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No. 11

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ENGLISH POOR LAW  
WILL IT ENDURE?

BY  
MRS. SIDNEY WEBB

SIDNEY BALL LECTURE  
November 21, 1927

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## THE ENGLISH POOR LAW: WILL IT ENDURE?

ENGLISH Poor Law History summarizes, for a period of 600 years, the continuously shifting and perpetually developing legal relations between the rich and the poor, between 'the Haves and the Have-nots', embodied in a multitude of statutes and administrative devices. The main transformation of this body of law became curiously reflected in a slight alteration of its title. The old legal text-books, even down to the end of the eighteenth century, dealt, not with *The Poor Law*, but with *The Laws relating to the Poor*, under the latter designation including practically all the statutes regulating the behaviour of the poor to the rich, and the rich to the poor. In the Poor Law Amendment Act of 1834 'The Poor Law' was strictly limited to the relief of destitute persons out of funds levied on the relatively narrow rate-paying class. The Poor Laws of the fourteenth and fifteenth centuries had little to do with the relief of destitution; these statutes dealt, not with the obligation of the rich to the poor, but with the behaviour of the poor to the rich. Thus the earliest group of Poor Laws, notably the Statute of Labourers (1350), forbade the freed man from wandering out of his own parish, from asking for more than the customary wage, from spending money on fine clothes or on the education of his children, and generally from demeaning himself otherwise than as a poor and dependent person. The Poor Laws of that age were, in fact, methods of thrusting the free labourer back into the serfdom out of which, from one cause or another, he had escaped. They constituted a code for slaves or semi-slaves. These penal statutes continued to form the main part of *The Laws relating to the Poor* right up to the 43rd of Elizabeth (1601); and for the next two centuries they comprised a body of criminal law, including the

statutes relating to Vagrancy, Settlement, and Removal into which the Elizabethan law for the relief of the poor was fitted. That is why in our first volume of *English Poor Law History* we have described 'The Old Poor Law' as 'The Relief of Destitution within a Framework of Repression', or 'Charity in the Grip of Serfdom'.

*How the 'Laws relating to the Poor' became 'The Poor Law'.*

Let me now briefly indicate the successive steps by which *The Laws relating to the Poor* became *The Poor Law*.

Throughout the Middle Ages the 'care of God's Poor' was a function of the Holy Catholic Church, I might almost say a sacrament comparable to prayer and fasting. As such, it was governed by the canon law laid down by the Pope and his Councils, and it was administered by an international hierarchy of Bishops, Archdeacons, Parish Priests, and Religious Orders, supported by the ecclesiastical courts (The Courts Christian). The primary motive of the alms of the faithful was the salvation of the soul of the giver: the effect on the recipient was a secondary, if not an irrelevant issue. It used to be suggested that the provision made in England by the civil power for the maintenance of the destitute sprang from the abolition of monastic institutions under Henry VIII and Edward VI; but historical research seems to negative this origin. To put it paradoxically, I am inclined to think that the imposition, under the Tudor Sovereigns, of a definite legal obligation upon the owners and occupiers of land to support the destitute of their own parishes, sprang, not from any diminution of almsgiving, but from the ubiquitous and repeated experience that indiscriminate and unconditional doles not only increased the vagrancy and lawlessness with which the Justices of the Peace and the King's Judges had to deal, but also produced more destitution than they relieved. 'Give simply to all', as was said by the Shepherd of Hermas, 'without asking doubtfully to whom thou

givest, but give to all' may once have been a salutary maxim of 'other-worldliness'; but from the standpoint of the national and secular State it proved a pernicious practice.

