sick-man" had to negotiate his treatment. Perhaps the most immediate "straw man" for this model would be Michel Foucault with his concept of the "medical gaze" as explicated in his *Birth of the Clinic*. Even then, there has recently been a sustained attempt to integrate Foucauldian theory (more) positively into disability studies. See for instance Aimi Hamraie, "Historical Epistemology as Disability Studies Methodology: From the Modern Framework to Foucault's Archaeology

this narrative that disability activists desired to reclaim, as they argued that the medical model did not view the "disabled experience" positively. For this, a new model would be needed.

In the 1970s and 1980s, disability activists laid the groundwork for what has become known as the "social model" of disability.[9] The social model was the first of two models meant to challenge the medical model. Whereas the medical model sees medicine and the medical practitioner as the disabling agent, the social model posits that it is society itself that is the disabling agent. This assumption has led to a distinction being drawn between two closely-related terms, "impairment" and "disability." This idea was first formulated in 1975 by the Union of the Physically Impaired Against Segregation (UPIAS), a British disability-rights organisation that was formed to challenge the segregation of people with disabilities into residential institutions. That year, UPIAS released their "Fundamental Principles of Disability," writing that

> [i]n our view it is society which disables physically impaired people. Disability is something imposed on top of our impairments by the way we are unnecessarily isolated and excluded from full participation in society.[10]

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of Cure," in *Foucault Studies* 19, no. 1 (June 2015): 108-134. Hamraie argues that disability studies has thus far functioned without a historical epistemology, and that the models I discuss above (beginning with the medical model) are inherently simplistic models as they have not been fully excavated to understand the baggage that each model carries vis-à-vis the historical development of disability studies. Hamraie suggests that these models require epistemology as an analytical tool in order to understand the historical construction of disability. A second example of this move to view Foucauldian theory more positively would be *Foucault and the Government of Disability: Enlarged and Revised Edition*, 2nd ed., ed. Shelley Tremain (Ann Arbor: University of Michigan Press, 2015). The first edition was published in 2005. Both editions seek to respond to Foucault's challenge to scholars to question the assumptions that underpin whatever is regarded as being natural, inevitable, and ethical by exploring the power relationships that exist around disability, particularly as a social concept.

[9] The term "social model of disability" was coined by the disabled activist Michael Oliver in 1983. Michael Oliver, *Social Work with Disabled People* (London: Macmillan, 1983), 23-27.

[10] "Fundamental Principles of Disability," The Union of the Physically Impaired Against Segregation (UPIAS), at The Disability Archive, Centre for Disability Studies, University of Leeds, accessed June 2, 2018, https://disability-studies.leeds.ac.uk/wp-content/uploads/sites/40/library/UPIAS-fundamental-principles.pdf. For the historical importance of the UPIAS to the British disability rights movement, see Shakespeare, 12-17. Shakespeare discusses the "Fundamental Principles" at pp. 12-13.

The "Fundamental Principles" was the first formulation of a distinction between "impairment" and "disability," particularly with its idea of exclusion implying that people with disabilities constituted a minority group in mainstream society.

The social model sees impairments as the functional limitations engendered by physical or mental impairments such as deafness, blindness, schizophrenia, age-related dementia, or even temporary limitations such as broken limbs. Society provides the "disability" by constructing systemic barriers and (negative) attitudes which exclude impaired people from full social participation.[11] The value of the social model lay in implying that disability was at worst a neutral aspect of the human experience, while also enabling people with disabilities to conceive of their disabilities as being a positive aspect of their personal and social identity, rather than as a point of stigma.[12]

The major limitation of the social model is its implication that "disability" should be understood as a *de facto* social class, thereby diminishing the value of the individual disabled person's experience in favour of a "group narrative." This narrative is, ironically, predicated upon a negative definition in which the disabled person is still very much seen as a powerless victim: namely, the oppression narrative. This tendency of the

[11] For instance, television shows without subtitles or descriptive audio prevent people with hearing and visual impairments, respectively, from fully participating in the act of watching the television show, thereby preventing them from (fully) engaging in any (subsequent) social discussion about the show with others. A less obvious example would be the decision by an architect and builder to assume that everyone is capable of accessing a building entrance that can only be accessed by stairs. The absence of a ramp for people who have mobility impairments that prevent them from employing stairs is the social barrier. For further information on the social model, see Shakespeare, 12-15. Also see Altman, 104-105 for her definition of the social model.

[12] Erving Goffman wrote extensively on the role that stigma played in social settings, arguing that stigma is caused by the disconnect between a person's "virtual" and "actual" identities. The virtual identity is the one imposed upon the stigmatised person by others, whereas the actual identity describes the character and attributes that the stigmatised person can be shown to actually possess if people viewed the stigmatised person objectively. A deaf person who communicates through sign language might be perceived (virtually) as being incapable of communicating fluently in written English, but may possess the (actual) ability to do so. See Erving Goffman, *Stigma: Notes on the Management of a Spoiled Identity* (New York: Touchstone Reissue, 1986 [1968]), particularly pp. 12-15.

social model to lend itself to hegemonic narratives, particularly the oppression narrative, has been criticized.[13] The social model has also been criticized for its assumption that the medical model has no positive value and that there can be no intersectionality between the social and medical models.[14]

Closely related to the social model is the "cultural model", which views disabled people as constituting a minority group within the majority able-bodied culture. The cultural model rejects the social model's distinction between "impairment" and "disability", viewing disabilities as a state of being that act as foundations for new cultural identities, particularly with respect to challenging (non-disabled) conceptions of normalcy in seeing "alternative" means of communication and self-expression as being perfectly normative.[15] Deaf culture, as discussed in the previous chapter, might be seen as

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[13] Mike Oliver, "The Social Model of Disability: Thirty Years On," in *Disability and Society* 28, no. 7 (July 2013): 1024-1026. While neither Oliver nor his contemporaries have said so, I suspect that part of the attraction to the social model in disability studies is not so much the positive approach to impairment but the fact that the social model was developed by people with disabilities. The activist-adversarial nature of Deaf studies has already been touched upon in the first chapter. Anne McGuire, in her forceful essay condemning the American political and medical establishments for desiring to discover a medical "cure" for autism instead of seeing autism as a valid option on the "spectrum of human experience," overdramatically compares the American "war on autism" with the ongoing "war on terror." Anne McGuire, "'Life Worth Defending': Biopolitical Frames of Terror in the War on Autism," in *Foucault and the Government of Disability*, 2nd ed., ed. Shelley Tremain (Ann Arbor: University of Michigan Press, 2015), 350-371.

[14] In a study of American campus groups for students with disabilities, Allegra Stout and Ariel Schwarz noted that students who self-identified as having a disability, particularly chronic ones, questioned the rejection of the medical model; many of these students actively sought medical cures for their ailments. Allegra Stout and Ariel Schwarz, "'It'll Grow Organically and Naturally': The Reciprocal Relationship Between Student Groups and Disability Studies on College Campuses," in *Disability Studies Quarterly* 34, no. 2, accessed June 2, 2018, http://dsq-sds.org/article/view/4253/3593. Guy Dewsbury et al. argue that the social model has rejected objective interpretations of disability due to its over-emphasis on "disability" as a social class rather than as an individual experience. Guy Dewsbury, et al., "The Anti-Social Model of Disability," in *Disability and Society* 19, no. 2 (October 2010): 145-158.

[15] Ronald Berger, *Introducing Disability Studies* (Boulder, CO: Lynne Rienner, 2013), 26-30. The cultural model has given rise to what is known as "crip culture" and "crip theory." The argument is that disability is a valid point of identity on the identity spectrum, particularly in relation to other socially excluded groups and minorities. Disability is as much an indicator and basis for personal and socio-cultural identity as other factors, such as language, ethnicity, and history. For an example of crip theory in scholarship, see Lennard J. Davis, *Bending Over Backwards: Disability, Dismodernism, and Other Difficult Positions* (New York: New York University Press, 2002). Davis advocates a post-modernist argument, suggesting that disability is the new prism through which post-modern society should examine itself. His hope is that disability will

the most obvious example of the cultural model, given its emphasis upon sign language as a visual marker of an otherwise invisible bodily difference, while also promoting sign language as a normative means of communication for a self-described minority culture.[16]

The medical, social, and cultural models are all modern models of disability which have been taken up by disability historians to examine disability in earlier historical epochs, resulting in anachronistic interpretations of pre-modern understandings of disability.

Anachronisms of Disability History

In her article, Kudlick provides an overview of the development of disability history since the late twentieth century, tacitly conceding the anachronistic tendency of disability history in two ways.

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become the new cultural framework of society, supplanting historical categories such as race, gender, class, and sexual orientation. Lennard's overarching argument is that disability culture is a culture which most people will eventually enter as they age or acquire impairments; it is not restricted to people with congenital disabilities. The cultural model has given rise to an extreme interpretation in which some able-bodied people have adopted the principles of the transgender movement to argue that they are meant to be in disabled, not abled, bodies: this has been named "transableism." See Robin Mackenzie, "Somatechnics of Medico-Legal Taxonomies: Elective Amputation and Transableism," in *Medical Law Review* 16 (Autumn 2008): 390-412. For a discussion concerning transableism and the impacts of the popular website Transabled.org, see Jenny Davis, "Prosuming Identity: The Production and Consumption of Transableism on Transabled.org," in *American Behavioral Scientist* 56, no. 4 (April 2012): 596-617. For a recent view on transableism, see Susan Boesveld, "Becoming Disabled by Choice, not Chance: 'Transabled' People Feel Like Impostors in Their Fully Working Bodies, *National Post*, June 4, 2015, http://nationalpost.com/news/canada/becoming-disabled-by-choice-not-chance-transabled-people-feel-like-impostors-in-their-fully-working-bodies.

[16] See Sharon L. Snyder and David T. Mitchell, *Cultural Locations of Disability* (Chicago: University of Chicago Press, 2006), 6-7 for their summary of the cultural model. The idea of deafness as being tantamount to an identity is particularly prevalent around debates in the culturally Deaf community concerning cochlear implants. This debate was captured in the 2001 film *Sound and Fury*, which followed two families as they decided whether or not to have their children implanted: one family was a hearing family with a deaf child, and the other family had two culturally Deaf parents who had so far raised their deaf child as a culturally Deaf person. The film particularly does well at capturing the tensions between the medical model (diagnosis of deafness), the social model (admission by both families that speaking is the normative means of communication, thereby "disabling" deaf people who use sign language), and the cultural model (whether or not cochlear implants pose a risk to the long-term survival of Deaf culture). Ronald Guttman and Nora Coblence, "Sound and Fury," published by Aronson Film Associates, 2001, video, 90 minutes.

The first anachronism is evident in the title of her article, in which she frames disability history as another "Other." Kudlick's presenting of disability as a unitary epistemological category particularly speaks to the influence of the social and cultural models of disability as discussed above. The idea of otherness suggests that disability has been excluded from (serious) scholarship, while simultaneously reinforcing the idea that disability is a legitimate class of historical study, thus exposing the tension inherent in the oppression narrative promoted by disability scholarship. Disability is a relevant topic of study because of its (apparent) status as a minority field, yet its minority status is reliant upon accepting that it is a legitimate concept in the first place.

The second anachronism that Kudlick introduces is more explicit. Her overview of disability history focuses on fourteen works pertaining to various aspects of disability and history that were all written no earlier than the nineteenth century.[17] Her argument is progressivist: her narrow focus implies that nothing of value has been written about the pre-modern period before the nineteenth century; it also suggests that histories of disability in pre-modern history can only be accessed and understood by imposing modern frameworks of disability on to the pre-modern period, thereby making them part of the oppression narrative. These anachronistic assumptions have largely been taken up by the scholars who have examined disability in medieval Europe.

The first full-scale analysis of disability in human history was undertaken by Jacques Stiker in 1997.[18] Stiker viewed disability as being a cultural anthropology tied to

[17] Kudlick, 769ff. While much more has been written on disability in history since 2003, the general framework as outlined by Kudlick still holds true: the focus is heavily on modern history with occasional detours into premodern history, notably classical antiquity. For disability in classical antiquity, see Robert Garland, *The Eye of the Beholder: Deformity and Disability in the Graeco-Roman World*, 2nd ed. (London: Bristol Classical, 2010).
[18] Henri-Jacques Stiker, *History of Disability* trans. William Sayers (Ann Arbor, MI: University of Michigan Press, 1999).

moral norms and values. In examining disability from classical antiquity to the twentieth century, Stiker developed a framework whereby he saw historical representations of disability as invariably being tied to the moral principles that underpinned Western civilisation. Stiker viewed modern society as developing institutionalised discourses and practices predicated upon a desire to integrate the disabled body and person into society, thereby erasing disability and difference.[19]

In his historical analysis, Stiker posits that pre-modern societies did not necessarily aspire to erase bodily difference. The medieval period, according to Stiker, viewed the disabled person as being unmanageable, rendering them useless to society except as agents of charity; by performing charitable actions for the disabled, able-bodied people would get themselves closer to heaven. Even then, Stiker is careful to note that medieval society at least tolerated bodily diversity.[20] Modern society's desire to "rehabilitate," by contrast, leads to the development of a society that is "less and less pluralist, more and more rigid," according to Stiker's analysis.[21]

Stiker, perhaps unintentionally, proves this very point about the rigidity of modern society vis-à-vis disability by arguing that references to the disabled in pre-modern history – particularly medieval Europe – could only be found in sources pertaining to the poor. He was, however, careful to also note that historians should not anachronistically impose a value judgment that medieval people would thus have viewed people with disabilities negatively: scholars would have to examine their sources in context.[22] Stiker, however, seems to have fallen victim to the anachronism that he himself

[19] Stiker, 138.
[20] Stiker, 67-68, 85, 87.
[21] Stiker, 128.
[22] Stiker, 66, 78.

warned against, writing that the lack of references to people with disabilities in medieval records was "remarkable."[23] The "remarkable" absence of people with disabilities in pre-modern records seems to be a symptom of the anachronistic blinders that Stiker and subsequent disability historians impose upon themselves by presuming that disabled people were defined and categorised (nearly) the same way as they are in modern times, hence Stiker's surprise at not finding many disabled people in his pre-modern records. He may very well have been looking in the wrong places. Despite the difficulties presented by Stiker's analysis, his clear outline of the progressivist interpretation of disability in history is significant, though it has largely not been recognised or engaged with by subsequent scholars who have become wedded to the social model of disability.

In 1998, Herbert Covey published a book that sought to examine the history of disability from the perspective of the social model, albeit with a particular emphasis upon popular culture.[24] Covey wrote that "historians have written volumes about institutional settings but little about people with disabilities within their families or host communities," and establishes his history accordingly as a bottom-up view of disability as opposed to a top-down model.[25] Unlike Stiker's rigid cultural framework, Covey sought to focus on specific disabilities, including deafness.[26] While Covey made great efforts to look at disability "on the ground" throughout history, his volume, more than anything, reveals the paucity of (primary) material on disability throughout history,

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[23] Stiker, 83-84.
[24] Herbert C. Covey, *Social Perceptions of People with Disabilities in History* (Springfield, IL: Charles C. Thomas Publisher Ltd., 1998). Covey notes that his book should be seen as a "cultural-historical discourse" about disability at p. 3.
[25] Covey, 277.
[26] In addition to deafness, Covey has sections pertaining to people with physical disabilities, leprosy, mental illness, blindness, and developmental disabilities. His examination of deafness is discussed further below at pp. 73-74.

particularly before the nineteenth century. The bulk of Covey's evidence is founded upon secondary sources, particularly paintings and literary references to guide his narrative. It is clear that Covey was forced to restrict himself to an encyclopedic and superficial analysis of disability throughout history due to the limitations of his sources. The superficial analysis thus led Covey to reject a careful development of the appropriate historical background and context in favour of broad generalisations, including his assertion that "Western curiosity and inquiry about human existence in this world erupted in a new way at the close of the Middle Ages."[27] It would be more accurate to see Covey's claim of developing a socio-cultural model as a failed enterprise, given his lack of thorough historical analysis. It is likely that Covey may not have intended his monograph to be cutting-edge history, but simply a primer of the existing (secondary) sources in the hopes that subsequent scholars would take up more professional and refined analyses of disability throughout history.[28]

While Stiker and Covey attempted to engage with the medieval period in their narratives, neither scholar engaged directly with the medieval period through a sustained examination of medieval sources. Stiker claimed that there was little evidence pertaining to people with disabilities, while Covey relied nearly exclusively upon secondary (modern) sources and an encyclopedic overview rather than a close analysis. Neither author realised that the anachronistic frameworks they imposed upon pre-modern history – the cultural model in Stiker's case and the combined socio-cultural model in Covey's –

[27] Covey, 34. Covey notes in his introduction that the medieval period should be seen as a "watershed of ideas regarding people with disabilities" (p. vii), but fails to indicate whether the watershed should be viewed in relation to classical antiquity or the present.
[28] Covey notes that "there is an untold story waiting to be told about the many unseen number of people with disabilities" at p. 278.

probably played a significant role in pre-determining what sources could be employed in their analyses. Stiker's cultural model was predicated upon an assumption that culture was a top-down ideology: his equation of disabled people with the poor reduced them to an amorphous and ill-defined social group that could not be found easily, if at all, in pre-modern records simply because such an ill-defined group could not exist. Covey's focus on disability as a social, "lived experience" failed because of the lack of materials left behind by people with disabilities from pre-modern societies.[29] To Stiker and Covey, the medieval period largely represented an ossified "backwater" replete with comfortable assumptions masquerading as fact that reinforced the value of modern, progressivist models of disability.

