

Poverty and Poor Law Reform in 19th Century Britain, 1834–1914

From Chadwick to Booth

DAVID ENGLANDER

SEMINAR STUDIES

IN HISTORY



ROUTLEDGE

Poverty and Poor Law Reform in Britain: From Chadwick to Booth, 1834–1914

DAVID ENGLANDER

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POVERTY AND POOR LAW REFORM IN BRITAIN

AN INTRODUCTION TO THE SERIES

Such is the pace of historical enquiry in the modern world that there is an ever-widening gap between the specialist article or monograph, incorporating the results of current research, and general surveys, which inevitably become out of date. *Seminar Studies in History* are designed to bridge this gap. The series was founded by Patrick Richardson in 1966 and his aim was to cover major themes in British, European and World history. Between 1980 and 1996 Roger Lockyer continued his work, before handing the editorship over to Clive Emsley and Gordon Martel. Clive Emsley is Professor of History at the Open University, while Gordon Martel is Professor of International History at the University of Northern British Columbia, Canada and Senior Research Fellow at De Montfort University.

All the books are written by experts in their field who are not only familiar with the latest research but have often contributed to it. They are frequently revised, in order to take account of new information and interpretations. They provide a selection of documents to illustrate major themes and provoke discussion, and also a guide to further reading. The aim of *Seminar Studies* is to clarify complex issues without over-simplifying them, and to stimulate readers into deepening their knowledge and understanding of major themes and topics.

NOTE ON REFERENCING SYSTEM

Readers should note that numbers in square brackets [5] refer them to the corresponding entry in the Bibliography at the end of the book (specific page numbers are given in italics). A number in square brackets preceded by *Doc.* [*Doc.* 5] refers readers to the corresponding item in the Documents section which follows the main text. Words which are defined in the Glossary are asterisked at first occurrence. There is also a guide to Main Characters and these are also asterisked at first occurrence in the text.

PREFACE

Poverty and Poor Law Reform has been fun to write and a rather more pleasurable experience than the subject matter might seem to suggest. Much of it comes from the range, depth, diversity and erudition of the scholarship on which I have drawn. Anyone who enters this field will be amazed, delighted and inspired by the quality and originality of the studies published thus far. It is not, however, the sole source of indebtedness. Colleagues have been no less encouraging. I am grateful to Clive Emsley who first suggested the project and has been supportive throughout. I have benefited from conversations with Tom Caldwell, who knows more about the history of the Royal Statistical Society than anyone has a right to, and from Richard Thompson whose knowledge of poor law history is stupendous. Rosemary O'Day not only read and commented on the typescript of this study, but generously allowed me to consult the manuscript of her forthcoming book, *Katharine Buildings, East Smithfield, 1880–1914*. I have also benefited from the inquisitiveness of our young sons, Daniel and Matthew, to whom this volume is dedicated.

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PART ONE: THE CONTEXT

1 INTRODUCTION

The Poor Law Amendment Act of 1834 was the single most important piece of social legislation ever enacted. Its radical redefinition of the principles of social policy fixed the parameters for all subsequent debate and discussion. Its organizing assumptions cast a continuing shadow over attitudes towards the nature of social obligation and dependency. Its imagery, stamped so firmly on our collective memory, invigorates research, sustains controversy and underscores the continuing relevance of historical understanding in our everyday lives. The Poor Law touched almost every aspect of life and labour in Victorian Britain. Employment and wages, housing and rents, migration and settlement, medicine, marriage, charity and education – all were influenced in one way or another. Relations between rich and poor were shaped by the Poor Law and local party politics energized by the controversies that surrounded it. Not surprisingly, the New Poor Law remains difficult to characterize. Was it progressive or reactionary, malevolent or misguided? Opinions differ. For some scholars the reformed Poor Law represents the triumph of ideology over reality; for others the victory of common sense over chaos. Poor relief also raises issues respecting continuity and innovation in social theory and social practice. How far was the reformed Poor Law an extension of the unreformed Poor Law and to what extent did it constitute a radical break with the past? Other issues which excite debate include the transition from pauperism to poverty and the redefinition of the social question in the late-nineteenth century. Of interest, too, is the significance of the Poor Law for the long-term development of social policy. Questions also arise concerning the nature of poor law studies. Is it, in fact, possible to write a satisfactory poor law history? Must we make do with institutional accounts from which dependency and the pauper experience are forever excluded by the importance assigned to the policy-making process? These and related issues are considered in the account presented below.