*The Relief of Destitution in a Framework of Repression.*

I cannot dwell on the vigorous but abortive attempt under the first two Stuart Kings to bring about some sort of national uniformity in the administration of the Poor Law through the Privy Council Orders to the Justices of the Peace; nor need I refer to the breakdown of central control during the Civil War, and the consequent neglect by the Parish Authorities to carry out the Act of the 43rd of Elizabeth. For the century and a half between the end of the Civil War and the institution by the Justices in 1795 of the 'Speenhamland Scale' of allowances to the able-bodied labourers and their families, we find an orgy of experiment by the fifteen thousand autonomous Parishes and Townships responsible for Poor Relief; varying incessantly from brutal punishments to unconditional doles; from the profitable employment of the poor in the Houses of Industry, to 'farming' for a lump sum both the outdoor and the indoor poor to a contractor. But in the midst of this administrative chaos we observe one dominating tendency. Gradually the two sets of legal enactments which had been included under the generic term 'The laws relating to the poor'—on the one hand, the regulation of the behaviour of the poor towards their betters, and, on the other, the relief of destitute persons under the 43rd of Elizabeth and the amending statutes—increasingly fell apart, and were separated into distinct codes. The House of Correction became a local prison under the jurisdiction of the County or Borough Magistrates, and was distinguished from the Poorhouse (or the Workhouse, as in many places it came to be called) administered by the Parish Vestry or the locally Incorporated Guardians of the Poor. The Vagrancy Acts became

simply part of the criminal law; and the Poor Law—that is, the system of relief of destitution out of public funds—became a separate institution, though not without retaining remnants of punishment and compulsory detention.

*The Rate in Aid of Wages.*

The later decades of the eighteenth century witnessed a new development; the relief of destitution tended to become more benevolent and, if we may use the term, more sentimental. It was no mere coincidence that it was just in the generation of the ever-widening adoption of the factory system and the machine industry that the English Poor Law dropped its punitive and repressive character. The task of holding down the common people to their divinely appointed duty of continuous work for masters who should direct their operations was being silently transferred from the Justices and the Parish Authorities to the keener brains and stronger wills of the new class of millowners, ironmasters, colliery proprietors, and engineering employers. The daily existence of the handicraftsmen for the first half of the eighteenth century had been, in the main, one of irregular, and frequently of disorderly living, with a large consumption of alcohol, and also of meat, then nearly as cheap as bread, under a free and easy dispensation tempered by occasional brutal punishments, amid an all-pervading dirt and disease and premature death. By the end of the eighteenth century, the life of large masses of wage-earners had become one of regular and monotonous toil, with occasional outbursts of aimless revolt, suppressed by armed force and cruel punishment. These manual-working wage-earners had little leisure in which to be seriously disorderly, and little margin of income with which to be excessively drunken. Indeed, the oppression of the employers became so extreme that the labourer and his family, alike in the agricultural counties and in some of the manufacturing districts, were found to be,

even when fully employed, continuously on the verge of starvation. Hence the Justices of the Peace, in the dearth of 1795, amid the panic caused by the French Revolution, started, under the 'Speenhamland Act', the oft-described rate in aid of wages to the labourers and their families—a system which spread, during the first thirty years of the nineteenth century, from Southern England to the Metropolis and some of the Midland and Northern manufacturing counties. It was this policy of subsidizing the employers, leading to a devastating flood of pauperism which in 1818 cost eight millions a year, that finally burst up 'The Old Poor Law' and shattered the English Local Government of the time. From it arose the powerful movement for the immediate restriction and the eventual abolition of the Poor Law which ended in the drastic reform of 1834.

*The New Poor Law of 1834.*

The famous Poor Law Amendment Act of 1834, which determined the theory, and at least attempted to guide the practice, of Poor Law administration for three-quarters of a century, was based on two assumptions; one, that the relief of destitution ought to be uniform throughout the kingdom; and the other, that it ought to be deterrent, so that the condition of the able-bodied pauper should in no case be better than the condition of the lowest-paid independent labourer. The first principle—that of uniformity—involved what was nothing short of a revolution in English Local Government; the establishment of an executive national department to supervise and control the administration of elected local authorities—an innovation which, in the course of the nineteenth century, was applied to one public service after another. With this alteration in the structure and function of English Local Government we are not here concerned. The second principle—that of a deterrent Poor Law—was the child of the dominant political and economic philosophy of the time. According to this social theory,