The Development of Medieval Disability History

Disabilities in Medieval Disability Histories

Irina Metzler's 2006 book on physical impairments in medieval Europe established medieval disability history as a sub-field within (disability) history. Metzler's book was the first monograph dedicated exclusively to examining conceptions of disability in the medieval West.[30] Metzler took a theoretical view to examining medieval conceptions of disability, explicitly choosing to use the social model of disability as her lens.[31] She particularly takes issue with how disability scholarship has viewed medieval

[29] Sara Newman, in her historical overview of (auto)biographical and "life writing" materials concerning disability, notes that "life stories" by disabled people did not begin to be written with any regularity until the nineteenth and twentieth centuries. Sara Newman, *Writing Disability: A Critical History* (Boulder, CO: FirstForum, 2013). For Newman's discussion of "life writing" as a key aspect to finding disability in history, see pp. 1-14.
[30] Irina Metzler's *Disability in Medieval Europe: Thinking about Physical Impairment During the High Middle Ages, c. 1100-1400* (New York: Routledge, 2006). For the reference to the medieval period as a "dark ages" of disability scholarship, see p. 18.
[31] Metzler, *Disability in Medieval Europe*, 20-21.

understandings of disability "ahistorically," while also taking indirect issue with disability studies, pointing out that scholars believed "that ancient or medieval societies *invariably* saw a link between sin and illness," and that this belief was "the dominant historiographical notion on the subject of disability."[32]

Metzler's emphasis on the social model drives her analysis. She begins her book by admitting the need for a careful discussion of the terms she will use to describe disability in her work, suggesting that medieval society "had only an awareness of" impairment but not disability.[33] Metzler contends that the social model would have viewed disabled people in medieval Europe as being impaired – that is, burdened with a physical lack of physical or mental function. These impaired people, however, would not have been disabled, as Metzler's model does not suggest that medieval thinkers would have had any specifically medieval models of disability: in other words, the modern definition of "disability" in the social model would apply equally well to the medieval period. This insistence upon predicating her study of medieval Europe on the social model leads to a startling conclusion that "there were very few medieval disabled people."[34] Even then, Metzler's work has been influential in laying the groundwork for further studies in medieval disability.[35]

An interdisciplinary collection of essays edited by Joshua Eyler sought to examine the implications of Metzler's scholarship, particularly with respect to Metzler's

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[32] Metzler, *Disability in Medieval Europe*, 9 and 13, respectively. Emphasis in original.
[33] Metzler, *Disability in Medieval Europe*, 5.
[34] Metzler, *Disability in Medieval Europe*, 190.
[35] Metzler has written two subsequent monographs on medieval disability, both also heavily reliant upon the social model. See her *A Social History of Disability in the Middle Ages: Cultural Considerations of Physical Impairment* (New York: Routledge, 2013) and *Fools and Idiots? Intellectual Disability in the Middle Ages* (Manchester: Manchester University Press, 2016). Metzler does revise her emphasis upon the social model so as to move slightly towards the cultural model, particularly in *Social History*.

use of the social model.[36] Eyler credited Metzler's influence on medieval disability studies, but also noted how disability scholars had tended to favour the social model due to the ease with which it allowed scholars to define their terms.[37] Eyler proposed that instead of employing the social model and its propensity for (over)defining one's terms with respect to the medieval period, the cultural model was most suitable due to how it collapsed both bodily difference and social perceptions into the word "disability," removing the term "impairment" entirely: his contention was that scholars should construct a model "for understanding medieval disabilities based on the evidence of our sources rather than applying a pre-fabricated model backward."[38] Despite Eyler's salutary comments, the book suffers from the diverse range of approaches employed by the contributing authors: the overall lack of theoretical cohesiveness throughout the volume points to the tensions that exist between the various models of disability and the issues inherent in imposing these (modern) models on to the medieval period. Modern models of disability are used as a filter; there is no attempt to engage with medieval conceptions of disability directly and on their own terms.

In spite of the generally incohesive nature of medieval disability studies in grappling with the three models discussed thus far, medieval disability studies have developed a particular cohesiveness in two respects. Following Metzler's focus on physical impairments, the primary focus of the field has been on disabilities for which abundant material exists, particularly blindness and mental illness.[39] By comparison,

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[36] Joshua R. Eyler, "Introduction: Breaking Boundaries, Building Bridges," in *Disability in the Middle Ages: Reconsiderations and Reverberations*, ed. Joshua R. Eyler (Farnham, UK: Ashgate, 2010), 7-8.
[37] Eyler, 7-8.
[38] Eyler, 8.
[39] For blindness, see Edward Wheatley, *Stumbling Blocks Before the Blind: Medieval Constructions of a Disability* (Ann Arbor: University of Michigan Press, 2010). Wendy Turner's focus is primarily on mental illness and madness in medieval England. See, for instance, her *Madness in Medieval Law and Custom*

there has been very little written about deafness in the medieval period, either before or after the rise of medieval disability studies. In addition, the influence of the models of disability as proposed by disability scholars has led to a further anachronistic tendency with respect to terminology.

Anachronisms of Medieval Disability History

Metzler opens her study of disability in medieval Europe by pointing out the importance of discussing and defining her terms.[40] She writes:

> The problem of categories of disability is further confounded by the lack of an umbrella term such as 'disability' during the medieval period. Medieval people were less 'politically correct' and more direct in their terminology, so a wide variety of descriptions of physical impairments that we would now reclassify as disabling exists in this period. Some physical impairments were recognised as such by medieval people, in other words the crippled (*contracti, defecti, decrepiti*), blind (*caeci*), mute (*muti*) or deaf (*surdi*) people…. For these afflictions the medieval period did have a specific terminology, albeit one that by modern standards is rather politically incorrect – some terminological tolerance is required of the reader – or deemed too vague by modern medicine.[41]

Metzler's intention here is to inform readers that "politically incorrect" terms relative to modern disability will be used. This disclaimer subordinates medieval terms and concepts concerning disability to modern ones. By presenting this disclaimer, Metzler

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(Leiden: Brill, 2010). A small sample of further monographs and edited collections in medieval disability studies follows, which all impose either the social or the cultural model on medieval understandings of disability. *Social Dimensions of Medieval Disease and Disability*, eds. Sally Crawford and Cristiana Lee (Oxford: Archaeopress, 2014); *The Treatment of Disabled Persons in Medieval Europe: Examining Disability in the Historical, Legal, Literary, Medical, and Religious Discourses of the Middle Ages*, eds. Wendy J. Turner and Tory V. Pearman (Lewiston, NY: Edwin Mellen Press, 2010); Jenni Kuuliala, *Childhood Disability and Social Integration in the Middle Ages: Constructions of Impairments in Thirteenth- and Fourteenth-Century Canonization Processes* (Turnhout: Brepols, 2016); Cory Rushton, *Disability and Medieval Law: History, Literature, and Society* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2013); Tory V. Pearman, *Women and Disability in Medieval Literature* (New York: Palgrave Macmillan, 2010); Kristina L. Richardson, *Difference and Disability in the Medieval Islamic World: Blighted Bodies* (Edinburgh: Edinburgh University Press, 2012); Ephraim Shoham-Steiner, *On the Margins of a Minority: Leprosy, Madness, and Disability Among the Jews of Medieval Europe*, trans. Haim Watzman (Detroit: Wayne State University Press, 2014).

[40] Metzler, *Disability in Medieval Europe*, 3-9.

[41] Metzler, *Disability in Medieval Europe*, 4.

inadvertently ascribes a pessimistic sense to the medieval terminology she has listed in both directions – first, she imposes modern notions of "political correctness" and the modern dislike for such "incorrect" terms on to the medieval terms, but she also implies that medieval thinkers may have viewed and used these terms pejoratively as well. The result is an implicit idea of oppression whereby pre-modern society invariably viewed disabled people negatively.[42]

This tendency to frame discussions of disability in pre-modern history has become common in the field, and is perhaps best summed up by the recently-published *Routledge History of Disability*, which provides a detailed note on terminology on behalf of all the authors whose articles are included in the book:

> Throughout this text the readers [*sic*] will come across terms such as "crippled", "lame", "mental defect", "physical defective", "imbecile", "idiot", and "dumb", and while these terms are no longer considered acceptable when referring to disabled people, the terms do represent a professional and lay culture of a particular era, so please keep the content and the culture of the era in mind when reading this text.[43]

The activist nature of disability studies has rejected the medical model and its presumption that disability is something to be treated negatively – an affliction that needs to be cured or managed. In rejecting the medical model in favour of the social and cultural models, disability scholarship has developed a tendency to flatten terminology so as to fit neatly within the latter two models of disability. As the *Routledge* introduction

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[42] This tendency to preface studies of medieval disability with a discussion of terminology that demonstrates a bias in favour of either the social or cultural model of disability is not exclusive to Metzler. See, for instance, the following three authors (all mentioned in note 39 above): Turner, *Madness in Medieval Law and Custom*, 1-2; Pearman, *Women and Disability in Medieval Literature*, 2-4; Kuuliala, *Childhood Disability and Social Integration in the Middle Ages*, 15-19. One could also consult Covey's introductory chapter to his *Social Perceptions* at pp. 3-44 for an early example of this tendency, as his book predates Metzler's.

[43] Roy Hanes, "Introduction," in *The Routledge History of Disability*, eds. Roy Hanes, Ivan Brown, and Nancy E. Hansen (New York: Routledge, 2018), 1.

demonstrates, placing pre-modern terms in "scare quotes" reinforces the oppression narrative by suggesting that pre-modern societies invariably viewed disability negatively.[44] By beginning with the assumption that pre-modern societies viewed disability positively, it may be possible to learn new, and even surprising, things about how pre-modern societies viewed disability both in practice and theory, as will be demonstrated below via an examination of thirteenth-century English legal cases, Saint Augustine's thought concerning deafness, and Saint Thomas Aquinas' thought concerning disability.

The modern tendency of anachronistically assuming that pre-modern societies viewed disabled people negatively has been taken up in the field of deaf history, as alluded to in the first chapter.[45] In an analysis of terminology used to refer to deaf people in English-language publications found through Google searches in 2005, Des Power opens with a summary of deaf history before the nineteenth century.[46] At the end of the summary, he notes that these historical references to deafness sum up

> a long European history of attitudes toward people born deaf or who became deaf early in life. Deaf and dumb in many European languages meant, as it does in English, not only "deaf and mute" but "deaf and stupid" – incapable of speech, and, hence, reason, and a fortiori, incapable of being educated.[47]

Power's point is one that is commonly taken up by culturally Deaf people; they object to these terms on the basis that they *can* be educated by means of American Sign Language

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[44] I am not suggesting that terms cannot be hurtful or objectionable, but that the tendency to preface discussions of disability with comments such as these may be obscuring, rather than revealing, historical understandings of disability.
[45] See Chapter 1, in particular pp. 27-32.
[46] Des Power, "Googling 'Deaf': Deafness in the World's English-Language Press," in *American Annals of the Deaf* 151, no. 5 (Winter 2006/2007): 513-514. Power mentions Augustine's condemnation of the deaf on the basis of *Romans* 10:17 on p. 513.
[47] Power, 514.

(ASL), and thus they are not "dumb," but neither are they "mute" insofar that they "speak" through a visual language or through written language.[48]

This ability of the deaf to communicate through a visual language as a matter of routine is a modern development. Deaf people in pre-modern history did not have this option available to them, nor could they express themselves through written language if they were not literate. How, then, did pre-modern societies, particularly medieval English society, view the deaf and the communication difficulties they faced?

Describing Deafness in Medieval English Legal Cases

Medieval English legal records are particularly abundant from the late twelfth century to the fifteenth century. For the purposes of this case study, I have restricted myself to the reigns of Richard I, John, and Henry III, covering the period from 1189 to 1272. My sources are the Curia Regis (King's Bench) rolls which comprise fourteen volumes from 1189 to 1232, the close rolls from 1227 to 1272, and the patent rolls from 1216 to 1232.[49] This time span was determined by restricting the study to the Latin transcriptions of the respective series; all volumes subsequent to the end dates noted

[48] See, for instance, *Deaf Gain: Raising the Stakes for Human Diversity*, eds. H-Dirksen L. Bauman and Joseph J. Murray (Minneapolis: University of Minnesota Press, 2014), 423-424; Jan Branson and Don Miller, *Damned for their Difference: The Cultural Construction of Deaf People as Disabled, A Sociological History* (Washington: Gallaudet University Press, 2002), 44, 55-56; Paddy Ladd, *Understanding Deaf Culture: In Search of Deafhood* (Clevedon, UK: Multilingual Matters, 2003), 340, 376; and Jack R. Gannon, *Deaf Heritage: A Narrative History of Deaf America* (Washington: Gallaudet University Press, 2012 [1981]), 378.

[49] The Latin phrase *curia regis* more accurately means "king's court," but the descriptor "King's Bench" is appropriate as the modern Court of Queen's Bench is descended from the Curia Regis. A letter close is exactly as the name describes: a "closed" or sealed letter addressed to the recipient. The modern business letter is the equivalent of the letter close. A letter patent is a document intended to be presented publicly, and usually carries an official seal. A modern example of this would be a birth certificate or a university diploma. All three series are published by Her/His Majesty's Stationery Office, which will be abbreviated to HMSO in all subsequent references.

above in the Close Rolls and Patent Rolls series are available only in English translation, which carries its own set of problems as discussed below.[50]

A review of the three series returned a total of ten cases which either explicitly mentioned deafness or seemed to suggest it; all these cases were in the Curia Regis rolls.[51] A superficial review of the cases involving (allegedly) deaf people seems to confirm the correctness of the cautious, though pessimistic, reading indicated by the *Routledge History of Disability* and by scholars of medieval disability such as Metzler: deaf people were described pejoratively and had few legal rights compared to hearing people. This "reading" appears to be confirmed in the three cases from the Curia Regis rolls that discussed deafness – alleged or actual – in some detail.

In a 1208 case during the reign of John, William de Quitewell, his wife Clarice, and her sister Agnes were recorded as having defaulted on a summons to attend the court concerning a property dispute they had with William de Skegton. Agnes is indicated in the record as being mute (*muta*). The two women claimed that the land claimed by William was in fact theirs by right of inheritance.[52] The case came up again in 1210, when William hired an attorney, Reginald Gloz, to represent himself, Clarice, and Agnes

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[50] The question of translation is a vexed one. Even reading the entries in the original Latin presents a difficulty: the court cases would have been conducted in the vernacular, with a scribe producing a Latin transcript or summary that would have been added to the roll, so we are working with scribal terminology as opposed to the (vernacular) terminology employed by the parties involved in these cases. Perhaps the most famous instance of this was during the trial of Joan of Arc in 1431, where the process involved scribes taking notes during the proceedings before compiling them into the official record (in French) at the end of the day. The French text was then eventually translated into Latin. For a summary of this process, see *The Trial of Joan of Arc*, ed. Daniel Hobbins (Cambridge, MA: Harvard University Press, 2005), 5-6. Hobbs also provides further detail about the procedure itself and the difficulties presented by translation and the existence of various versions of the trial record at 8ff.

[51] This seems to have been typical, as a search for cases involving blindness returned ten cases across both the Curia Regis and close rolls, and none in the patent rolls; a search for cases specifically referencing insanity returned six cases – all in the Curia Regis rolls, and primarily dealing with whether or not a charter had been made or agreed to when one of the parties was alleged to have been insane.

[52] *Curia Regis Rolls*, vol. 5 (London: HMSO, 1931), 286. The incipit of the entry reads: *Norf' – Willelmus de Witewell' et Claricia uxor*.

in court.[53] The court ruled that Roger could represent William and Clarice's combined suit, but he could not represent Agnes' suit due to her mutism:

> …et atornatus Willelmi et Claricie petit consideracionem curie si predicta Agnes debeat jus suum perdere occasione illa quod muta est; petit eciam consideracionem curie si predicti Willelmus et Claricia debeant jus suum perdere eadem de causa, quod Agnes predicta soror ipsius Claricie sit mutum [*sic*]. Consideratum est quod recedat sine die versus ipsam Agnetem, que muta, et quod respondeat ipsis Willelmo de Quitewell' et Claricie uxor [*sic*] sue de porcione exactionis sue quam ipsi versus eum pro se petunt.[54]

The scribe's word choice in the text suggests that there was some question about whether or not Agnes was permanently mute. The scribe used the subjunctive verb *sit* in conjunction with *quod* to indicate that he was recording someone else's words, and that it was neither an undisputed fact nor his personal opinion that Agnes was mute.[55] Additionally, the adjournment of the case *sine die* did not mean that the case was permanently closed, simply that it could be re-opened at a future date if the situation concerning Agnes' mutism changed. This suggests that Agnes' mutism may not even have been related to deafness at all.[56]

Twenty years later, another woman was barred from presenting a claim for some land for the same reason. In 1230, during the reign of Henry III, Hugo Curtpeil and his

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[53] *Curia Regis Rolls*, vol. 6 (London: HMSO, 1932), 13. The incipit reads: *Norf' – Willelmus de Quitewell' et Claricia uxor*. William claimed involvement in the case on behalf of his wife (*in jure uxoris*).