There was, of course, no such thing as a British poor law system.

The public organization of relief in Scotland was quite separate from that in force south of the border. Unlike the system in England and Wales, Scottish social administration was based upon the kirk session (i.e., minister and elders) rather than the civil parish and the right to relief was also restricted. Only the 'destitute' and 'disabled' could claim relief; the able-bodied unemployed, for whom the English Poor Law made provision, were excluded. Both systems, though national in coverage, were dissimilar in their funding arrangements. Scottish poor relief included a large voluntary element; whereas the poor law in England and Wales was distinctive in being a universal system of tax-financed relief. The principle of a legal, compulsory, secular national system of relief was established in a series of enactments of the late-sixteenth century that was consolidated in the celebrated statute known as the 43rd Elizabeth of 1601 [31]. The Tudor legislation made it obligatory on the authorities to provide relief and work. It made the parish the basic unit of administration, provided for a compulsory poor rate to be levied on occupiers of land and houses by overseers appointed by local justices and specified various types of relief for various classes of the needy – alms and almshouses for the aged and infirm, apprenticeship for children, work for the able-bodied and punishment for the work-shy. Punitive measures were also directed at those masterless migratory elements who might settle and become a burden to the ratepayers. Concern to prevent strangers from establishing a residence and so qualifying for poor relief prompted the passage of the Act of Settlement of 1662 which provided for the removal of newcomers who, not being property owners or people of means, might become chargeable to the parish [29, 33, 35].

The system that subsequently developed in the fifteen and a half thousand parishes in England and Wales, though extremely varied in its standards and relief practices, consisted of three basic features: the workhouse, outdoor relief and the settlement regulations. The workhouse, conceived by the Tudors as a means of setting the poor to work, supplied the focus of public debate. Much of it was concerned with cost-cutting and coercion, although space was reserved for possible improvements in social assistance. In practice most workhouses served as almshouses. Outdoor relief was both more extensive and more flexible. It embraced payments for all sorts and conditions – weekly pensions to the aged and infirm, payments for the foster care of village orphans and the upkeep of illegitimate children; casual doles for those in need due to unemployment or sickness; payments for doctor's bills and grants of food, fuel and clothing, particularly

during periods of dearth. Allowances to raise wages above the level of subsistence were also granted to poor labourers from the mid-eighteenth century onwards. The darker side to the Old Poor Law came in the form of the settlement regulations which, as noted earlier, placed control over the movement of the labouring population into the hands of overseers and magistrates. Labourers who took off in search of work without a settlement certificate were liable to be arrested as vagrants and deported to the parish of their birth. Condemned by Adam Smith* on civil and economic grounds, the settlement laws were an expression of the growing incoherence of the system of poor relief. By the close of the eighteenth century the aims and objects of social administration seemed wanting in clarity and focus. Was unemployment a form of misfeasance or misfortune? Should relief be administered as a deterrent, a dole or a wage payment? To these and cognate questions there was no satisfactory reply [27, 32].

The demand for a centralized and uniform Poor Law arose primarily from the rising cost of relief. Sustained population growth from the mid-eighteenth century onwards coupled with the increasing commercialization of agriculture led to a growing imbalance between rural labourers and rural employment. Deteriorating living standards were aggravated by the laws of settlement which immobilized surplus labourers in their parish. Wages fell but poor rates soared as the local authorities tried to muddle through by means of doles, work-creation schemes and diverse income supplements. It made no difference. Their size and limited resources were unequal to the task even if their capacity to cope was not impaired by jobbery and corruption. Parliament, in search of a solution, appointed a bevy of committees who worried away at the problem without producing the reassurance that was required. Between 1790 and 1820 the poor rate quadrupled. Within the propertied classes there spread a deep sense of unease. The movement from moral economy* to political economy* and from relationships regulated by custom to relationships regulated by cash was unsettling. Not only were costs rising, so were the poor. Laxity and mismanagement in relief practices were held responsible for the immiseration that transformed deferential labourers into saucy paupers with criminal inclinations. By 1830 the poor rate accounted for one-fifth of the national expenditure. Farmers were going under. Captain Swing was abroad. Riots, rick-burnings and machine-breakings were in progress and the comfortable classes disturbed. Something had to be done. Even before the franchise question had been resolved, ministers were preparing for a final engagement with the unreformed Poor Law [28, 30]. Our study begins at this point. It