pauperism—that is, the relief of destitute persons out of public funds—was nothing more than an artificially induced disease of society, which could be cured by the simple expedient of restricting, and eventually abolishing, all relief out of public funds. This might leave the labourers in want, but it was held that a condition of constant penury of the manual-working class was not only inevitable but desirable. ‘Without a proportion of poverty’, we are told by Patrick Colquhoun, the inventor of the modern system of preventive police, ‘there could be no riches, since riches are the offspring of labour, while labour can exist only from a state of poverty. . . . Poverty is therefore a most necessary and indispensable ingredient in society, without which nations and communities could not exist in a state of civilization.’ ‘Hunger will tame the fiercest animals’, wrote the Rev. Joseph Townsend, one of the leading thinkers of his time; ‘it will teach decency and civility, obedience and subjection, to the most brutish, the most obstinate, and the most perverse. . . . Unless the degree of pressure be increased, the labouring poor will never acquire habits of diligent application, and of severe frugality.’ Hence it was deemed fortunate that, besides being desirable, the poverty, the penury, and even the destitution of the bulk of the manual-working wage-earners was inevitable. Had not this inevitability been proved by the Rev. Thomas Malthus in his famous law of population? This ‘law’ consisted of three premises: (1) that food is necessary to the existence of man, (2) that the passion between the sexes is necessary and will inevitably continue, and (3) that whilst there was no practical limit to the multiplication of the human species except the attainable amount of food, there were limits, and limits which are everywhere rapidly reached, to the capacity of the extra men to extract additional food from the earth’s surface. This pessimistic conclusion was rendered more sinister by the current theory of a ‘Wage Fund’. According to the political economy which Adam

Smith and his disciples had, by this time, got accepted by enlightened opinion, the fraction of capital out of which it was assumed that wages, rates and taxes, and even alms, had to be paid, was at any particular moment a definite sum, incapable of immediate increase; and that the whole of this sum was necessarily and inevitably paid to the propertyless class in one form or another. Hence, whatever was levied in Poor Rate, or even given in charity, was merely abstracted from what would otherwise have been paid in wages. Therefore it was, in the long run and in the aggregate, positively disadvantageous to the poor to give them either Poor Relief or alms, because there resulted, in return, little or no profit in reimbursement of this draft on the Wage Fund, whereas the amount spent in wages normally resulted in a product even exceeding in value the wages paid. It thus followed logically that any relief of destitution, whether by compulsory or by voluntary charity, in adding to the temporary subsistence of some of the poor, subtracted just as much from the wages of the others, and moreover only enabled the recipients to multiply their numbers, and thereby to enlarge the morass of destitution.

I need not remind you that the Law of Population and the Theory of the Wage Fund are no longer regarded as furnishing valid arguments against the maintenance of destitute persons out of public funds. But the evidence collected by the Assistant Commissioners of 1834, and summarized in that extraordinarily effective document the Poor Law Report of 1834, brought into the limelight a more limited, and perhaps a more convincing aspect of pauperism as a disease of society. We note, in the first place, that, in so far as the Report of 1834 is concerned, its indictment of the old Poor Law is confined to the relief of the ablebodied. What was proved beyond any reasonable doubt was that Outdoor Relief to the ablebodied person, whether employed or seeking employment, if widespread and universally

known to employers and employed, inevitably increased the number of applicants for such Poor Relief irrespective of the amount of involuntary destitution; that it demoralized the bulk of its recipients, and that it tended actually to reduce the rates of wages offered by employers throughout the country. Further, the Allowance System, by automatically 'making up the wages' of the breadwinner and his family to an income which would maintain them in health and strength, seeing that it could not be applied to all occupations without national bankruptcy, acted as a bounty to the sweated industries, to the disadvantage of employers in the less pauperized districts or industries.