[54] …and William and Clarice's attorney asks the court's judgment (*consideracionem*) if the aforementioned Agnes ought to lose her right [to bring a suit] on this occasion because she is mute; he likewise petitions the court's judgment if the aforementioned William and Clarice ought to likewise (*eadem*) lose their right [to bring a suit] concerning this case, because the aforementioned Agnes, Clarice's sister, is alleged (*sit*) to be mute. The judgment is that the case is adjourned without day (*sine die*) against Agnes, who is mute, and because it is answered [= granted] for William de Quitewell and Clarice, his wife, concerning the portion of their demand which they ask for themselves against him [= William de Skegton].

[55] The phrase in question is *quod Agnes predicta soror ipsius Claricie sit mutum* (because the aforementioned Agnes, Clarice's sister, is alleged (*sit*) to be mute). If the scribe had intended to indicate that it was either an undisputed fact or his personal opinion that Agnes was mute, he would have written *est* in place of *sit*.

[56] The scribe probably wrote *quod muta est* earlier in the entry to indicate that Roger was asking the court to rule upon a point that was factually recognised as being in dispute – namely, whether or not Agnes was actually mute as far as the case was concerned.

wife Ella brought a suit against Walter de Grauntcurt for half a carucate of land which they claimed had been illegally taken over by Walter and his son, William.[57] The court ruled that the land belonged to Ella by right of inheritance. The court also noted that Ella had an unnamed sister, but the sister could not present a suit for a portion of the land against Walter and his son because she was deaf and mute:

> Et sciendum quod primo fuit eis objectum quod Ela habuit sororum unam in vita et non debuit ei responderi sine ea; et responsum fuit quod et surda et muta, ita quod placitare non potest.[58]

Unlike Agnes' case twenty years before, Ella's unnamed sister was not even granted the remote possibility of participating in the case at a future date, which suggests that her deafness and mutism were permanent and possibly pre-lingual.

A few years earlier, in 1223, Walter Manet was taken to court by Walter de Taney, a canon of Southwell, for having allegedly attempted to sell a half-carucate of land which Taney claimed been illegally leased to Manet's father by Taney's predecessor. The elder Manet's son, Alan, argued that his elderly father had given both himself and his lands into his son's care due to his inability to see and hear:

> Et super hoc venit Alanus Malet filius ejusdem Walteri et dicit quod Walterus pater suus dimisit se de tota terra sua, eo quod ita senex est et impotens sui quod non potest videre vel audire, et est in custodia ejusdem Alani; et ipse defendit terram suam et est in seisina de omnibus terris patris sui. Et hoc idem testatum est per multos homines etc.[59]

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[57] A carucate was approximately 120 acres, though measures of land could vary locally and over time.
[58] *Curia Regis Rolls*, vol. 14 (London: HMSO, 1961), 31, case 161. (And it is to be noted that in the beginning [of the case] it was objected by [Walter and William] that Ella had one of her sisters still living (*in vita*) and that Ella ought not to answer for her without her [sister being present]; and the decision was made that because [the sister] is deaf and mute, therefore with respect to the suit she is unable to plead.)
[59] *Curia Regis Rolls*, vol. 11 (London: HMSO, 1955), 239-240, case 1187. (And concerning this [writ], Alan Malet, son of the same Walter, comes [before the court] and says that Walter, his father, turned himself over with regard to his entire property because (*eo quod*) he is accordingly an old man and incapable of managing himself (*impotens sui*) because he cannot see or hear (*non potest videre vel audire*), and he is in the custody of the same Alan; and Alan maintains his land and is in seisin (= possession) of all his father's lands. And this very fact (*hoc idem*) is witnessed by many men, etc.)

On the strength of the testimony offered by "many men," Taneray was forced to request that the case be put over indefinitely (*sine die*), but the court noted that Taneray could have another writ issued against Alan, likely because as the publicly confirmed holder of the property, he had *de facto* inherited the concomitant property dispute.[60] Alan's contention that his father had turned over his property to his son implies that the elder Manet knew that if he waited until he was fully deaf and blind to dispose of his property, his rights would have been accordingly reduced as his blindness and deafness progressed, and he would have been treated like both Agnes and Ella's unnamed sister.

Medieval Legal Precision versus Modern Anachronisms

These three cases indicate that a variety of terms were used to describe both actual and alleged deafness. This legal precision, however, is lost in the indices of the Curia Regis volumes, which have adopted the anachronistic view that pre-modern people simply saw the deaf as being part of a uniform group of "mute" or "dumb" people, irrespective of the degree of their hearing loss. The indices are in English, and are themselves inconsistent in how they describe deafness when referencing all cases that discuss either actual or alleged deafness. As demonstrated above, Agnes is described as being mute (*muta*), and even this fact is in dispute, yet she is described as absolutely being "deaf and dumb" in the index entries to both the 1208 and 1210 cases.[61] There is no possibility indicated in the indices that Agnes' mutism has nothing to do with deafness.[62]

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[60] *Curia Regis Rolls*, vol. 11, 240. Et ideo magister Walterus sine die etc. Et perquirat aliud breve super Alanum, si voluerit. (And therefore master Walter [de Taneray] puts [the writ] over without day (*sine die*). And another writ may be sought concerning Alan if he [= Walter de Taneray] desires it.)
[61] *Curia Regis Rolls*, vol. 5, 448 under "Summons" and vol. 6, 511 under "Attorney".
[62] This is why I restricted myself to the Latin entries in the various series. The English translations that make up the bulk of the available material mainly describe deaf people as being either "deaf and dumb" or

Ella's unnamed sister, indisputably described as being deaf and mute (*surda et muta*), is described two different ways in the index: the first entry describes her as a "deaf mute" while the second entry describes her as being "deaf and dumb."[63] While both English descriptions accurately convey the fact that this woman is deaf, the descriptors "mute" and "dumb" hint at a difficulty in translating the term *muta*, as will be discussed below. Walter Manet is likewise mentioned twice in the index as being "blind and deaf" even though his case does not actually describe him as being blind or deaf, only that he could not see or hear (*non potest videre vel audire*) without specifying the degree of his impairments.[64] His case, as written, strongly suggests that his infirmities were progressive and related to old age, something that the English index description omits completely in its implication that Walter was completely deaf and blind. The remaining cases describe people simply as being *surdi*, or deaf. The deaf, in these cases, do participate in the proceedings to varying degrees, which suggests that the term *surdus* on its own refers more exactly to post-lingual hearing loss, likely partial. This suggests that the term *surdus et mutus* (deaf and dumb/mute) refers to pre-lingual hearing loss as in the case of Ella's sister, while *mutus* (dumb/mute) refers to an inability to speak, whether temporary or permanent, as Agnes' case suggests.

This distinction between terms seems to be confirmed by a case that took place between 1206 and 1207. In the fall of 1206, Wulfric the Deaf (*Wlvricus Surdus*) was the defendant in an assize of *mort d'ancestor* (death of an ancestor) brought against him by

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"deaf mute," and my close reading of the three cases mentioned above has led me to seriously doubt the translators' accuracy and precision in describing disabilities in the legal cases translated into English.

[63] *Curia Regis Rolls*, vol. 14, 656 under "Health" and p. 673 under "Pleadings by Plantiff".

[64] *Curia Regis Rolls*, vol. 11, 717 under "Health" and p. 719 under "Judgment for Defendants for Personal Reasons".

Luke and William, the sons of their deceased father, John. The case alleged that Wulfric had illegally taken possession of some land after John's death that rightfully belonged to Luke and William. The case was put over to the next session as Wulfric had neither presented himself as summoned or been excused from doing so (*quia Wlvricus non venit vel se essonavit*).[65] Later that year, the court ruled in Luke and William's favour as Wulfric had still not answered the fresh summons issued at the conclusion of the earlier case.[66] Wulfric, however, was not done, as he presented a warrant from Bermondsey Priory confirming his ownership of the land to the court the following year, so the case was revived.[67] Unlike Agnes and Ella's sister, Wulfric was never presumed to have no rights, which suggests that the use of *surdus* on its own – usually as a family name – refers to post-lingually deafened people. These people still had legal rights and obligations, unlike pre-lingually deafened people.[68]

This careful distinction between the pre- and post-lingually deafened vis-à-vis their legal rights and abilities to participate in legal proceedings challenges modern models of disability by clearly demonstrating that disabled people – here, the deaf and/or mute – were not seen as belonging to a single class of "disabled" people, and that there was not necessarily an automatically negative view of disability.

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[65] *Curia Regis Rolls*, vol. 4, 227. The incipit reads *Kent.—Assisisa mortis antecessoris inter Lucam*.
[66] *Curia Regis Rolls*, vol. 4, 281. The incipit reads *Kent.—Assisa venit recognitura*.
[67] *Curia Regis Rolls*, vol. 5, 14. The incipit reads *Kent—Assisa mortis antecessoris inter Lucam*. I do not know how the case ended; it is probable that this case may have been referred to either the royal court itself or to an ecclesiastical court now that Bermondsey Priory was involved in the case.
[68] For additional examples, see *Curia Regis Rolls*, vol. 7, 336, where Roger the Deaf (*Rogerus Surdus*) and his son, also named Roger, were among the men summoned before the court to confirm whether or not Adam de Wenliburg could enter into his property. The incipit is *Norhant'—Willelmus de la Bataill'*. Also see vol. 11, 323, case 1616, where Adam the Deaf (*Adam Surdus*) acted as a witness confirming that Geoffrey de Furneaus had refused to appear in court when summoned.

The collapsing of pre-modern understandings into modern ones on the presumption that the modern view is both superior to and easily accommodates the pre-modern view is perhaps best exemplified by a discussion of the word *mutus*, or "mute." As seen above in Agnes' case, the English index presumes that Agnes' mutism indicated that she was herself deaf and dumb. The term *mutus* has a much broader meaning than the modern presumption concerning the "deaf and mute/dumb" – *pace* Power – suggests.

This distinction is shown in the Curia Regis rolls themselves, as demonstrated by a case from 1224. William de Burton had contracted William Maufe to act as his attorney in a suit against Henry de Rainde, but the court was informed that Burton was suffering from total paralysis, which was making it difficult for him to speak well (*quod percussus est paralisi ita quod non potest loqui bene*).[69] The court sent several knights (*milites*) to visit Burton in order to confirm whether or not he could speak and thus orally signify Maufe as his attorney. Following their visitation, they informed the court that Burton could, in fact, not speak at all (*non potest loqui*), therefore Maufe could not represent Burton. The court ruled that the case could proceed at a later date if Burton's son, Reginald, would agree to speak on his father's behalf. This case makes it clear that in order to participate fully in a legal proceeding, a person had to be able to make themselves clearly understood, usually by speaking. Burton had been presumed to still have the ability to speak until it was definitively confirmed otherwise by the knights following their visitation.

This suggests that the question of Agnes' mutism may very well not have been linked to deafness at all, but centered around whether or not she was able to *clearly* and

[69] *Curia Regis Rolls*, vol. 11, 557, case 2768.

audibly articulate her intentions. The fact that Agnes' mutism was in dispute suggests that her mutism may have occurred some time after the acquisition of language, but without any indication of her age, this point cannot be definitively pursued, as her mutism could possibly have been the result of adult-onset deafness and a corresponding decrease in the quality of her speech to the point of rendering her *legally* mute, as William Burton's paralysis-induced mutism did. This suggests that mutism had a very narrow meaning in a legal context, and that people such as Agnes and William Burton were not necessarily considered to be "mute" outside of a legal context.

The broad meaning of *mutus* can also be seen in a contemporaneous example concerning Saint Thomas Aquinas (discussed in Chapter 3). In modern thought, Aquinas is commonly known as the "dumb ox," thanks to G. K. Chesterton's biography of him.[70] The idea of Aquinas as the "dumb ox" can be traced back to the first biography written about Aquinas, c. 1318-1323, known as the *Ystoria sancti Thome de Aquino* (*History of Saint Thomas of Aquino*). The writer, William of Tocco, noted that Aquinas' fellow students described him as a "dumb ox" on account of his apparent intellectual slowness:

> …eum fratres uocare bouem mutum, ignorantes de eo futurum in doctrina mugitum.[71]

After seeing his student Aquinas demonstrate the breadth and depth of his learning and intellect, Albert the Great exclaims:

> «Nos uocamus istum bouem mutum, sed ipse adhuc talem dabit in doctrina mugitum quod in toto mundo sonabit!»[72]

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[70] G. K. Chesterton, *Saint Thomas Aquinas: The Dumb Ox* (Garden City, NY: Image Books, 1956).
[71] William de Tocco, *Ystoria sancti Thome de Aquino de Guillame de Tocco*, ed. Claire Le Brun-Gouanvic (Toronto : Pontifical Institute of Mediaeval Studies, 1996), 117. (…the brothers called him [= Aquinas] a dumb ox (*bouem mutum*) as they were ignorant about his future mooing (*mugitum*) in teaching.)
[72] Tocco, 118. ("We called this one a dumb ox (*bouem mutum*), but he will give such a mooing of teaching that it will resound through the entire world!") The manuscript was edited according to French convention, so I have retained the original French quotation marks here.

Tocco is not intending for his readers to think that Aquinas was "mute" like an ox. Tocco's point here is that he is drawing a distinction between "mute" animals which are incapable of language and articulate speech, and the inability of Aquinas' contemporaries to understand his (future) genius; this misunderstanding of Aquinas' intellectual abilities is what rendered Aquinas "mute."

The Latin word *mutus* thus has a broader meaning than it does in English: the magisterial *Lewis & Short* dictionary indicates that *mutus* can mean "dumb" or "mute," but that its literal meaning is "one who does not speak or who is silent."[73] As seen with Power above and the producers of the indices for the Curia Regis volumes, this non-pejorative meaning has been ignored in favour of the modern English idea of "mute" or "dumb," which combines both silence and stupidity together, whereas the Latin clearly does not indicate this pejorative sense in any of the cases discussed above. Being mute (*mutus*) does not indicate that a person is stupid or ignorant as the English phrase "deaf and dumb/mute" does: that idea is covered by other words in Latin, such as *stultus* (foolish) and *stolidus* (stupid, slow, dull, coarse). More exactly, the word *mutus* points – as demonstrated clearly in William Burton's case – towards the idea of incomprehensibility. In the case of Ella's unnamed sister, describing her as being *surda et muta* does not mean that she was deaf and dumb, but that her muteness, her *incomprehensibility*, was a consequence of her (likely pre-lingual) deafness. In addition, the term *mutus* implies that one could also be "silent" visually, which in turn suggests that one could make themselves comprehensible by visual means, not only aural means; this possibility will be discussed further below and in chapter 3.

[73] *A Latin Dictionary*, eds. C. T. Lewis and C. Short, s.v. "Mutus" (Oxford: Oxford University Press, rept. 1995).

The terminological exactitude employed in the Curia Regis rolls indicates that scribes were trained to provide the facts that were pertinent to the case. This included providing information on legal impediments – that is, anything that could impede a person's ability to effectively and fully participate in a legal case. This emphasis upon clearly delineating deafness and/or mutism in a specific, legal context has been ignored by modern scholars in favour of constructing a narrative that claims deaf people have been universally discriminated against because of their inability to hear or communicate clearly, irrespective of the historical context itself.

Medieval Legal Rights for the Deaf: A Positive Approach

The narrative that deaf people were discriminated against in pre-modern history certainly seems to be affirmed by a reading of medieval legal treatises. Henry de Bracton wrote the legal treatise *De Legibus et Consuetudinibus Angliae* (*On the Laws and Customs of England*) in the thirteenth century, contemporaneous with the Curia Regis cases discussed earlier.[74] Bracton discusses deafness in his treatise, paying particular attention to what deaf people could *not* do as far as the law was concerned.

Bracton notes that the deaf could not do a number of things due to their deafness. First, he draws a distinction between the mute and the deaf, noting that neither a mute nor a deaf person could enter into a contract or make a promise that had a legal basis:

> Et sciendum quod mutus neque stipulari potest neque promittere, cum loqui non possit, nec verba stipulationi congruentia proferre. Quod quidem in surdo receptum

[74] There is some debate concerning when Bracton's treatise was completed, but most scholars seem to agree that it was completed by the mid-1270s at the latest, following Sir Frederick Pollock and Frederic W. Maitland, whose work in the late nineteenth and early twentieth centuries laid the groundwork for the modern study of English legal history. See their *The History of English Law Before Edward I*, 2nd ed., vol. 1 (Cambridge: Cambridge University Press, 1911), 206-210 for a discussion of Bracton and the dating of his work. Pollock and Maitland hold Bracton in high esteem, seeing him as one of the founders of English common law. They describe Bracton's work as "the crown and flower of English jurisprudence" at 206.