proceeds from an exploration of the attitudes towards the poor as embodied in the writings of economic and social theorists to an account of the policies and practices of the reformed Poor Law. Chapter 2 surveys the development of poor law policy in England and Wales in the three-quarters of a century which separated the Royal Commission of 1905–9 from that of 1832–34. Chapter 3 moves from policy to experience to examine the character of the workhouse regime, the life of the inmates and popular attitudes towards poor relief. Chapter 4 provides a synoptic view of the Poor Law in Scotland to compare and contrast developments in social policy with the system of poor relief in England and Wales. Chapter 5 examines the impact of social investigation upon contemporary understandings of poverty and poor law reform. Chapter 6 is concerned with problems of historical inquiry and the place of the Poor Law in British history.

PART TWO: DESCRIPTIVE ANALYSIS

2 POOR LAW POLICY IN ENGLAND AND WALES

POVERTY AND THE POOR

'Every one but an idiot knows that the lower classes must be kept poor or they will never be industrious' [16a p. 361]. Arthur Young's forceful statement, written in 1771, summarized the deeply held pessimism that characterized social theory from the Tudors to the Hanoverians. Idleness and the suppression thereof supplied its principal theme. Allegedly the besetting sin of the labourer, it was castigated by the godly and criticized by the worldly in about equal measure. Idleness linked questions of sloth, depravity and disorder with problems of productivity and power; it imparted a punitive character to social policy and provided the main justification for a low wage economy. To be sure, there were eighteenth-century writers who argued for a rise in living standards as an incentive to greater effort, but the idea that labour consisted of consumers whose satisfaction was the end of the productive process was still in its infancy. Contemporary wisdom held that high wages promoted indolence, riot and dissipation and that only by payment of barely subsistent wages could the poor be compelled into work and submission [39, 40, 41].

Poverty was understood as the normal and irremediable condition of the population. 'Poverty', wrote economist and social reformer Patrick Colquhoun,* 'is that state and condition in society where the individual has no surplus labour in store, or, in other words, no property or means of subsistence but what is derived from the constant exercise of industry in the various occupations of life' [11 p. 7]. No sharp distinction separated the 'labourer' from the 'poor'. Indeed, until the eve of the Industrial Revolution the two were practically synonymous. In common parlance the term 'labouring poor' applied to all who were compelled to work for their daily bread. It was also assumed that the earnings of those so classified would be insufficient for maintenance and from time to time require supplementation from

private charity or public relief. The 'labouring poor' thus embraced the poor with the pauper, the independent with the dependent poor and the deserving with the undeserving poor. These impoverished myriads, claimed Arthur Young, constituted 90 per cent of the population. Contemporaries, though, were not alarmed. Poverty not only supplied an inducement to labour, it was widely regarded as the necessary and indispensable basis of civilization and prosperity. 'Without a large proportion of poverty', wrote Colquhoun, in 1806, 'there could be no riches, since riches are the offspring of labour, while labour can result only from a state of poverty; . . . without poverty there could be no riches, no refinement, no comfort, and no benefit to those who may be possessed of wealth, inasmuch as, without a large proportion of poverty, surplus labour could never be rendered productive in procuring either the convenience or luxuries of life' [11 *pp.* 7-9].

By 1832, the year in which the Royal Commission on the Poor Laws was appointed, thinking about poverty had changed decisively. The all inclusive notion of the 'labouring poor' had been superseded by a new concept of poverty in which dependency and non-dependency were the organizing principles. Debate on the social question henceforth centred on the distinction between the 'pauper' and the 'poor'. The redefinition of terms reflected the influence of a new individualist political economy and arose directly from the social dislocation that accompanied the demographic and industrial revolutions and the hardships created by protracted warfare and dearth [124]. In response to this distress the authorities had sanctioned an enormous expansion in the level and forms of public relief. Experiments included relief in money and kind, subsidized public works and indoor relief in the workhouse. Most significant of all such schemes was the Speenhamland or allowance system introduced in 1795. Meeting against a background of bad harvests and high prices the Berkshire magistrates, who assembled at the Pelican Inn in the village of Speenhamland near Newbury, decided to supplement agricultural wages with poor law allowances on a scale that varied in accordance with the price of bread and the size of the labourers' family. The policy of making up wages out of the rates – rates in aid of wages, as it was called – to cope with the social emergency was endorsed by parliament the following year and adopted widely throughout the southern counties thereafter.