'Whole branches of manufacture', said the Report of 1834 (to cite a much quoted passage), 'may thus follow the course, not of coal mines or of streams, but of pauperism; may flourish like the funguses that spring from corruption, in consequence of the abuses which are ruining all the other interests of the places in which they are established, and cease to exist in the better administered districts, in consequence of that better administration.'

But the inference drawn from this convincing diagnosis was, as we now see, incorrectly stated. The disease of society that the Report of 1834 had illuminated was not pauperism in general—that is to say, the maintenance of destitute persons out of public funds—but a particular type of pauperism—that is, the maintenance, by unconditional doles, of ablebodied wage-earners, in or out of employment—which acted as a demoralizing subsidy to the least skilful and industrious men, to the most inefficient and grasping employers, and to the most backward and worst organized industries. The remedy proposed by the Poor Law Commissioners of 1834 was, in fact, confined to this limited disease; and was, it seemed to them, easily applied:

'That except as to medical attendance, and subject to the exception respecting apprenticeship hereinafter

stated, all relief whatever to ablebodied persons or to their families, otherwise than in well-regulated workhouses (i.e. places where they may be set to work according to the spirit and intention of the 43rd of Elizabeth) shall be declared unlawful, and shall cease, in manner and at periods hereafter specified; and that all relief afforded in respect of children under the age of 16, shall be considered as afforded to their parents.'

Thus, not only any rate in aid of wages to men actually in employment, but also any doles to men who ought to be in employment, would be illegal, and the only alternative open to the unemployed man, other than finding employment or starving, would be bare maintenance under rigid discipline in a workhouse. This state of being, it was considered, would seem, to the vast majority of Englishmen, less eligible than the condition of the lowest class of independent labourers. Thus what Nassau Senior called 'the simple and almost self-acting plan of the workhouse' would cure the whole disease that the Report of 1834 had diagnosed.

*The Royal Commission of 1905-9.*

Passing over the next two generations of Poor Law administration, we come, in 1905, to another Grand Inquest, the very reference to which is of historical significance. The Royal Commission of 1905-9 was appointed to inquire, not merely into the relief of the destitute, but into the working of all the 'laws relating to the relief of poor persons in the United Kingdom'. Nor was even this the whole task. The Commission had equally to inquire 'into the various means which have been adopted *outside of the Poor Laws* for meeting distress arising from want of employment, particularly during periods of severe industrial depression'; and to consider and report whether any, and if so, what, modification of the Poor Laws or changes in their administration or fresh legislation 'was desirable for dealing', not with destitution, but 'with *distress*'.

Owing to unfavourable circumstances which I, as one of the Commissioners, can hardly describe without suspicion of bias, the Royal Commission of 1905-9 proved to be, from a constructive standpoint, as big a failure as the Royal Commission of 1832-4 was a success. The Majority and Minority Reports were both elaborate documents, alike more comprehensive in their scope and in their recommendations than the unanimous Report of 1834. They had a record sale, and attracted widespread attention. But in spite of a large measure of agreement in their proposals, they ranged those who were interested in social reconstruction in two opposing camps. After many promises on the part of successive Cabinets, in the course of a couple of decades, neither the one Report nor the other has been embodied in legislation: and even the changes that the Majority and Minority alike advocated have failed to pass into law. What the second Royal Commission on the Poor Law achieved was a couple of discoveries which, like many other new truths, discredited and disintegrated existing institutions without providing any alternative that the nation, at the moment, found practicable. The two discoveries were (1) that the 'Principles of 1834' had been, almost unawares, gradually abandoned in practice by the administration of successive governments, whether Conservative or Liberal; and (2) that there had grown up, during the preceding half-century, an array of competing public services which were aiming, not at the prevention of pauperism, but at the prevention of the various types of destitution out of which pauperism arose.