> est, quia is qui stipulatur verba promittentis, et is qui promittit verba stipulantis audire oportet….[75]

Bracton immediately goes on to suggest that contracts and promises could be done in writing if both parties agreed, with the implication being that the mute and deaf could employ written speech, provided they had acquired literacy and the other (presumably hearing) party consented to conducting the proceeds in writing, or even by signs such as a nod of the head:

> …nisi sit qui dicat quod hoc facere possint per nutus vel scripturam. Nec dicitur hoc de eo qui tardius audit, sed de eo qui omnino non exaudit. Et quod per scripturam fieri possit stipulatio et obligatio videtur, quia si scriptum fuerit in instrumento aliquem promisisse, perinde habetur ac si interrogatione praecedente respondum sit.[76]

Bracton's interpretation of what the deaf and mute could and could not do has several implications. First, it confirms the importance of terminological exactitude to medieval English law, given his careful distinction between the deaf and the mute. Second, Bracton recognises the possibility that the deaf and mute can communicate by means of writing or gestures, and that these can be considered (equally) valid means of communication as far as the law is concerned. Third, and perhaps most startling, is Bracton's essentially positive reading of deafness and mutism. He does not consider the

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[75] William de Bracton, *De Legibus et Consuetudinibus Angliae*, accessed at *Bracton Online*, Harvard Law School Library, accessed June 30, 2018, http://bracton.law.harvard.edu/. The online edition is keyed to the four-volume set edited by George Woodbine between 1915-1942 that was printed by the Yale University Press. All references to Bracton will be to the online text, but volume and page numbers will correspond to the printed Yale edition. This quotation is from vol 2, p. 286. (It is known that one who is mute (*mutus*) can neither stipulate nor promise, since he cannot speak or utter the words appropriate to a stipulation. The same is true regarding the deaf (*surdus*), because it is necessary that the stipulator hear the words of the promisor and the promisor those of the stipulator.)

[76] Bracton, vol 2, 286. (…unless one says that they (= the mute or deaf) may enter into a stipulation by a nod or writing (*per nutus vel scripturam*). What we have said applies not to one who is hard of hearing (*qui tardius audit*), but it concerns one who cannot hear clearly at all (*qui omnino non exaudit*). And that a stipulation and obligation may be created by writing is obvious, because if it is written in an instrument that a person has promised, it is treated exactly as if an answer had been made to some preceding question.)

deaf or mute to be completely excluded from participation in the law: their exclusion is directly dependent upon the degree of their auditory or vocal impairment.[77]

Bracton's reading is also positive in that it implies that the earlier, negative statement is not an absolute proscription, but was designed for the protection and benefit of the mute and deaf. If the mute and deaf could not enter into a spoken contract because they were physically unable to do so due to an inability to speak or hear, then Bracton's confirmation of this apparent denial of a legal right is, in fact, a safeguard: it prevents hearing people from claiming that a mute or deaf person has apparently entered into a contract with them. This probably explains why the knights informed the court that William Burton could not enter into a verbal contract with his prospective lawyer: they were not preventing William from exercising his legal rights as much as they were giving him the benefit of the doubt as they could not confirm that he was still articulate to the point of comprehensibility. It also suggests that Ella's sister was "prevented" from participating in her sister's lawsuit because the court recognised that she could not make herself understood, and relying upon another person – perhaps Ella herself – would permit Ella to potentially abuse the process to her benefit as it would be probable that no one else could understand their gestures and confirm the veracity of Ella's "translation".[78]

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[77] Bracton confirms this reading at three further places in his treatise. See Bracton, vol. 4, 292, where he notes that a deaf and dumb person (*surdus et mutus*) cannot sue; Bracton, vol. 4, 309, where he notes that the pre-lingually deafened cannot enter into a contract; Bracton, vol. 4, 356, where Bracton notes that the deaf are not responsible for their actions as far as the law is concerned, provided that they were born naturally deaf and dumb (*naturaliter surdis et mutis*); in all instances, Bracton allows that those who are post-lingually deafened or who have some degree of hearing and speech (or writing ability) would be legally responsible for their actions to a level commensurate with their ability to make themselves intelligently understood.

[78] I am assuming that Ella and her sister were able to communicate with each other by means of gestures that they had developed during their lives. Such a system of communication is known as "home sign," as these gestures are usually developed in a home setting between hearing family members and the deaf family member.

This same point could be made for Agnes vis-à-vis her sister Clarice. In all three cases, the court recognized that it could not (easily) understand Manet, Ella's sister, or Agnes *directly*, if at all.[79]This positive reading of medieval English law is further confirmed by what the Justinian Code says concerning the deaf. The Code was not well-known in England in Bracton's time, but Bracton's practical view seems to echo that of the Code.[80] As discussed in the first chapter, Justinian's Code has been viewed negatively on the basis of having denied the deaf their rights.[81] Like Bracton, the Code does indeed prevent the deaf from carrying out a number of legal actions and rights: they cannot enter into contracts, make wills, or dispose of property. The narrative established by nineteenth- and twentieth-century scholars of deaf history has based itself upon ignoring the fact that the section of Justinian's Code that is traditionally cited is specifically focused on testamentary rights, or the ability to make legal testaments (e.g. wills or contracts). Regarding the deaf, this section of the Code says that:

> Discretis surdo et muto, quia non semper huiusmodi uitia sibi concurrunt, sancimus, si quis utroque morbo simul laborat, id est ut neque audire neque loqui possit, et hoc ex ipsa natura habeat, neque testamentum facere neque codicillos neque fideicommissum relinquere neque mortis causa donationem celebrare concedatur nec libertatem siue uindicata siue alio modo imponere: eidem legitam tam masculos quam feminas oboedire imperantes.[82]

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[79] This raises the possibility that medieval law might find the modern notion of permitting sign-language interpreters to translate for deaf people in court proceedings to be an alien notion.
[80] Pollock and Maitland note the limited knowledge of Justinian's Code in England during Bracton's lifetime in their *History of English Law*, vol. 1, at pp. 174-176.
[81] See pp. 10-11, and 17-18 for a counter-argument. The notion that the Code discriminated against the deaf still persists into modern scholarship, such as in Power's article at p. 514 (see note 45 in this chapter).
[82] *Codex Ivstianvs* (*The Code of Justinian*), ed. Paulus Krueger (Berlin: Weidmann, 1877), 537. This entry is found under book 6, title 22, section 10. (Deafness and muteness being separable (*discretis surdo et muto*) since these defects are not always concurrent, we ordain that if anyone is subject to both diseases (*morbo*), that is to say, when he can neither hear nor speak, and he is born with these natural [defects], he can neither make a testament or codicil, nor leave a trust, nor make a gift in anticipation of death, nor grant liberty [to a slave], or in any other manner. Males and females shall be subject to this rule alike.)

This passage reads very much like Bracton, with its repetitive negations of *non* and *neque*.[83] This negative treatment of deaf and mute people fits in very well with the modern idea that the deaf were oppressed in pre-modern history, and that they only came into their own in the modern era with the development of sign language and the rise of cultural Deafness.

However, if one reads further, Justinian provides a five-fold division pertaining to hearing loss and its impact on the deaf person's legal rights in five sub-sections:

> (1) Vbi autem et in huiusmodi uitiis non naturalis siue masculo siue feminae accedit calamitas, sed morbus postea superueniens et uocem abstulit et aures conculsit, si ponamus huiusmodi personam litteras scientem, omnia, quae priori interdiximus, haec ei sua manu scribenti permittimus. (2) Sin autem infortunium discretum est, quod ita raro contingit, et surdis, licet naturaliter huiusmodi sensus uariatus est, tamen omnia facere et in testamentis et in codicillis et in mortis causa donationibus et in libertatibus et in aliis omnibus permittimus. (3) Si enim uox articulata ei a natura concessa est, nihil prohibet eum omnia quae uoluit facere, quia scimus quosdam iuris peritos et hoc subtilius cogitasse et nullum esse exposuisse, qui penitus non exaudit, si quis supra cerebrum illius loquatur…placuit. (4) In eo autem, cui morbus superueniens auditum tantummodo abstulit, nec dubitari potest, quin possit omnia sine aliquo obstaculo facere. (5) Sin uero aures quidem apertae sint et uocem recipientes, lingua autem penitus praepedita, licet a ueteribus auctoribus saepius de hoc uariatum est, attamen si et hunc peritum litterarum esse proponamus, nihil prohibet et eum scribentem omnia facere, siue naturaliter siue per interuentum morbi huiusmodi infortunium ei accesit.[84]

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[83] Luzerne Ray quotes a portion of the Latin in his "Historical Sketch" without providing an English translation. See Luzerne Ray, "Historical Sketch of the Instruction of the Deaf and Dumb, Before the Time of De l'Épée," in *American Annals of the Deaf and Dumb* 1, no. 4 (July 1848): 198.

[84] *Codex Ivstianvs*, 537, book 6, title 22, sections 10.1-10.5. ((1) If, however, such [defect of being deaf or mute] is not inborn but an intervening sickness (*morbus*) takes away the voice and closes the ears (*vocem abstulit et aures conclusit*), then, assuming that such person knows how to write, he or she may, by his or her own hand, write a will, which we have just forbidden to be made. (2) In case these [defects] do not both exist, which seldom occurs, and a person is merely deaf (*surdis*), such a deaf person may, though there is naturally a difference in degree of deafness, make a testament, codicil, gift in anticipation of death, manumission [freeing of a slave], and do all other things. (3) For if nature has granted him an articulate voice, nothing forbids him to do what he wants to do, because we know, as some jurists have reasoned well and stated…that there is no one so deaf but that he can hear if someone speaks to him from above the top of the head (*cerebrum*). (4) There is no doubt in case of a person whose hearing is taken away by sickness, that he can do everything without any difficulty. (5) If a person's ears are open (*aures…apertae sint*) and he is able to hear but the ability to speak does not exist, in such case, though opinion among the ancients differed, there is nothing, if we assume that he is versed in letters, that hinders him from doing everything in writing, whether he is born with this misfortune or if it came upon him through an intervening sickness.)

This five-part schema covering the various possible legal impediments that speech and hearing could produce demonstrates not only a strong reliance upon precise terminology and distinctions, but also reiterates the point that pre-modern conceptions of the legal rights accorded to the deaf and/or mute were intended to protect them. The deaf and/or mute could participate in legal life if their physical infirmities did not prevent them from availing themselves of the multiple options presented to them by Justinian.

The options that both Justinian and Bracton present – particularly concerning writing – suggest that these stipulations were borne out of practical experience. There must have been deaf and/or mute people in sixth-century Constantinople, and they must have existed in thirteenth-century England, as evidenced by Bracton and the Curia Regis rolls. There was also a clear idea that deafness and mutism were not necessarily commensurate with each other and could, in fact, be mutually exclusive. This points to a clear understanding that deafness could present itself to varying degrees, particularly post-lingually.

This review of medieval English legal cases poses two particular difficulties for the various models of disability discussed earlier, most notably the social and cultural models. First, it particularly underscores the tendency of modern models of disability to rely upon a narrative of oppression, which presumes that disability will *only* be discussed negatively in pre-modern sources, which can seriously impair the modern scholar's ability to find references to the disabled in pre-modern societies. Second, the adoption of modern models of disability obligates scholars to assume that modern definitions and understandings of disability have a direct equivalence in pre-modern societies, which is not necessarily the case, as will be demonstrated in the next chapter as we examine what

Saint Augustine actually said about deafness and how this can guide us in constructing a prospective medieval model of disability using the thought of Saint Thomas Aquinas as our guide.

Chapter 3 – Bringing Religion to the Deaf: Augustine and Aquinas on Disability

Deaf history and disability studies tend to project the modern – and anachronistic – narrative of oppression on to history because current models of disability rely upon this tension between the disabled and non-disabled to function, without considering the possibility that pre-modern conceptions of disability can be presumed to be positive until proven otherwise. These modern models thus assume that medieval thinkers, such as Saint Augustine, would have "played along" by virtue of his condemnation of the deaf to a life of ignorance on the basis of his reading of *Romans* 10:17, rather than allow for the possibility that his understanding of deafness may have been positive.

Rather than "playing along," Augustine began with the premise that the deaf should be considered as capable as the hearing unless definitively shown otherwise, much like the assumptions of medieval law concerning the deaf and mute as discussed in the last chapter. This positive, Augustinian view of deafness fits in well with an equally positive view of disability constructed from selected writings of the thirteenth-century scholastic Saint Thomas Aquinas. Indeed, Aquinas' probable view of disability emphasizes the positive presumption of disability to the point of operating on the basis that disability is, in fact, a universal characteristic.

Modern Interpretations of Medieval Understandings of Deafness

Reflecting Modern Deafness on to Medieval Deafness

To better understand how Saint Augustine's ideas about deafness diverge so sharply from modern preconceptions that he damned the deaf to oblivion on the basis of *Romans* 10:17, a brief discussion of current understandings of deafness in medieval Europe is necessary. The most obvious difficulty, hinted at in the previous chapter, is the

fact that deaf (and mute) people in pre-modern records simply cannot not speak for themselves due to the nature of deafness; modern scholars must speak for them. This approach has its own difficulties, as scholars tend to assume that deaf (and mute) people in the medieval period would have wished to be addressed as the pre-modern "equals" of the culturally Deaf.

The difficulty of examining the "deaf experience" in medieval Europe is apparent from the largely superficial and encyclopedic treatment that deafness in medieval history has received in the field of disability history. The *SAGE Deaf Studies Encyclopedia* discusses deafness in pre-modern history more thoroughly, but maintains that there is little value in studying deafness in pre-modern history because "[t]hroughout early history, people who were deaf were thought of as inferior and somehow undeserving of equality and development."[1] The entry reads as a history of oppression in the pre-modern era, suggesting that medieval conceptions of deafness were based upon a superficial religious interpretation that speech was a gift from God.[2] If a person were born or became deaf, it was meant as a sign of God's will that the deaf person was a "failure."[3] Medieval thought concerning deafness is summed up as such:

> Medieval philosophers and teachers considered deafness part of God's plan and did not think it should be interfered with. Change could only come through God, and there was a belief that people who were deaf would be denied salvation because they could not hear the priest's sermons.[4]

Even though Augustine is not mentioned by name, the traditional assumption that he "denied salvation" to the deaf on the basis of their inability to hear the word of God is

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[1] Constance M. Dolecki, "Deaf History: Northern Europe," in *The SAGE Deaf Studies Encyclopedia*, eds. Genie Gertz and Patrick Boudreault (Thousand Oaks, CA: SAGE Publications Inc, 2016), 229.
[2] See pp. 36-39 above for a discussion of the social and cultural models of disability.
[3] Dolecki, 229.
[4] Dolecki, 229.

implied here. It is presumed that a "belief" existed, but no discussion is made of the basis upon which the belief rested beyond the fact that God was involved; here, medieval religion is implied to be a superficial or even intellectually backwards construction vis-à-vis the social and cultural models of disability.[5] The paucity of evidence concerning deafness in medieval Europe, however, has not prevented the few scholars who have written on this topic from positing, to varying degrees, that either culturally Deaf people existed in the medieval era, or that American Sign Language (ASL) could potentially be (anachronistically) traced back to medieval monasticism.

In a 1993 article on medieval conceptions of deafness in the medieval period, Aude de Saint-Loup advances a materialist argument that deaf people were less disabled in the medieval period than they are today due to disability having been understood as an inability to perform manual labour; in other words, the deaf person's inability to communicate verbally did not automatically exclude him or her from being able to physically work.[6] Unfortunately, Saint-Loup's article is nothing much more than an encyclopedic overview of the few medieval sources that explicitly mention deafness; Saint-Loup instead chooses to devote the bulk of his article to describing various manuscript images that pertain to deafness.[7]

Saint-Loup does two things of note in his article. First, he posits the existence of culturally Deaf people in the medieval period, but of course no culturally Deaf people – at least not according to the twentieth-century conception – could possibly have existed

[5] See pp. 34-36 above for a discussion of the medical model of disability.
[6] Aude de Saint-Loup, "Images of the Deaf in Medieval Western Europe," in *Looking Back: A Reader on the History of Deaf Communities and their Sign Languages*, eds. Renate Fischer and Harlan Lane (Hamburg: Signum Press, 1993), 380. For another example of the materialist argument of disability applied to the medieval period, see Brendan Gleeson's materialist analysis of disability in feudal England in his *Geographies of Disability* (New York: Routledge, 1998), 74-98.
[7] Saint-Loup, 381ff.

in the medieval period, nor does Saint-Loup provide any evidence of their existence.[8] The second point follows closely upon the first: the logical conclusion of Saint-Loup's presumption of modern cultural Deafness existing in the medieval period is that medieval writers and thinkers would then have viewed the deaf as being culturally Deaf and written about them as such, Since no medieval written sources have so much as hinted at this possibility, Saint-Loup's analysis and conclusions are of very limited value.

In describing manuscript images of deaf people being visually represented as using their hands to form gestures, Saint-Loup claims that the medieval period was relatively open to gestural forms of communication.[9] Saint-Loup never explicitly says that medieval gestural systems are analogous to modern sign language, but this is certainly strongly implied by his analysis, given his presumption that culturally Deaf people existed in medieval Europe; he seems to intend for the reader to come away with the impression that the genealogical history of ASL can be traced back to medieval gestural systems.[10]

Lois Bragg took exception to the anachronistic tendencies of deaf history in her 1997 article examining historical references to deafness prior to the seventeenth century.[11] She argued that both professional historians and advocates for the culturally

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[8] Saint-Loup, 380. A later example of the education of a deaf boy by means of gestures, is Etienne de Fay (c. 1669-1747), who eventually became a resident at a Premonasterian abbey, serving as its librarian and architect. He communicated by means of gestures, and was known to have taken on some deaf students, instructing them by means of gestures. See Bernard Truffaut, "Etienne de Fay and the History of the Deaf," in *Looking Back: A Reader on the History of Deaf Communities and their Sign Languages*, eds. Renate Fischer and Harlan Lane (Hamburg: Signum Press, 1993), 13-24. Truffaut anachronistically identifies Fay as being culturally Deaf, and one of the first disseminators of Deaf culture through the students he taught by means of gestures.