The Speenhamland system transformed the character of poor relief. The terms on which relief was given were recast so as to embrace all – employed and unemployed – whose income fell below a minimum

subsistence level. The soaring costs of poor relief registered the transformation that had been wrought and prompted a re-examination of the principles of poor law policy. Critics charged that the expansion of poor relief undermined individual initiative, promoted dependency upon the parish and made labourers into paupers. Some fixed upon the adverse effects on the labour market. Relief payments were said to be injurious to the skill, diligence and honesty of the agricultural labourer. Others pointed to depressed wages, reduced productivity and labour immobility. Still others focused upon the premium placed upon immorality by the relief claimed for bastards and bemoaned the blunting of the work ethic among the industrious poor who could secure more from the parish than could be earned in honest labour [42]. A significant intervention came from Edmund Burke (1729–1797). His *Thoughts and Details of Scarcity* (1795), written shortly after the introduction of the Speenhamland system, was a notable attempt to rethink the idea of the labouring poor in order to demarcate, for purposes of relief policy, those who worked for their subsistence from those who could not work and were dependent upon charity or relief. Burke's intention was to introduce a firm line of division between the pauper and non-pauper as the basis for a significant reduction in the scope of social policy. In subsequent writings he protested against the 'political canting language', the 'puling jargon' of the expression 'labouring poor', in favour of a rigorous distinction that excluded the able-bodied from the purview of the Poor Law. The most important contribution to this debate came from the pen of the Revd Thomas Robert Malthus (1766–1834). His pamphlet, *An Essay on the Principle of Population, As It Affects the Future Improvement of Society*, published in 1798, became one of the foundational texts of nineteenth-century social theory [Doc. 1]. Whereas previous writers had viewed population growth as a wealth-creating asset, Malthus saw it as a liability, the cause of widespread distress and near permanent poverty. The labouring poor in this vision were pitched into a relentless struggle for existence, a Hobbesian nightmare in which the industrious poor were pulled downwards towards the dependent poor as the latter slipped ever closer towards starvation and death. Progress, the organizing assumption of enlightened thinking, became a distant contingency and perpetual improvement well nigh impossible. Malthus's law of population, which supplied a rationalization for the subsistence theory of wages, was quickly incorporated into the central truths of the new 'dismal science' of political economy.

Malthus proceeded from the assumption that population tends to

increase in a geometrical ratio while subsistence can at best be made to increase only in an arithmetical ratio. The tendency of the population to increase faster than the means of subsistence, unless checked by the exercise of prudence and restraint, must be limited by such positive checks as war, famine, disease and misery to keep up the death rate and by preventative checks such as infanticide and abortion to depress the birth rate. Malthus subsequently conceded that, apart from these manifestations of 'misery and vice', population could also be checked through the exercise of moral restraint (i.e., postponement of the age of marriage and strict sexual continence before marriage). Malthus's principle, posited as an inescapable natural law, struck a mortal blow at the visionary ideals of contemporary social reformers who thought that reason, education and goodwill were sufficient to initiate a perfect social order. Poverty had its origins in the unequal race between population and the means of subsistence rather than in the prevailing social and political arrangements. Social breakdown arising from unlimited population growth, he concluded, could only be averted by the individual pursuit of self-interest working within the framework of the institutions of property, marriage and class division.

Malthus's principal fear was that the labourer's 'prudential restraint' and 'love of independence' was being undermined by the provision of poor relief. The subversive influence of the Poor Laws constituted the starting-point of an uncompromising assault on contemporary social policy. Poor law practices, he argued, encouraged improvident marriages and the proliferation of children for whom there was no support with the result that numbers rose, living standards fell and applications for parish relief soared. In that sense, he observed, the Poor Laws served to 'create the poor they maintain'. Apart from the encouragement of carelessness and extravagance, idleness and insobriety, drunkenness and dissipation, the Poor Laws also had the effect of transferring resources from the 'most industrious and worthy' sorts to the lowest classes. The real victims of the Poor Laws, then, were not the recipients of poor relief but the struggling self-supporting elements above them whose position was jeopardized by the libidinous and irresponsible conduct of their fellows. The poor, Malthus insisted, were their own worst enemies 'A labourer who marries without being able to support a family', he wrote, 'may in some respects be considered as an enemy to all his fellow-labourers'. Those who sought to thwart the invariable and inevitable laws of nature by means of public relief were deemed no less culpable. Malthus held that 'dependent poverty ought to be held