*The Abandonment of the Principles of 1834.*

The first of these revelations—the progressive abandonment by the Local Government Board of the 'Principle of Less Eligibility'—was formally revealed to the Commission by the chief officer (J. S. Davy) of the Poor Law Division of the Local Government Board itself, and elaborated and illustrated by the shorter statements of

his staff of inspectors. Indeed, the whole of the evidence tendered officially by the Local Government Board seemed to take the curious form of an indictment of successive Presidents of that Board for the ignorant and weak-kneed way in which they had contravened the Principles of 1834. It was held by the chief officer of the Poor Law Division that by the Elizabethan Poor Law, as amended by the Act of 1834, the Government guaranteed the maintenance of destitute persons, but only 'provided the condition of the person so maintained shall be, or shall appear to be, inferior to that of the poorest independent labourer' (Q. 2027); or, as he graphically expressed it, 'that the hanger-on should be lower than him on whom he hangs' (Q. 2148). He and his staff, so he stated, 'had to see that the machinery for carrying out what I believe to be the guarantee of the State is in working order, and they have to see, as far as they can, that the conditions of relief are not such as to be mischievous to the Commonwealth' (Q. 2029). Seeing that the pauper had to be provided with a sufficiency of food, clothing, and shelter—a sufficiency which did not always fall to the lot of the independent wage-earner—Davy held that ineligibility consisted of three main elements: 'first of the loss of personal reputation (what is understood by the stigma of pauperism); secondly, the loss of personal freedom which is secured by detention in a workhouse; and thirdly, the loss of political freedom by suffering disfranchisement' (Q. 2230). But the Chief Inspector of 1906 went even further than the Commission of 1834 and the official practice of the past three-quarters of a century. He, like the Inspectorate of 1871-92, wished to apply the 'Principle of Less Eligibility' also to the aged, to the children, and even to the sick. The whole burden of this impressive evidence, given as the outcome of official experience, and as expressing the deliberate policy with which the Local Government Board had started, was that pauperism—meaning any form of dependence on the rates and taxes—was a disease of society; and



that its increase was due, in the main, not to unemployment, not to sweated wages, not to Old Age, and not to preventible sickness, but to the failure of successive Ministers and successive Parliaments to adhere strictly to 'Poor Law Principles', which were the 'Principles of 1834'.

What, then, had happened? The chief official of the Poor Law Division answered with confident curtness: the advent of political democracy. The 'Principles of 1834' had been undermined by one relaxation after another, brought about by changes in the law, or by orders given by the President of the Board himself, very largely at the instance of the House of Commons. This tendency to relaxation began, so the Chief Inspector suggested, almost as soon as the Local Government Board came to have its own Minister in the House of Commons (1871); but it became especially noticeable after the extension of the franchise in 1884; and, with the growth of public interest in Local Government, increasingly in the couple of decades after that date. The Medical Relief Disqualification Removal Act followed immediately on the lowering of the suffrage by the Representation of the People Act of 1884 (Q. 3801). Then came Joseph Chamberlain's circular of 1886 recommending public works for the unemployed; whilst the Local Government Act of 1888, merely by creating a widespread interest in Local Government, itself started an 'extraordinary increase in the cost of relief' (Q. 3311). But the Chief Inspector suggested that it was the Local Government Act of 1894, putting an end to the property qualification for membership of Boards of Guardians, and dispensing with *ex-officio* guardians, that opened wide the way to a demagogic dispensation of relief (Q. 2059-2063). Meanwhile a series of Select Committees of the House of Lords or House of Commons, together with the Royal Commission on the Aged Poor, were constantly recommending relaxations in workhouse discipline, differential treatment for aged persons of good character, and the removal of