[9] Saint-Loup, 396-400. He does not specify whether the medieval period's openness to gestural forms of communication is relative to classical antiquity or to modernity.

[10] Saint-Loup, 396 and 398. This idea that culturally Deaf people existed prior to the nineteenth and twentieth centuries is a persistent one in Deaf culture.

[11] Lois Bragg, "Visual-Kinetic Communication in Europe Before 1600: A Survey of Sign Lexicons and Finger Alphabets Prior to the Rise of Deaf Education," in *The Journal of Deaf Studies and Deaf Education*

Deaf had developed a mythology of sorts by popularly associating "gesture languages" with the deaf as if it were their unique and exclusive property.[12] This mythology, according to Bragg, has led these scholars to assume that their definition of language in the context of what she describes as "visual-kinetic systems" in pre-modern history is predicated upon natural sign languages such as ASL, which have their own grammar and syntax.[13] Bragg argues that this assumption has prevented scholars from recognising that pre-modern visual-kinetic systems of communication were artificial and generally designed for specific purposes; they were not intended as natural languages, but as aids or temporary, limited workarounds for spoken speech when necessary.[14] Bragg demonstrates her point by showing how medieval monastic lexicons grew out of monastic regulations stipulating periods of silence throughout the day.[15] These lexicons were never intended to replace spoken speech entirely: indeed, the few surviving lexicons list a limited number of signs, almost always nouns, targeted towards practical necessities within a monastic context.[16] These monastic lexicons were designed to integrate into the rhythm of monastic life, serving as a practical necessity during periods of silence, but they were never intended as a language.[17]

2, no. 1 (January 1997): 1-25. See in particular pp. 3-4 for her comments on the anachronistic tendencies of deaf history.

[12] Bragg, 1.

[13] Bragg, 1.

[14] Bragg, 2-3.

[15] Bragg, 9-15. Bragg discusses Benedictine, Cluniac, Franciscan, and Trappist lexicons.

[16] Bragg describes how "name signs" were employed in Cluniac houses to describe office-holders such as the bursar at p. 10. She also notes how the few verbs present in these lexicons were also "monastic," tending to express ideas such as sitting, kneeling, praying, and confessing. Bragg, 11.

[17] Other scholars have examined monastic sign lexicons as well. Debby Banham argues that the Old English *Monasteriales Indica* was analogous to a modern sign language in her *Monasteriales Indica: The Anglo-Saxon Monastic Sign Language* (Middlesex: Anglo-Saxon Books, 1991). Donna and Thomas Seboek go further, arguing in their survey of historical and current (up to the mid-1980s) monastic sign lexicons that these lexicons are the "silent" equivalent of spoken languages with fully-functioning grammars and syntactical rules. Donna J. Umiker-Seboek and Thomas A. Seboek, *Monastic Sign Languages* (Berlin: Mouton de Gruyter, 1987). They include photographs of monks demonstrating

In spite of Bragg's convincing argument, she seems to allow her background in ASL linguistics to drive her analysis in the same sense as Metzler's over-reliance on the social model on two points. First, in her attempt to demonstrate that no visual-kinetic language "ever existed in Europe until the rise of deaf communities in the modern era," Bragg frequently falls back upon using ASL to explain and describe monastic sign lexicons.[18] For instance, she compares the "iconicity" of these monastic lexicons with ASL, pointing out how, like ASL, monastic signs were frequently designed to imitate the very thing they were intending to convey.[19] The monastic lexicons Bragg details are never discussed independently of ASL, so it is unclear whether Bragg is intending to suggest that, despite the lack of a grammar in monastic lexicons, an unintentional kinship exists between these lexicons and ASL, or if she intends to suggest, like Saint-Loup, that a genealogical (and potentially etymological) relationship between monastic lexicons and ASL can be traced or proved.[20] Second, she mentions Augustine briefly, noting that he may have seen a deaf man communicating with a hearing man in Milan by means of gestures.[21] Bragg holds rigidly to her artificial/natural distinction here as well, arguing that Augustine failed to make a distinction between "sublinguistic communication" between two people who do not share a common language and the existence of a

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common signs within their tradition, such as the Cistercians at pp. 149-308. Two examples of the Lord's Prayer are provided at pp. 146-147.

[18] Bragg, 4.

[19] Bragg, 11-12. One example Bragg provides is how the monastic sign for cheese is remarkably similar to ASL's sign, which imitates the action of a cheese press. A more immediate and understandable example would be the sign for "book": one simply imitates (or demonstrates) the act of opening a book.

[20] Bragg does admit that establishing a (genealogical) relationship between monastic lexicons and ASL will rest upon proving whether or not monastic teachers of the deaf – most notably Pedro Ponce de León – employed or otherwise adapted monastic lexicons in their methods of instructing the deaf, something she considers improbable as any treatises León may have written on deaf education were probably lost when his monastery was destroyed by fire a few decades after his death. See Bragg, 20-21.

[21] This reference can be found in Saint Augustine's *De Quantitate Animae* (*On the Greatness of the Soul*) 18.31.

"protolinguistic communication" that would have existed between the deaf man and his family.[22] She ultimately dismisses Augustine as having value to scholars of deaf history only as one of the few pre-modern thinkers to have established a "thought experiment" relative to whether or not the deaf could acquire language; Augustine's ideas concerning deafness and language are, for Bragg, useful only as a purely theoretical view rather than one potentially rooted in lived experience.[23]

In contrast to Saint-Loup and in line with Bragg, Scott Bruce dedicates his monograph to examining how the Cluniac monastic tradition developed the most thorough ideas out of all the medieval monastic orders concerning the relationship between silence and monastic lexicons. Focusing on a Cluniac lexicon of 118 signs from the motherhouse at Cluny and its eventual diffusion and dissemination into Cluny's daughter houses, Bruce argues, like Bragg, that the Cluniac lexicon was never intended to replace spoken language, acting as a "silent language of meaning-specific hand signs that allowed [monks] to convey everything necessary without recourse to speech."[24] He echoes Bragg's argument, pointing out how the sign lexicon was designed to minimise the number of signs – particularly verbs – so as to protect against garrulous speech.[25] The majority of his book is a polished explication and expansion of Bragg's arguments.

In his concluding chapter, however, Bruce argues on the basis of no evidence – *pace* Bragg – that Ponce de León drew upon a "distant descendant of the Cluniac sign language" to establish a form of visual-manual communication that "became a medium of

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[22] Bragg, 5-6. Bragg's idea of "protolinguistic" communication simply refers to the informal development of signs and gestures between hearing and deaf family members in the home, known as "home signs."
[23] Bragg, 6.
[24] Scott G. Bruce, *Silence and Sign Language in Medieval Monasticism: The Cluniac Tradition, c. 900-1200* (Cambridge: Cambridge University Press, 2007), 55. See pp. 177-182 for Bruce's occasionally entertaining translation of the meanings assigned to the "hand signs" in the Cluniac lexicon.
[25] Bruce, 71-72.

inquiry into the silent world of the hearing impaired" as part of his work to instruct deaf children to speak.[26] Bruce's argument is that León is responsible for having realised that the monastic lexicon could be made to accommodate a full(er) grammar, thereby turning it into a (more) natural language by combining it with the "home signs" that his deaf pupils would probably have employed with their families as a means of communication.[27] The result, Bruce concludes, is that "[t]he monasteries which fostered a signing culture since the Middle Ages laid the foundations for the first experiments in deaf education."[28] Bruce thus neuters his careful argumentation regarding the artificial nature of the Cluniac lexicon and falls into the trap outlined by Bragg, conflating the artificial monastic lexicons with the natural sign language of the deaf and positioning León as the transitioning link between the artificial and the natural. Bruce devalues the medieval period by framing it in the final analysis as a precursor to the rise of deaf education and modern sign language, ideas that twelfth- and thirteenth-century monks probably had never conceived of in their use of monastic lexicons as a means of reinforcing the silence of the angels rather than as a means of communication on the same level as speech.[29]

Herbert Covey, discussed in Chapter 2, devotes a chapter to deafness from classical antiquity to the present, in which he sounds one of the few positive notes

[26] Bruce, 176. Bruce is implying that León may have used monastic lexicons as a foundation for developing a gestural means of communication as a preliminary step to eventually teaching his deaf students how to speak.
[27] Bruce, 175-176.
[28] Bruce, 176.
[29] Also see the *SAGE Deaf Studies Encyclopedia*'s entry on deaf history from 1300-1800, which argues that medieval monasticism played a foundational role in the historical development of American Sign Language (ASL) similar to Bruce's. Agnes Villwock, "Deaf History: 1300-1800," in *The SAGE Deaf Studies Encyclopedia*, eds. Genie Gertz and Patrick Boudreault (Thousand Oaks, CA: SAGE Publications Inc, 2016), 190-192. Dolecki makes this same argument in her entry.

regarding Augustine and deafness.[30] He notes that "contemporary scholars" question whether or not Augustine was misinterpreted in terms of his commentary on *Romans* 10:17.[31] Covey does not employ Augustine as a straw man for the medieval period, but does maintain the effect of Augustine's alleged comments on deafness, albeit in a different sense. Covey argues that classical antiquity had an attitude of "benign neglect" towards deaf people, and the experience of deaf people "worsened" in the medieval period as "many medieval authorities" thought that the deaf were incapable of being educated.[32] Even though Covey does not name Augustine here, he seems to be suggesting that Augustine was the source of the claim that deaf people could not be educated as per *Romans* 10:17. Rather than condemning the argument outright, Covey shifts the blame for the durability of the assertion from Augustine himself to his intellectual successors; they, not modern historians of disability, were guilty for having perpetuated this misunderstanding of Augustine.

Saint-Loup, Bragg, Bruce, and Covey all attempt to situate the medieval "deaf experience" relative to modern conceptions of deafness, sign language and Deaf culture. None of them escape the anachronistic tendencies that have driven deaf history and disability history in order to examine what medieval thinkers said about deafness on their own terms. The final step before discussing Augustine's thought concerning the deaf and language is to consider the importance of religion to the Augustinian and medieval

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[30] Herbert C. Covey, *Social Perceptions of People with Disabilities in History* (Springfield IL: Charles C. Thomas Publishers Ltd., 1998), 195-205. His summary is largely based upon the work of the *Annals* scholars discussed in Chapter 1, and maintains many of their prejudices and assumptions concerning deaf history. I discuss Covey earlier at pp. 42-44. For a brief summary of Épée's importance to deaf history, see pp. 6-8 above.

[31] Covey, 209-210. Covey does not mention or otherwise give any hints as to who these "contemporary scholars" might be.

[32] Covey, 210. Again, Covey does not indicate who these "many medieval authorities" are.

worldview and how modern scholarship has viewed religion with respect to deafness and disability.

A Medieval Model of Disability? The Religious Model

In his 2002 article examining how blindness was perceived in Parisian society in the thirteenth century following Saint Louis IX's founding of a hospital for the blind, Edward Wheatley developed what he termed the "religious model" of disability.[33] He argued that the Church controlled the discursive frameworks that defined how disability was understood in medieval society, with the result that the blind inmates at the hospice were viewed negatively: they were physical representatives and reminders of how God directly punished sin with physical impairments and infirmities. Wheatley argued that the religious model of disability played the same role in medieval society as the medical model plays in modern society.[34] For Wheatley, the medical model, with its negative focus upon disability, was the modern descendant of the religious model, and had taken the latter's place when religion ceased to play a prominent role in society in the early modern and modern eras. The social and cultural models, on Wheatley's view, stand in direct opposition to the religious and medical models of disability: the religious model,

[33] Edward Wheatley, "Blindness, Discipline, and Reward: Louis IX and the Foundation of the Hospice des Quinze-Vingts," in *Disability Studies Quarterly* 22, no. 4 (2002): 194-212, accessed on June 9, 2018 at http://dsq-sds.org/article/view/385/517.

[34] Wheatley, "Blindness," 197. Wheatley expands on his religious model in his subsequent book on medieval conceptions of blindness. See his *Stumbling Blocks Before the Blind: Medieval Constructions of a Disability* (Ann Arbor, MI: University of Michigan Press, 2010), 10-19. A recent example of the adoption of Wheatley's religious model can be found in Sara Newman's discussion of how medieval female mystics such as Julian of Norwich and Hildegard of Bingen framed their (auto)biographies by equating disability with sin and interpreting their physical afflictions with the opportunity to suffer as Christ suffered on earth, particularly during his crucifixion (the Passion). See Newman's *Writing Disability: A Critical History* (Boulder, CO: FirstForum, 2013), 39-43.

for Wheatley, plays a major role in his claim that the disabled were oppressed in medieval society.[35]

Wheatley's model presents two difficulties. First, it presumes a top-down view of religion as a monolithic entity. The implication of this view is that religious precepts must then have been followed uncritically and unquestioningly – in other words, every medieval Parisian would have agreed with Wheatley's assertion that the blind could only be viewed negatively and that disability was a *punishment* for personal sin, as the blind inmates must have done something to deserve being afflicted with blindness. The idea that disability could be directly linked to sin certainly existed in the medieval popular imagination, particularly in personal accounts.[36] This popular linking of disability with sin tended to be an intensely personal and individualised action. While the *corporate* idea of disability being a punishment for sin certainly existed, it would be more accurate to see this popular conception on personal terms: disability could be seen as a punishment for *personal* sin.[37]

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[35] See, for instance, his introduction to *Stumbling Blocks* where he discusses an episode at pp. 1-3 where several blind men were promised a pig if they could beat it to death with clubs in an arena; the men appear to have taken the worst of the punishment rather than the pig, all in the name of public entertainment.

[36] The fifteenth-century English mystic, Margery Kempe, considered her bouts of madness to be linked to (unconfessed) sins. She describes her first bout of madness as such: [A]ftyr that sche had conceyved, sche was labowrd wyth grett accessys tyl the chyld was born, and than, what for labowr sche had in chyldyng and for sekenesse goyng beforn, sche dyspered of hyr lyfe, wenyng sche myghth not levyn. And than sche sent for hyr gostly fadyr, for sche had a thyng in conscyens whech sche had nevyr schewyd beforn that tyme in alle hyr lyfe. *The Book of Margery Kempe*, ed. Lynn Staley (Kalamazoo, MI: Medieval Institute Publications, 1996), Book I, part 1, lines 131-136. ([A]fter she had conceived, she laboured with great attacks of illness (*accessys*, i.e. her bouts of madness) until the child was born, and then, whatever labour she had in childbirth and for the sickness preceding it, she despaired of her life, worrying that she might not live. And then she sent for her ghostly father (= confessor), for she had a thing in her conscience which she had never confessed (*schewyd*) before that time in her entire life.)

[37] Another example would be the fifteenth-century English priest John Audelay, who described himself as being old, blind, and deaf in several of his poems; he frequently described his blindness and deafness as punishments for his sins throughout his poems, particularly in his poem *Marcolf and Solomon*. See John the Blind Audelay, *Poems and Carols (Oxford, Bodleian Library MS Douce 302)*, ed. Susanna Greer Frier (Kalamazoo, MI: Medieval Institute Publications, 2009), poem XI. He also describes himself in the concluding colophon of his poems that he was "blind and deaf in his affliction" (*fuit secus et surdus in sua visitacione*), at Colophon *finito libro*.

This equation of disability with (personal) sin also tended to occur in miracle accounts rather than in theological treatises, and, even then, only at some shrines.[38] Metzler noted that miracle accounts are "the only distinct corpus of sources" detailing the "lived experience" of people with disabilities; the fact that these accounts do sometimes equate disability with sin must be treated cautiously so not as to accord miracle accounts more weight than they deserve in examining the lives of people with disabilities.[39]

While miracle accounts were generally compiled by monastic and clerical writers, these accounts seem to have been influenced by the closeness between the writers and their subjects.[40] This closeness was not necessarily felt between ordinary people and the saints: Ronald Finucane demonstrates that most people preferred to rely upon practical home treatments and remedies for common injuries before availing themselves of supernatural aid.[41] While some individuals and the writers of miracle stories explicitly linked disability with sin and punishment, this idea may not accurately represent a majority popular view in medieval Europe.

The religious model has also equated this popular view with the intellectual view without having actually examined what medieval intellectuals wrote or believed. This

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[38] In her study, Metzler notes that the only two shrines that returned miracle accounts where sin was explicitly mentioned were at Rocamadour (France) and Conques (Spain); see *Disability in Medieval Europe: Thinking about Physical Impairment During the High Middle Ages, c. 1100-1400* (New York: Routledge, 2006), 150-151. For some instances at Rocamadour, see *The Miracles of Our Lady of Rocamadour: Analysis and Translation*, ed. and trans. Marcus Bull (Woodbridge, UK: Boydell Press, 1999), entries II.3, II.24, II.49, and III.14. Likewise for Conques, see *The Book of Sainte Foy*, trans. Pamela Sheingorn (Philadelphia: University of Pennsylvania Press, 1995), entries 1.1, 1.15, 1.6, 1.10, 1.11, 1.15, 2.5, 3.14, and 3.17.

[39] Metzler, *Disability in Medieval Europe*, 187.