the disfranchisement of persons receiving public assistance because of exceptional unemployment. Owing to the findings of these Committees and Commissions, successive Presidents issued circular after circular undermining the 'Poor Law Principles' professed by their own Department. From 1890—'a year which forms a sort of epoch in Poor Law administration', the Commission was told—these ameliorating circulars or Orders multiplied in number and variety. In 1891 the supply of books and toys to workhouses was recommended; in 1892 tobacco and snuff were to be supplied to workhouse inmates; in 1893 Visiting Committees of ladies were authorized, and every individual Guardian was given the right to inspect the workhouse; in 1894 an Order permitted the issue of dry tea, with sugar and milk, so that the women might prepare their own afternoon tea; in 1897 an Order instructed the Guardians to engage trained nurses for the sick; finally, in 1900, there came Henry Chaplin's fatal circular which positively recommended the grant of Outdoor Relief for the aged of good character, advice which, the Commission was assured, was taken by most Boards of Guardians to be applicable to all persons of good character, whatever their ages!

Now, viewed in comparison with the far greater relaxation (it might almost be termed the direct reversal) of the Principles of 1834, which, as I shall presently describe, took place after the Great War, this indictment of the statesmen who presided over the Local Government Board by their own executive officials was, to say the least, exaggerated. What had actually happened in the seventy years of administration between 1834 and 1905 was that, whilst the ablebodied male applicants for relief were subjected to the 'Workhouse Test' or the Labour-Yard Test; were disgraced in the eyes of their fellow-workers, and disfranchised in local and national government—with the result that the number of such paupers had been, on the whole, greatly reduced—every class of the non-ablebodied (even if they were the depen-

dants of the ablebodied) had been given conditions which were substantially more eligible than those enjoyed by the dependants of the lowest class of manual workers in employment. There were, of course, here and there, some exceptions to this relaxation of the deterrent principle. In the strict Unions, ablebodied men were offered the penal discipline of the Ablebodied Test Workhouse, and their wives and children were driven into the General Mixed Workhouse, whilst the widow was given so small a pittance of Outdoor Relief for her children that these were actually in a worse condition than the children of the lowest paid labourer. But the general tendency in Acts of Parliament, in Circulars, and in General and Special Orders, was to give the aged and sick poor better maintenance and medical treatment than the labourer could command; whilst the pauper children maintained in the Poor Law Schools enjoyed, if not better education, certainly food and clothing, sleep and organized games, far superior to that of the children of the slums. The most experienced Poor Law administrators had come, in fact, to an all-round differentiation between the healthy ablebodied men seeking relief—whom they deliberately sought to deter—and the various classes of the impotent poor, who, in the public interest, had to be liberally treated.

*The Framework of Prevention.*

The second discovery made by the Royal Commissioners of 1905-9 (in the main, by their own visits and by the special investigators whom they appointed) was that, unrecognized by the Poor Law world, there had grown up an alternative method of dealing with the problem of poverty in the midst of riches. What had been attempted and largely achieved, during the preceding half-century, was the prevention, not directly of pauperism, but of the destitution out of which pauperism arises. In describing 'The Old Poor Law' I referred to the Framework of Repression out of which it originated, and into which the

Elizabethan relief of destitution was fitted, down to the Poor Law Amendment Act of 1834; a Framework of Repression expressly designed to retain the propertyless man in subordination to the man of means. Further, I suggested to you that this Framework of Repression was, at the end of the eighteenth and beginning of the nineteenth century, largely superseded by the Dictatorship of the Capitalist, and the exclusively economic subordination involved in the machine industry and mass-production.

Now it is interesting to note that it was exactly this Dictatorship of the Capitalist that gave rise to the first legislative experiments in preventing the long hours, insanitation, and low wages characteristic of the early years of the nineteenth century. It is needless to describe the gradual extension and elaboration of the Factory Acts that now protect the manual workers from the worst excesses of the employers' oppression. First, with regard to the conditions of employment of children very early in the nineteenth century; then, in the thirties and forties, with regard to the hours of labour of women, thereby, as it turned out, indirectly regulating the hours of men; throughout the whole century steadily increasing regulation as to sanitation and safety, ventilation, cubic space, &c.; then, at last, through Trade Boards, the enforcement of a Legal Minimum of wages in the interest of the workpeople. From the factory to the workshop, from the mine to the quarry, from the ship to the railway, the dock, the warehouse, and even the retail shop, the scope of this legislation has almost silently come to embrace nearly the whole world of wage-labour. Similar prohibition of wrong-doing is embodied from 1847 onwards in the long succession of Public Health Acts in all their ramifications, starting from the more serious infectious diseases which injured the rich almost as much as they did the poor.