[40] The Rocamadour and Foy writers frequently note that they lived in their respective communities for a period of time, usually when a number of the recorded miracles took place. Ronald Finucane notes in his study of medieval English ular beliefs concerning miracles and pilgrims that miracle writers were anything but objective as their intention was to prove the healing power of "their" saint in order to boost "their" shrine's prestige and revenues. Ronald C. Finucane, *Miracles and Pilgrims: Popular Beliefs in Medieval England* (New York: St. Martin's Press, 1977), 59.

[41] Finucane, 62-64.

leads us to the second difficulty with the religious model. Wheatley's model presumes that all medieval thinkers equated disability with sin in line with the popular view. Metzler demonstrates that the equation of disability with sin in the medieval period is, in fact, a modern assumption.[42] In his study of popular beliefs concerning pilgrimages and miraculous cures in medieval England, Finucane arrives at the same conclusion, noting that sin is rarely indicated "as a *stated* cause of illness" in the miracle accounts he examined.[43] The equation of disability with sin did occur at times but the idea that disability had to be equated with sin seems to have been regarded more cautiously in intellectual circles.[44] This presumption seems to be based upon the assumption that since medieval intellectuals certainly interpreted religion in medical terms, they must also have seen religion as a precursor to the modern medical model of disability.[45]

The religious model's pejorative treatment of religion prevents scholars from engaging with corporate notions of disability relative to religion, which is how Augustine views disability. Indeed, Augustine would have rejected the modern construct of disability as punishment; he would, instead, argue that disability is a *consequence* of sin, particularly Original Sin. As will be seen, Augustine's position is not only contrary to the traditional view of him, but also has implications for the validity of the religious model relative to the medieval period. Augustine's view of deafness also underscores the need

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[42] Metzler, *Disability in Medieval Europe*, 151.
[43] Finucane, 72. Emphasis in original.
[44] Pope Innocent III provided a measured opinion on the equation of disability with sin, noting at the Fourth Lateran Council (1215) that "bodily infirmity is sometimes caused by sin." Quoted in Finucane, 72.
[45] See Dan Goodley's discussion of religion and morality vis-à-vis disability in his *Disability Studies: An Interdisciplinary Introduction* (Los Angeles: SAGE Publications, 2011), 5-7. The religious model is infrequently discussed in modern disability theory because of the negative assumptions about religion, particularly the idea that a disabled person must have done something to deserve becoming (or being) disabled. It is worth noting that Augustine particularly liked the image of Christ as the *medicus humilis* (the humble physician), but it does not follow that Augustine would have understood the medical model solely on that basis, if at all.

for the development of a "medieval" model of disability, given its surprisingly positive view of deafness.

Augustine's Understanding of Deafness and Disability

Contra Julianum

Augustine's thoughts concerning deafness have been reduced to one line out of his *Contra Julianum* (*Against Julian*), in which he comments on a line from the apostle Paul's letter to the Romans. It is also in this very passage that Augustine provides a hint as to how he might have conceived of disability as a concept.

Augustine wrote *Contra Julianum* in order to combat Julian's erroneous contention that Original Sin – the result of Adam and Eve's disobedience in the Garden of Eden – does not exist. Augustine argues that Christ came to earth at the Incarnation in order to expiate the effects of Original Sin at the Passion on our behalf: it was necessary precisely because humanity on its own could never repay the debt owed to God as a result of Original Sin. Furthermore, Augustine notes that the effects of Original Sin can be seen in the imperfections the human body can have, such as congenital disabilities like blindness, deafness, and mental illness.[46] Augustine complains that Julian's position necessarily means that each person must begin life as a perfectly-formed being, and that any defects they acquire can only occur after they have committed a sin, ergo bodily defects must be a direct consequence of personal sin.

To counter Julian's argument, Augustine points out that if Julian's position is correct, it logically means that newborn infants with congenital disabilities must have

[46] Augustine is not arguing that disability is a *punishment* for sin here; his view is that disability is a *consequence* of Original Sin. This point will be discussed in greater detail with Aquinas below.

sinned even though they do not yet have any comprehension of sin or what it means to sin, and it is here where Augustine refers *Romans* 10:17. Since Julian refutes Original Sin, Augustine asks him and his followers to

> responde igitur, quare in hac ipsa uita afflictione carnis anima crucietur infantis, cuius ei meritum, quia non bene rexerit carnem, adhuc non potest imputari. …. cum autem etiam originali negatis obnoxios, respondete, quo merito tanta innocentia nonnunquam caeca, nonnunquam surda nascatur. Quod uitium etiam ipsam impedit fidem, apostolo testante qui dicit, igitur fides ex auditu [*Romans* 10:17]. Iam uero quis ferat, quod ad ipsum spectat animum, imaginem dei innocentiae, sicut asseris, dote locupletem, fatuam nasci, si nulla ex parentibus mala merita in paruulos transeunt?[47]

Here, Augustine is not intending for his reader to take him as meaning that the deaf are prevented from salvation or from understanding faith due to their deafness; his example is very much a metaphorical one.

More exactly, Augustine is arguing that the ability of any person to learn Christ's message – the idea behind Augustine's *fides* here – is itself impaired due to the presence of sin in the world. He would suggest that we are incapable of fully and perfectly learning Christ's message due to the stumbling block of sin, and it is because of sin that God's perfect creation became imperfect. Augustine is drawing a distinction here: while Adam and Eve committed the *original* sin, their descendants cannot each possibly have committed the *original* sin in turn, else it could not be *original* sin. Likewise, Julian's assertion that Original Sin does not exist cannot hold true because if it does, then worldly

[47] Augustine, *Contra Julianum* 3.4.10, in *Corpus Scriptorum Ecclesiasticorum Latinorum*, vol. 89. ([a]nswer, therefore, why the soul of an infant is tormented in this very life by afflictions of the flesh, although nothing deserving this torment can yet be imputed to the infant on the grounds that he has not ruled his flesh well. … [S]ince you also deny that an infant is subject to original sin, you must answer why such great innocence is sometimes born blind; sometimes, deaf. Deafness is a hindrance to faith itself, as the Apostle [Paul] says: "Faith is from hearing." Indeed, if nothing deserving punishment passes from parents to infants, who could bear to see the image of God, which is, you say, adorned with the gift of innocence, sometimes born feeble-minded, since this touches the soul itself?) Translation is from Saint Augustine, *Against Julian*, trans. Matthew A. Schumacher, CSC (Washington: Catholic University of America, 1957), 115. Schumacher's translation is based on the *Patrologia Latina* edition.

(and bodily) imperfections must be specific to each individual, acting as an indicator of our respective "levels" of sin, which cannot be possible since bodily imperfections are common enough to be considered classes of their own, such as being born blind (*caeca*) or deaf (*surda*). Rather than consider what Augustine actually said, scholars have preferred to condemn him on the basis of one line since it suits the narrative of historical oppression.[48]

This passage also has implications for the religious model of disability, which views disability as a *punishment* for personal sin. Augustine notes that Julian denies that sin can be inherited by the infant from its mother, which is the basis for Julian's denial of Original Sin. Augustine's point is that since Julian holds that sin must be *personally* acquired through individual acts of sin, he must then explain why newborn infants can have congenital disabilities – they must have sinned at some point between conception and birth. The difficulty is that, being infants, they cannot yet have possession of their intellectual and rational faculties, therefore they cannot have any comprehension of what sin is, much less commit it. Augustine is essentially pointing out to Julian the logical consequence of his error: a Pelagian view of sin must necessarily hold that disability is a punishment for (personal) sin since each person must therefore be responsible for destroying their original innocence. By contrast, the Christian view holds that Original Sin is inherited by children from their parents at the moment of conception. In Augustine's view, these congenitally disabled infants would merely be evidence of the fact that the world itself is in a state of sin as a result of Adam and Eve having committed Original Sin in disobeying God by eating from the Tree of Life in the Garden of Eden.

[48] For a summary of Edward Fay's thorough analysis of this contentious line, see pp. 18-19 above.

These infants have *not* sinned because they are not yet capable of understanding what sin is – namely, a deliberate, willful choice on a person's part to deny God, nor have they inherited their parents' sins. Modern scholars, such as Wheatley and Goodley, who engage with religious understandings of disability based on imputing to Christianity the notion that disability is a punishment for (personal) sin are thus unwittingly adopting a Pelagian view of disability due to the mistaken impression that this Pelagian view is the Christian view, which it is not. This substituting of Pelagianism for Christianity immediately places such scholars at odds with the Christian understanding of disability as espoused by Augustine. Unless scholars recognise this error, they cannot competently engage with Christian interpretations of disability.[49]

De Magistro

Augustine provides a thorough, practical, and positive explication of his understanding of deafness in relation to language in his *De Magistro* (*On the Teacher*). There, Augustine examines the nature and role of language, particularly how we express ideas in speech through signs and symbols.

Through a disputation with his son Adeodatus, Augustine develops his ideas around what language is and by what means language is expressed. He first establishes

[49] This issue is particularly prevalent in the sub-field of disability (liberation) theology, which generally holds that they are opposing the idea that Christianity has traditionally perceived disability as a punishment for sin. One of the first, and most well-known, books in this field is Nancy Eiesland's *The Disabled God: Toward a Liberatory Theology of Disability* (Nashville: Abingdon Press, 1994). She argues that Christianity established barriers against people with disabilities, and that disabled people – who comprise a minority group in society in her view – must reclaim their place in society by reminding others that God was himself disabled. The basis of her argument is on the image of the risen Christ in *Luke* 24:36-39, with his wounds incurred during the Passion. Eieslander makes two major theological errors in her book: (1) understanding the effects of crucifixion on the risen Christ's body to still be actual wounds when they no longer are, and (2) imputing Christ the Son's "wounds" to the Father.

the proposition that words stand in as symbols for the things they represent.[50] This poses a problem for his son, who attempts to precisely define words to Augustine's satisfaction; finally, Augustine points out that Adeodatus has been using words (*uerba*) in an attempt to explain what signs or symbols (*signa*) mean. Adeodatus, somewhat grumpily, points out that he cannot use anything other than words to explain words.[51]

To this, Augustine asks:

> …sed si quaererem, tres istae syllabae quid significent, cum dicitur "paries", nonne posses digito ostendere, ut ego prorsus rem ipsam uiderem, cuius signum est hoc trisyllabum uerbum demonstrante te nulla tamen uerba referente?[52]

Adeodatus concedes his father's point, qualifying that one can only point to substantive things, which he calls bodies (*corpora*), and that these things must be in the immediate vicinity of the speaker. Augustine continues his train of thought, asking if this means that it is then impossible to indicate or otherwise refer to qualities of these bodies, such as colours. To this, Adeodatus replies that a speaker can point only to bodies that can be comprehended by the senses, particularly sight, as other qualities such as smell cannot be indicated by a finger.[53]

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[50] Augustine, *De Magistro* 1.2, in *Corpus Christianorum Series Latina*, vol. 29 (Turnhout, Belgium: Brepols, 1970). Simul enim te credo animaduertere, etiamsi quisquam contendat, quamuis nullam edamus sonum, tamen, quia ipsa uerba cogitamus, nos intus apud animum loqui, sic quoque locutione nihil aliud agree quam commemorare, cum memoria, cui uerba, inhaerent, et reuoluendo facit uenire in mentem res ipsas, quarum signa sunt uerba. (I believe you notice at the same time that even when a person merely strains his mind toward something, although we utter no sound, yet because we ponder the words themselves, we do speak within our own minds. So, too, speech serves us only to remind, since the memory in which the words inhere, by recalling them, brings to mind the realities themselves, of which the words are signs.) Translation is from Saint Augustine, *The Greatness of the Soul and The Teacher*, trans. Joseph M. Colleran, CSSR (New York: Newman Press, 1950), 131; henceforth Colleran. Colleran's translation is based on the uncritical *Patrologia Latina* edition.

[51] *De Magistro* 2.4; Colleran, 134.

[52] *De Magistro* 3.5; Colleran, 135. (Yet if I should ask you what the three syllables signify when the word *paries* [wall] is pronounced, could you not point out with your finger, so that, by your showing me and without your using any words, I could directly see the thing itself of which this three-syllable word is a sign?)

[53] *De Magistro* 3.5; Colleran, 135.

Having gotten his son to this point, Augustine then asks him to explain how he has apparently never seen deaf people use gestures to communicate:

> Numquamne uidisti, ut homines cum surdis gestu quasi sermocinentur ipsique surdi non minus gestu uel quaerant uel respondeant uel doceant uel indicent aut omnia, quae nolunt, aut certe plurima? Quod cum fit, non utique sola uisibilia sine uerbis ostenduntur, sed et soni et sapores et cetera huiusmodi….[54]

Here, Augustine does two things. He establishes the deaf and their gestural communications as a foil to his discussion of spoken language, which he takes up later on. The fact that hearing people held "a sort of conversation with deaf persons" suggests that gestural systems may have been employed more commonly than they are in the modern era.[55] He also demurs on qualifying the gestural communication of the deaf as a language.[56]

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[54] *De Magistro* 3.5; Colleran, 136. (…never seen people holding a sort of conversation with deaf persons by means of gestures, and the deaf themselves also using gestures to ask questions or to answer them, to communicate or indicate most, if not all, of their wishes? When this is done, surely not only visible objects are manifested without words, but also sounds and savors and all the other things of this sort.)

[55] Also see Bragg, 1.

[56] The question of whether or not the gestures used by the deaf constituted a bona fide language was not particular to Augustine, who again reiterates his qualification at *De Magistro* 7.19; Colleran 155, as well as at *De Quantiate Animae* 18.32; Colleran, 50-52, where he equates the learning of speech with the learning of gestures as a means of communication. In this section, he has been discussing the idea of whether or not a child born and raised in a community that exclusively uses gestures to communicate would end up learning a language (which he equates with Greek and Latin). Augustine concedes that the child would certainly learn to *communicate* with his parents via gestures in such a community, but, again, demurs on calling it a language on the same level as Greek and Latin. Socrates, via Plato, would probably agree with Augustine's reticence. Socrates points out that if we were all deaf, we would employ gestures and signs to communicate, such as imitating the galloping of a horse if we wish to convey the idea of a horse running, or pointing to the sky when we wish to refer to it. He, however, does not go so far as to call it a language, placing his emphasis upon words both spoken and written. Plato, *Cratylus* 422.d – 423.c. For an English translation, see Plato, *Cratylus*, trans. C. D. C. Reeve (Indianapolis: Hackett Publishing Co., 1998), 66-68. The Roman orator Quintilian, on the other hand, seems to suggest in his *Institutio Oratoria* (*Institutes of Oratory*) that gestures by means of the hands are to the deaf what spoken language is to hearing people. Quintilian notes that hearing people can certainly indicate their will or assent by means of manual gestures or a nod of the head just as the deaf (*muti*) do. (*Quippe non manus solum sed nutus etiam declarant nostram voluntatem, et in mutis pro sermone sunt*….) It should be noted that, for Quintilian, gestures are a means of supplementing and intensifying the orator's speech, so the question of whether or not he would agree with Augustine and Socrates is debatable. Quintilian, *Institutio Oratoria* 11.3.66. For a discussion of how late medieval and early Renaissance understandings of deafness, language, and rhetoric were influenced through the rediscovery of Greek and Roman works – including Plato and Quintilian – see Marjorie O'Rourke Boyle, "Deaf Signs, Renaissance Texts," in *Perspectives on Early Modern and Modern*

Adeodatus has no answer for his father on this score, conceding it fully. Adeodatus is not quite ready to give up the battle yet, petulantly pointing out that even a pantomimist would be incapable of showing what a preposition like *from* meant without employing words. Augustine counters his son's point by pointing out that it would be perfectly possible to express the idea of the preposition *from* through gestures, using walking as an analogy:

> Quid? si ex te quaererem, quid sit ambulare, surgeresque et id ageres, nonne re ipsa potius quam uerbis ad me docendum aut ullis aliis signis utereris?[57]

Augustine's point here is that we would naturally express what Bragg called the "iconicity" of the idea in question by performing the very act of walking itself, a point that Adeodatus concedes as having been apparent. Augustine seems to be suggesting here that the idea contained within the preposition *from* can be expressed through gestures so as to convey the implicit action contained within the preposition: unlike *wall*, the idea of *from* is not a static thing, but relies upon motion.

This likely explains why Augustine employed a verb – walking – to make his point; he would have been aware of the fact that he had presented his son with a different class of word, as *wall* is itself a noun. Augustine is really suggesting with this example that both spoken language and gestures have their limitations: verbally describing the act of walking or the preposition *from* would not make as much sense in this context as demonstrating the *action* of either walking or the preposition *from* itself would; in contrast, the act of describing a physical thing such as a person or something of an

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Intellectual History: Essays in Honor of Nancy S. Struever, eds. Joseph Marino and Melinda W. Schlitt (Rochester, NY: University of Rochester Press, 2001), 164-192.

[57] *De Magistro* 3.6. Colleran, 136. (What if I were to ask you what walking is, and you were to get up and walk? Would you not be using the reality itself, rather than words or any other signs, to teach me?)

indefinite quality, such as an idea like liberty, would likely be best achieved through spoken (or even written) language.

This distinction between various modes of communication is part of the larger idea being discussed in *De Magistro*. For Augustine, words and gestures are each different modes of communication, and that each mode has its benefits and drawbacks. Augustine sees the gestural signs used by the deaf as representing an alternative means of communication that is itself not dependent upon *spoken* words that pass from the speaker's voice to the listener's ear. Gestures express ideas and concepts through kinetic motion which is acquired visually by the "listener."

Augustine eventually expounds upon what a word is, being careful to distinguish between the spoken word-sign and the written word-sign.

> Quid? cum uerba scripta inuenimus, num uerba non sunt? An signa uerborum uerius intelleguntur, ut uerbum sit, quod cum aliquo signifcatu articulata uoce proferetur – uox autem nullo alio sensu quam auditu percipi potest. Ita fit, ut cum scribitur uerbum, signum fiat oculis, quo illud, quod ad aures pertinet, ueniat in mentem.[58]

For Augustine, a word itself is comprised of the sounds formed by the voice, with the implication being that meanings are both associated with words by convention and do *not* necessarily have any relationship with the thing which they identify or otherwise convey, unlike gestures as he hinted at earlier with the deaf, as these at least have the potential to be physically directed towards the very thing being indicated. He makes a second distinction, noting that a *written* word is itself a symbol of the original word-symbol: even though he says nothing about alphabets, the implication from his first distinction

[58] *De Magistro* 4.8. Colleran, 139. (What if we find words in writing? Are they words, or are they not more correctly to be understood as signs of words? To be a word, it must be uttered in an articulate vocal sound with some meaning; but the voice cannot be perceived by any other sense than hearing. Thus it is that when a word is written a sign is presented to the eyes, and this brings into the mind what pertains to hearing.)

carries over as well – the printed characters that convey the written word-symbol are themselves meaningless without context or training as well. Augustine concludes by noting that while every word is a symbol, not every symbol is a word.[59]

Augustine pushes his ideas concerning words further by considering what it is we do when we employ words. For Augustine, the final purpose of any use of words is to teach.

> Uerba enim sunt, ut his utamur; utimur autem his ad docendum. Quanto est igitur melius docere quam loqui, tanto melior quam uerba locutio. Multo ergo melior doctrina quam uerba.[60]

The key here to an Augustinian understanding of deafness is his contention that teaching is superior to speech just as speaking is superior to words. Augustine's point is that words on their own mean nothing: it is not unless we *speak* them that they take on meaning and ideas, particularly alongside other words. Likewise, merely speaking for the sake of speaking is not as commendable as teaching in order that we may impart some kind of knowledge to others.

Augustine's ranking of the act of teaching ahead of that of speaking seems to suggest that, if pressed, he would have argued that hearing is not crucial for the acquisition of knowledge. Given how Augustine considers not merely spoken words but also printed words and visual words (gestures) to all be symbols of the thing they each represent, it stands to reason that he would have considered them three distinct, and

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[59] *De Magistro* 4.9. Colleran, 142. (Aug.) Concedisne omnem equum animal esse nec tamen omne animal equum esse? (Ad.) Quis dubitauerit? (Aug.) Hoc ergo inter nomen et uerbum, quod inter equum et animal interest. ((Aug.) You grant that every horse is an animal, yet that not every animal is a horse? (Ad.) Who could doubt that? (Aug.) Then the difference between "noun" and "word" is the same as the difference between "horse" and "animal.")

[60] *De Magistro* 9.26; Colleran, 165-166. (Words exist that we may use them; but we use them for the purpose of teaching. Just as teaching is superior to talking, so talking is superior to words. Therefore, instruction is superior to words.)

probably (fairly) equal modes of communication. The manner of how information is conveyed to the mind – orally or visually – would probably have been irrelevant to him, judging from his general approach.

Augustine reiterates the value of teaching (and being taught) visually by noting the limitations of *spoken* words.

> Hactemus uerba ualuerunt, quibus ut plurimum tribuam, admonent tantum, ut quaeramus res, non exhibent, ut norimus. Is me autem aliquid docet, qui uel oculis uel ulli corporis sensui uel ipsi etiam menti praebet ea, quae cognoscere uolo. Verbis igitur nisi uerba non discimus, immo sonitum strepitumque uerborum ; nam si ea, quae signa non sunt, uerba esse non possunt, quamiuis iam auditum uerbum nescio tamen uerbum esse, donec quid significet sciam. Rebus ergo cognitis uerborum quoque cognitio perficitur ; uerbis uero auditis nec uerba discuntur ; non enim ea uerba, quae nouimus, discimus aut quae non nouimus didicisse non possumus confiteri, nisi eorum significatione percepta, quae non auditione uocum emissarum, sed rerum significatarum cognitione contingit.[61]

Augustine makes several important points here. He notes that *spoken* words in and of themselves teach nothing; unless we know what the sounds that a speaker is making are a sign of, the sounds remain nothing more than "noise." He also explicitly remarks that it is possible to acquire knowledge – to be taught – by means of the eyes when he might have been expected to have written "presents to my *ears*" instead. Augustine seems to be suggesting that being taught through visual means such as gestures is a perfectly valid means of teaching, just as it is to be taught aurally. Augustine is proposing that words do

[61] *De Magistro* 11.36; Colleran, 175-176. (As we have seen them so far, the import of words—to state the most that can be said for them—consists in this: they serve merely to suggest that we look for realities. These [realities] they do not exhibit to us for our knowledge. On the other hand, a person teaches me something who presents to my eyes or any other bodily sense or even to my mind itself what I desire to know. By means of words, therefore, we learn nothing but words; in fact, only the sound and noise of words. For if things which are not signs cannot be words, then, even though I have already heard a word, I do not know it is a word until I know what it signifies. Consequently, with the knowledge of realities there also comes the knowledge of the words, whereas when words are heard, not even the words are learned. In fact, the words we do know we do not learn; and those we do not know we cannot but acknowledge that we learn them only on perceiving their meaning; and this occurs not by hearing the vocal sounds uttered, but by knowing the realities signified.)

not necessarily have to have any aural "noise" associated with them in order to convey their meanings. It is only when the person being taught comprehends the meaning of the sign(s) being presented to him that words or gestures successfully convey the meaning or value that they carry by convention.[62] Additionally, Augustine notes that one may be taught mentally as well: that is, in the absence of spoken words or visual gestures, which is what really answers the question that scholars have mistakenly attributed to his comment on *Romans* 10:17: are the deaf capable of learning and intelligence, and faith?

The ability to be taught mentally in the absence of visual or aural signifiers, according to Augustine, is due to Christ himself. Augustine writes that

> [d]e uniuersis autem, quae intellegimus, non loquentem, qui personat foris, sed intus ipsi menti praesidentem consulimus ueritatem, uerbis fortasse ut consulamus admoniti. Ille autem, qui consulitur, docet, qui in interiore homine habitare dictus est Christus, id est incommutabilis de uirtus atque sempiterna sapientia, quam quidem omnis rationalis anima consulit…. Et [uerbis], quam lucem de rebus uisibilibus consuli fatemur, ut eas nobis, quantum cernere ualemus, ostendat.[63]

For Augustine, it is Christ – the supreme Teacher – who does the teaching. All rational human beings meditate upon "all those things which we understand" through the mediation of Christ, whether we are aware of it or not. Augustine sees Christ the Teacher as the supreme arbiter of knowledge, and each person enters into his or her knowledge according to his or her intention, but always under Christ's direction as the originator of

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[62] In other words, someone who is not proficient in Latin would not understand the meaning of the words in a Latin sentence, just as someone who is not familiar with American Sign Language would not comprehend the meaning of the gestures being expressed.

[63] *De Magistro* 11.38; Colleran, 177. ([r]egarding, however, all those things which we understand, it is not a speaker who utters sounds exteriorly whom we consult, but it is truth that presides within [us], over the mind itself; though it may have been (*fortasse*) words that prompted us to make such consideration. And He who is consulted, He who is said to dwell in the inner man, He it is who teaches—Christ—that is, the unchangeable Power of God and everlasting Wisdom. This Wisdom [= Christ] every rational soul does, in fact, consult. … And this [= Wisdom] is a light which we acknowledge that we consult in regard to visible things, that it may manifest them to us the extent that we are able to perceive them.)

all knowledge: knowledge is not created *ex nihilo* in a rational being's mind when he reflects upon it and then lost when he ceases meditating upon it.

Significantly, Augustine qualifies his commentary by employing the adverb *fortasse* to indicate that it "may have been" – or perhaps more exactly, is "perhaps" – spoken words that brought about any particular opportunity to meditate upon some aspect of knowledge. Augustine is careful to not limit God to communicating with people only by means of spoken words: other modes of communication, including the written word and visual gestures, are perfectly valid means of communication.[64] Augustine is very careful to never indicate throughout *De Magistro* that hearing is the best – or even the only – means of communication and acquiring knowledge; there are five senses, which mean that there are multiple means and modes of communication. While human beings are capable of communicating through different signs, for Augustine, everything ultimately returns to God as the originator of knowledge.

Augustine would thus hold that deaf people are capable of reason insofar as their deafness permits.[65] They would communicate through gestures, though whether or not these gestures would constitute a language is left unresolved, perhaps for the simple reason that Augustine does not seem to have communicated with a deaf person directly. His lack of direct and practical experience in using gestures as a (primary) means of

[64] I do not intend to suggest in turn that we should limit the implications of Augustine's thought to only written words or visual gestures. Augustine seems to be deliberately leaving the issue of how God communicates with each person ambiguous with that *fortasse*.

[65] Tim Stainton, writing on how Augustinian thought influenced early medieval understandings of intellectual disability, would probably disagree with this view. He argues that while Augustine rejected the materialist view of disability (i.e. that one was disabled only if he or she could not work), a cognitively disabled person would have been marginalised by society and seen as having value only insofar as any charity shown to such a person by an able-bodied Christian would have worked towards the salvation of the charity-giver. Stainton is operating within the religious model of disability as proposed by Wheatley. Tim Stainton, "Reason, Grace and Charity: Augustine and the Impact of Church Doctrine on the Construction of Intellectual Disability," in *Disability and Society* 23, no. 5 (August 2008): 485-496.

communication is probably why he did not write further on this point – he simply did not feel qualified to do so. He would also reject the modern religious model on the grounds that it treats deafness (or any other disability) as being an absolute category vis-à-vis morality: deafness itself does not impute any moral value.

It is apparent that the traditional interpretation of Augustine condemning the deaf to oblivion on the basis of *Romans* 10:17 is in turn based upon the lack of direct and practical experience of scholars in deaf and disability history with Augustine himself and his system of thought. They are further "disabled" by Augustine's refusal to neither adopt an understanding of disability analogous to what they have long assumed was the (medieval) Christian understanding of disability, or to conceive of deafness as a "lived experience" rather than one ultimately reliant upon language, words, and the acquisition of knowledge.

This close reading and explication of an Augustinian perspective of language and deafness demonstrates that beginning with a positive first principle – namely, that pre-modern thinkers and sources may have viewed disability positively (or at least neutrally) – can lead to surprising results, particularly with respect to close studies of pre-modern thinkers. In order to fully appreciate the implications of Augustine's positive view of deafness, we need to place his thought in the broader intellectual firmament; for this, we must turn to Saint Thomas Aquinas to see how Augustine's thought influenced subsequent scholars and how they might have defined disability.

Aquinas' Understanding of Disability and Deafness[66]

[66] I must express my thanks to Dr. Kevin Timpe for his comments on an earlier draft of this section, which have helped me in clarifying my argument here.

Constructing a Thomistic Conception of Disability

Like Augustine, Aquinas does not discuss disability directly. In his essay on how Aquinas might have dealt with physical or mental disabilities, John Berkman notes that Aquinas discusses ideas related to intellectual disabilities primarily when discussing "human nature" and provides a brief list of citations to Aquinas' works.[67] Berkman correctly points out that Aquinas' account of human nature is teleological – for Aquinas, humanity has a purpose. Berkman, however, seems to misunderstand the purpose behind Aquinas' various discussions concerning disability that Berkman himself cited, complaining that "it does not seem to occur to Aquinas that 'impairment' is a major problem in theological terms."[68] Berkman's irritation with Aquinas is probably due to not having realised that Aquinas primarily discusses what we would understand as disability in two ways: first, in his discussion of human nature and its (potential) defects, and then in terms of his eschatology, which he explicates fully in his *Summa Theologicae* (*The Purpose of Theology*). A close reading of the development of Aquinas' thought will help us determine how Aquinas may have understood disability and deafness. It is my contention that Aquinas would not have viewed disability *qua* disability, but would have viewed physical or cognitive defects such as deafness or schizophrenia as disabilities only insofar as they signify our fallen nature and our separation from God.[69] In short, Aquinas would have rejected the religious model of disability and its emphasis upon personal sin in favour of emphasising the corporate nature of disability and Original Sin.

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[67] John Berkman, "Are Persons with Profound Intellectual Disabilities Sacramental Icons of Heavenly Life? Aquinas on Impairment," in *Studies in Christian Ethics* 26, no. 1 (February 2013): 84.
[68] Berkman, 92.
[69] Throughout this section, I shall use the term "defect" as it is the term Aquinas primarily uses. I am not imputing a pejorative (moral) value to the term; as seen below, Aquinas would not conceive of bodily or cognitive defects on a moral basis.

The relationship between good and evil particularly underpins Aquinas' understanding of defects, and is important to understanding how Aquinas would have viewed disability as a category.[70] For Aquinas, God is the prime mover of everything in the universe; in addition, everything has an end (or purpose) – which is the universal good – to which God directs providence.[71] Aquinas expresses the idea of the universal good as humanity's end through the word *perfectum* (perfection), which means that which is "thoroughly made, formed, done, performed, carried out, accomplished."[72] The human person, for Aquinas, is not the source of perfection itself: the source is God.

As God is the prime mover, so, too is he the supreme good on Aquinas' view. God is thus his own nature, which means that all created things must be of lesser quality as they can only imitate the divine nature, and the divine nature itself cannot be completely copied.[73] In addition, Aquinas notes that all created things cannot be as simple or consistent as the divine nature, thus created things take on many different forms in reflecting the divine nature itself. It follows that there must be different grades not only

[70] Aquinas posits what is known as the privation view of evil. By "privation," Aquinas does not merely mean that something is *lacking*. Aquinas would also reject the notion that the privation view of evil means that all evils are moral evils or automatically assign blame. By way of analogy, Aquinas would not say that a deaf person *lacks* the ability to hear, but that the *goodness* of hearing insofar as it reflects the perfection of the human body and nature relative to the senses is merely absent; he would also reject the idea that a deaf person *deserves* to be deaf due to (apparently) having done something evil. For a thorough commentary on the privation view, see Richard Cross, "Aquinas on Physical Impairment: Human Nature and Original Sin," in *Harvard Theological Review* 110, no. 3 (July 2017): 317-338.

[71] This is not to say that Aquinas would deny free will: everything has a purpose, even an inanimate object such as a rock. Aquinas would note that God gave humans free will – that is, the ability to *choose* whether or not to cooperate with God's purpose for us. Regarding our final end being the universal good, Aquinas would point out that the universal good is not necessarily the same as the individual good, or that what is good for me as an individual is not necessarily what would be good for everyone. Concerning this point about the individual and universal good, see his *Summa Theologicae* I.q22.a2. All citations to Aquinas' work are taken from the online edition of Aquinas' works in both Latin and English as provided by the Aquinas Institute at www.aquinas.cc.

[72] Oliva Blanchette, "The Logic of Perfection in Aquinas," in *Thomas Aquinas and His Legacy*, ed. David Gallagher (Washington: Catholic University of America Press, 1994), 107.

[73] *Summa Theologicae* I.q6.a2.

of things, but of goodness itself.[74] In this view, then, Aquinas argues both that everything that God creates is good and that all created things are intended by God to move towards perfection.

This definition leads to Aquinas' discussion of the role of evil as a privation. Aquinas understands evil to be the lack of some property suited to it by nature: evil is not a being, form, or a nature.[75] More exactly, evil is the privation – that is, *absence* – of goodness itself.[76] Since variations on the divine nature are present in created things, it then follows that variations are a part of the universal good. For Aquinas, evil is permitted by God because it increases the overall level of good in the world. It also follows that defects which are contrary to a particular nature can exist, but they are still commensurate with the universal good.[77] Since created things reflect the goodness that is God in varying degrees, diversity is thus a gift from God from which both beauty and perfection follow – variety is what makes for perfection and permits us to more clearly comprehend God as perfection itself.[78]

Aquinas also considers the question of God's role in deciding if a person should have a bodily or cognitive defect. Aquinas notes that God is omnipotent – that is, God does not play a role in the occurrence of evil, since he is goodness itself. This, however, does not prevent God from doing a good which a person with a bodily or cognitive defect might consider to be evil.[79] God has no defects, but created things can have defects due to the effects of Original Sin, which means that the universal good can certainly require that

[74] *Summa Theologicae* I.q23.a5.
[75] *Summa Theologicae* I.q5.a3.
[76] *Summa Theologicae* I.q14.a10 and 1.q48.a1. Aquinas uses the phrase *privatio boni* to mean the privation or absence of the good.
[77] *Summa Theologicae* I.q22.a2.
[78] *Summa Theologicae* IIa.q112.a4.
[79] *Summa Theologicae* I.q25.a3.

some things fail to attain their proper nature in some instances, such as the presence of cognitive or acquired bodily defects such as deafness.[80] Even though God does not will evil, the existence of evil itself is certainly a good thing for it permits us to draw ourselves closer to God, the source of goodness itself. Good can cause only good things to occur; it cannot cause evil, because if it did, it could not be goodness itself. Evil itself is a defect, specifically the failure of something to act properly, such as the inability of a leg to function properly as an instrument for walking.[81] Aquinas would not consider evil to be either a permanent moral category or the result of a deliberate action meriting blame.

By this analysis of good and evil, Aquinas intends for us to understand that goodness is intended to be understood relative to evil: the presence of evil permits us to more clearly understand *what* goodness is. Following this logic, Aquinas would probably suggest that bodily defects such as deafness – the absence of hearing – permit both the deaf and hearing to recognise that the ability to hear in terms of a bodily sense is normative, and that a properly-functioning body is intended to have the sense of hearing. This does not, however, mean that a deaf person is either "defective" due to having sinned or is a "lesser" person for not having a fully-functioning auditory sense, only that the privation of hearing points to our sinful nature as a result of Original Sin.[82] It does not mean that such a person has committed a sin for which he or she needs to be punished,

[80] *Summa Theologicae* I.q22.a2 and I.q49.a2.
[81] *Summa Theologicae* I.q49.a1. Aquinas provides the example of the leg here.
[82] On this point, see *Summa Theologica* I.q19.a9. Also see Terrence Ehrman, "Disability and Resurrection Identity," in *New Blackfriars* 96, no. 1066 (November 2015): 732. There, Ehrman points out that "[d]isability is a privation of what naturally 'should' be present," but that having a disability does not make a person less human as these disabilities are "frustrated capacities and not an indication of a qualitatively different nature."

which was Julian's (implicit) assertion, nor does it follow that a defect can be linked to a specific sinful action.

For Aquinas, the presence of bodily defects is a consequence of Original Sin.[83] He notes that, in line with his earlier discussion of variation, the sexual differentiation between men and women is part of what makes humans complete, and both sexes constitute the good of humanity as a whole, pointing to the end-purpose of sexual differentiation in reproduction. Since Adam and Eve were male and female, it also stands to reason that variation was a condition before the Fall.[84] Aquinas goes on to note that the human body, prior to the Fall, would have had a perfect nature in that the body itself would have been in perfect harmony with the soul, resulting in perfect reasoning. The consequence of this perfect nature, for Aquinas, is that prior to the Fall, humans would not have suffered injury since their perfect reason would have guided them to avoid all occasions of injury. Additionally, since everything was in harmony prior to the Fall, providence would have prevented the occurrence of any harm.[85] The Fall led to the loss of humanity's perfect nature and the appearance of death and bodily defects.[86]

These defects, for Aquinas, are the consequence of sin in two additional ways. In discussing the Incarnation, Aquinas carefully notes that bodily infirmities and defects are

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[83] For Aquinas, Original Sin refers to the loss of a harmonious nature in favour of a disordered nature. The disordered body is thus subject to the effects of not being in equilibrium, such as illness. *Summa Theologicae* IIa.q82.a1.
[84] *Summa Theologicae* I.q99.a2.
[85] *Summa Theologicae* I.q97.a1-2.
[86] Miguel Romero makes this same point in his discussion of Aquinas, arguing that Aquinas viewed bodily weakness as a consequence of Original Sin. Miguel J. Romero, "Aquinas on the *corporis infirmitas*: Broken Flesh and the Grammar of Grace," in *Disability and the Christian Tradition*, eds. Brian Bock and John Swinton (Grand Rapids, MI: William B. Eerdmans Publishing Co., 2012), 101-151. Aquinas is careful to note that while some bodies may have more (bodily) defects than others – such as deafness – these bodies do not have a greater share of Original Sin than bodies with fewer or no (bodily) defects. *Summa Theologicae* IIa.q85.a5. Cross arrives at the same conclusion in his analysis of Aquinas' understanding of Original Sin; see note 70. Likewise, Berkman reaches the same conclusion in his article at p. 84.

a natural consequence of the Fall and the loss of our ordered nature. Aquinas confirms this point by remarking that Christ was not subject to bodily defects as he did not sin, yet he willingly took on these defects when he took on our humanity at the Incarnation in order to present us with an example of patience (*exemplum patientiae*) in bearing these defects courageously (*fortiter tolerando*).[87] Aquinas' point here is that if Christ himself had defects – even though he did not *need* to assume them at the Incarnation – it seems to follow that there is not necessarily any moral blame or sin involved in having a particular defect, such as deafness.[88] More exactly, Aquinas is reiterating the point that while defects are particular to individual bodies, the fact that Christ took on our bodily defects at the Incarnation points to the corporate suffering that humanity endures as a result of Original Sin. For Aquinas, Original Sin would have been the most – if not *only* – disabling event to have befallen humanity.

Secondly, on the basis of his understanding of Original Sin as the loss of our ordered nature, Aquinas views the material principles of the body as being in opposition to each other, though our original perfect nature ordered them harmoniously. Before the Fall, our reason was subject to God and since the body was in harmony with itself, the body served reason harmoniously, which permitted for the full and accurate conveying of information from the bodily senses to the intellect. For Aquinas, our diminished capacity for reason is also a consequence of Original Sin, as our bodily senses and intellect are in

[87] *Summa Theologicae* III.q14.a1. Aquinas certainly suggests that Christ had defects at *Summa Theologicae* III.q15.a1.
[88] Aquinas explicitly notes that leprosy and epilepsy are defects from particular causes (*particularibus causis*), and that some of these defects may be under human control (such as one's diet) while others are defects in nature. *Summa Theologicae* III.q14.a4.

conflict.[89] Both physical and cognitive defects would have equal weight on Aquinas' view, but they would have been the result of the disabling event of Original Sin, so Aquinas would thus not have accorded bodily defects any significant value, as our moral and spiritual defects would be of greater import on his view.[90] He would also not have agreed with the social or cultural model of disability on the grounds that they both privileged individual defects over their corporate effects.

The case of considering defects (or disability as per modern theory) to be a *punishment* for sin, for Aquinas, would be erroneous due to its dual privileging of both physical (or cognitive) defects over moral and spiritual defects, and its insistence upon viewing these defects through the prism of morality. Additionally, Aquinas would reject the implication of the religious model of disability that God is the source of impairments (in Aquinas' language, defects). Such an implication presumes that impairment in and of itself is something that must be unknowable vis-à-vis the human intellect. Aquinas' careful delineation of the effects of Original Sin on the human body and intellect suggest exactly the opposite: impairments are occurrences within nature, within the created universe.[91] As part of the created universe, impairments thus mirror God in their varieties and patterns insofar as they represent a failed or otherwise incomplete development,

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[89] Aquinas discusses the impact of the Fall on the ability of the body to order itself in more detail in his *Summa Contra Gentiles* (*Against the Unbelievers*). See his *Summa Contra Gentiles* IV.q52.a1-3. Also see *Summa Theologicae* III.q14.a4, where Aquinas notes that the human body has defects because of the Fall.

[90] Berkman outlines five ways that humans can have impairments (or in Aquinas' terminology, defects): (1) organic or vegetative impairments that affect basic biological function; (2) the privation of the proper functioning of the senses, such as deafness or schizophrenia; (3) an impairment affecting the intellect's ability to use theoretical reason; (4) moral impairments, and; (5) spiritual impairments. Aquinas would probably reverse Berkman's ordering. Berkman, 89-91. It is also worth noting that Aquinas considers cognitive disability to be the result of a defect in a bodily organ, as per *Summa Theologicae* III.q68.a12.

[91] It stands to reason that Aquinas would agree that since disabilities are part of created nature as a result of the Fall, a person with a disability could certainly seek medical or remedial help to mitigate or cure a disability. This also suggests to me that Aquinas might have considered the medical model to have greater validity than either the social or cultural model.

which in turn is intended to remind us of our fallen state and the effects of Original Sin, and to impel us to strive to attain our end – the universal good.

The teleological orientation of Aquinas' thought must also be taken into consideration here, as my account of Aquinas' thought thus far suggests that Aquinas would not consider physical and cognitive impairments to be of primary importance in any discussion of disability. Given Aquinas' emphasis upon the state of the human body and intellect after the Fall as discussed above, he would almost certainly argue that moral and spiritual impairments are more important to any understanding of disability than the modern focus upon the physical, mental, and social effects of impairments such as deafness, blindness, and mental illness.

For Aquinas, the effects of moral and spiritual impairment would likely be paramount. To this end, he is not concerned with specific impairments except insofar as they point to the effects of moral and spiritual impairment. On Aquinas' view, the idea of *deafness* is more important than the effects that it has on deaf *individuals* because of the corporate effects that Original Sin has on humanity. The final good of every person, should he or she choose to participate in it, is to be united with Christ and thus reconciled to God. The (bodily) defect itself is specific to each person, but the effects that these defects present humanity with can only be conceived of corporately. Aquinas' approach to individual defects on a corporate basis is brought into sharp relief in his discussion of deafness and blindness.

Constructing a Thomistic View of Particular "Disabilities"

The only reference to deafness in Aquinas' corpus appears to be in his commentary on *Isaiah*. In describing the effects of the promised new covenant that God

will make with his people by way of the Incarnation, Aquinas briefly discusses *Isaiah* 29:17-19:

> Nonne adhuc in modico et in brevi convertetur Libanus in carmel, et carmel in saltum reputabitur? Et audient in die illa surdi verba libri, et de tenebris et caligine oculi caecorum videbunt. Et addent mites in Domino laetitiam, et pauperes homines in Sancto Israel exsultabunt.[92]

For Aquinas, the effects of deafness and blindness are not important in terms of the effects they have on an *individual* who has one or both of these defects (or any other bodily defect): they are merely individuated signs that point towards the corporate effect that Original Sin has on the human race, and are best understood analogically.

Aquinas explores the relationship between the defective body and disability more thoroughly in his commentary on the Gospel of John, where he discusses the episode of Christ healing a congenitally blind man.[93] Aquinas interprets the man's blindness to be analogous to spiritual blindness, as the man symbolically represents the human race struggling under the effects of Original Sin.[94] Here, Aquinas makes a critical distinction, noting that there are two types of punishment: bodily and spiritual. He notes that the spirit is superior to the body and uses a medical operation as an analogy to explain his point: a physician would not cut off a superior, fully-functioning body part in order to save an inferior, poorly-functioning one. Likewise, since the soul is greater than the body, God

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[92] *Expositio super Isaiam* (*Exposition upon* Isaiah) 29. See www.aquinas.cc. (Is it not yet a very little while, and Libanus shall be turned into Carmel, and Carmel shall be esteemed as a forest? And on that day the deaf shall hear the words of the book, and out of darkness and obscurity the eyes of the blind will see. And the meek shall increase their joy in the Lord, and the poor men shall rejoice in the Holy One of Israel.) Aquinas sees three things in this passage: (1) how the nations of the world, represented by Lebanon, will eventually turn towards grace, represented by Carmel; (2) deafness and blindness are used metaphorically here to show how the unbelievers had not yet heard the word of God, and (3) the operation of grace within a person that brings them to learn the word of God will result in spiritual joy, just as the meek and poor rejoice in the knowledge of God.

[93] The story is in *John* 9, and Aquinas' commentary on the passage can be found at *Super Evangelium Sancti Ioannis Lectura* (Lectures on the Gospel of St. John), henceforth *Lectura*. All references to the *Lectura* refer to the lecture number followed by section numbers and are from www.aquinas.cc.

[94] *Lectura* 1.1294.

may permit bodily defects not in order to punish the body, but to act as a "beneficial remedy" (*bonum remedium*) for the soul.[95] Aquinas remains consistent in refusing to consider bodily defects to be a punishment for sin, particularly personal sin; these defects are the consequence of Original Sin, irrespective of whether or not the blind man contracted personal sins during his lifetime.[96] For Aquinas, the blind man's visual defect can only be explained in teleological, corporate terms insofar as it simultaneously represents the effects of Original Sin in separating humanity from God and demonstrates how God is the source of goodness by using bodily defects as an aid to spiritual perfection.

The miracle that Christ works in curing the blind man's sight is a metaphor for the operation of grace in overcoming sin.[97] For Aquinas, only God – here represented by Christ as the God-man – "who had formed the entire first man [= Adam] can reform the deficient members of a man."[98] The operation of grace through Christ in a person acts as the means whereby a person's spiritual blindness as well as spiritual and moral impairments are erased. To make this point completely clear, Aquinas emphasises that Christ's command to the blind man to wash himself in the pool of Siloam before returning to the temple to see Christ is a metaphor for the power of the sacrament of baptism to erase the guilt of Original Sin.[99] For Aquinas, it is only fitting that since bodily

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[95] *Lectura* 1.1297.
[96] *Lectura* 1.1299.
[97] Aquinas discusses miracles in some detail in the *Summa Theologicae* at IIa.q113.a10. He defines a miracle as being an event that occurs beyond the boundaries and capabilities of created nature. The miracle itself consists of the agent's power, and the agent can only be God, for since God created everything, it stands to reason that God is also capable of intervening directly in his creation. This direct intervention is what we humans would consider to be a miracle due to its extraordinary power and effect.
[98] *Lectura* 1.1310.
[99] In the Christian view, baptism does not erase the natural *consequences* of Original Sin: a deaf person will not become hearing by being baptised. However, the reparation that a person would owe God due to having committed sins up to the point of baptism would be remitted. *Lectura* 1.1311.

defects are a natural consequence of Original Sin, it is equally fitting that the miraculous healing of these defects should also symbolically represent the rejoining of the human race to God through Christ, the complete attainment of our end-purpose.[100] On Aquinas' view, bodily defects should then be understood as disabilities insofar as they *signify* the effects of the Fall and of grace, much in the same way that Augustine understood signifiers in relation to words.

Like Augustine, Aquinas emphasises how Christ is the Teacher, noting that Christ can only truly teach us when we submit to the operation of grace and turn towards Christ, abandoning our spiritual blindness.[101] For Aquinas, disability can be understood as an analogy only relative to the effects of Original Sin and how these effects separate us from God. It is probable that Aquinas would view modern society's understanding of disability, predicated upon bodily difference, as focusing on the consequences of the Fall rather than on the cause of the Fall itself. It was a moral action – Adam and Eve's denial of God – that resulted in Original Sin, thus modernity's prioritising of physical and cognitive defects would, on Aquinas' view, be erroneously seeing the effect as the cause itself. Any discussion of disability on Aquinas' view cannot be undertaken without considering the effects of humanity's moral and spiritual defects. Aquinas would also agree with Augustine that being deaf is not evil in and of itself. He would probably point

[100] For a different interpretation of disability by Duns Scotus, a close contemporary of Aquinas, see Richard Cross, "Duns Scotus on Disability: Teleology, Divine Willing, and Pure Nature," in *Theological Studies* 78, no. 1 (January 2017): 72-95. Cross argues that Scotus would have rejected Aquinas' view that disability is a consequence of Original Sin. Scotus instead suggests that disability was part of God's plan for humanity due to the beauty that God saw in the bodily variations that disability engendered. Cross notes in an earlier article that Aquinas would have rejected the metaphysical and theological positions that Scotus would have taken in developing his interpretation of disability. Richard Cross, "Disability, Impairment, and Some Medieval Accounts of the Incarnation: Suggestions for a Theology of Personhood," in *Modern Theology* 27, no. 4 (October 2011): 642-646.

[101] *Lectura*, 4.1354-1357.

out that the problem with Wheatley's religious model lies in the fact that it presumes that the defect *must* have a value relative to the person who has the impairment, which would make the value proposition itself relative, as a deaf person could very well assign a different value to his or her deafness than a hearing person would.[102] Aquinas would probably suggest that if disability were to have an absolute value, it could only be absolute if it were evaluated relative to God as the source of goodness itself.

On the basis of Aquinas' equating of deafness with not having yet heard the word of God, in relation to what has already been said regarding his system of thought, it appears that Aquinas would agree that being deaf is not an indication of there being a concomitant error or defect in the deaf person's intellectual faculties: it is not a moral evil. Drawing upon the earlier discussion of Augustine's thought, it is probable that Aquinas would not only agree with Augustine, but would also agree that any indication that a deaf person is incapable of reason is a false conclusion; all human beings, including the congenitally deaf, are capable of reason, but it does not necessarily follow that we are all capable of fully developing our intellectual capabilities, particularly given the effects of Original Sin on impairing the body's ability to effect co-operation between the senses and the intellect.

The construction of this medieval, Thomistic view of disability rests upon a foundational assumption that pre-modern understandings of disability can – and should – be assumed as being positive until demonstrated otherwise. This approach counters the

[102] In other words, Aquinas would disagree with the notion implicit in both the social and cultural models of disability that only disabled people can define their disabilities. Aquinas would consider such a position to be illiberal, as it implies that only people belonging to a certain social group or class can understand people from that same social class: only the disabled would understand the disabled, or only Canadians could understand ideas and arguments put forth by other Canadians, for instance.

idea that modern models of disability are the most correct (and flexible) ones, or, indeed, the *only* correct ones. It also allows for the possibility to discuss and examine ideas suggested by various thinkers, as demonstrated by my reading of Augustine and Aquinas: rather than viewing them as being at odds with each other, the influence of Augustine's thought on a potential Thomistic conception of disability is, I hope, clear. Not only can pre-modern understandings of deafness and disability be more clearly understood on their own terms by viewing them on their own (positive) merits *a priori* rather than their presumed (de)merits, but they can also speak to modern understandings more clearly. Rather than shouting at the deaf who appear in the Curia Regis Rolls, Bracton, Augustine, or Aquinas in the hopes that they will hear us, we can meet them on their own terms and see what they teach us.

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