So far, landlords and employers were merely forbidden to use their freedom of enterprise and freedom of com-

petition in certain ways which had been proved to be demoralizing and degrading to those who served them. This principle of 'blocking the downward way' in the working of free competition may be said to constitute the foundation of the Framework of Prevention. A second, and more controversial, stage in that preventive framework was the provision, out of the rates and taxes, of particular services and commodities for the use of all, whether rich or poor, who were in need of them. The bulk of the work of our Municipal and County Councils is done—as you will see if you reflect—on a communistic basis, that is, on the principle of 'to each man according to his need, and from each man according to his ability'. The earliest forms of this empirical communism may be seen in the paving, lighting, and sewerage of our towns. But we are concerned here with the two striking cases of schools for the children and hospitals for the sick. The principle which the end of the nineteenth century saw adopted with regard to these costly services was diametrically opposite to that of the Poor Law. The service was given usually free of all charge, and the person needing it was not only not deterred from accepting it, but was sought out, and pressed, and in many cases even compelled, to use the service. The present generation has seen an enormous extension in range and in amount of this form of public provision. Old Age Pensions are now provided for all men and women on reaching a certain age, whatever their wealth, if only they have for a prescribed time been in insurable employment; and this provision is now extended to widows and orphans. A corresponding, and equally costly system of compulsory thrift on the part of employed persons receiving less than £250 a year, largely subsidized by contributions from their employers and from the taxpayers, provides at least partial maintenance when sick or unemployed, together with medical treatment and the gratuitous services of a national network of Employment Exchanges in finding new employment. The Framework of Preven-

tion thus includes, not merely an all-embracing code of protective legislation, and an extensive communal provision of public utilities for common use, but also communal payments to individual families amounting in the aggregate to more than a hundred million pounds a year—four times as much as the whole of the Outdoor Relief given by the Boards of Guardians—and at least two-thirds of it levied on the employers or the propertied class. It is paradoxical that there should be actually today in Great Britain much more 'communism' in this economic sense than there is in Soviet Russia.

Need I point out that there is a radical distinction between the relief of destitution under the Poor Law, and the prevention of destitution by the operation of the Factory Acts, the Education Acts, the Public Health Acts, and the National Insurance Acts? This practical communism of our national and municipal services has the enormous advantage that it leaves unaffected the valuable difference between the thrifty industrious man and the unthrifty skulker. It is a positive social advantage that the municipal school and hospital, like the Old Age and Widow's Pension irrespective of means, is enjoyed alike by the just and the unjust, because this enables the man who has saved to retain all his advantage over the man who has squandered such means as he had. On the other hand, the maintenance, out of public funds, of destitute persons—and only destitute persons, and on account of their destitution—has the great disadvantage that it gives a special advantage to the unthrifty as well as the unfortunate. In fact, it subsidizes those who are, whether or not by their own fault, the least efficient and the most unproductive section of the community. Further, with regard to the able-bodied, if the relief be given unconditionally, it not only encourages idleness, but also promotes fraud. In this sense, pauperism *is* a disease of society; such maintenance out of public funds or by charitable donations, through its positive discouragement of industry and thrift, may

actually create more destitution than it relieves. Yet the principle of deterrence introduced by the Poor Law Amendment Act fails because it makes no distinction between voluntary and involuntary destitution. Thus the Able-bodied Test Workhouse, with its penal discipline, has been proved in practice to deter the bona-fide unemployed persons from seeking the relief he has a right to, even more effectively than it prevents the loafer and the lounge from obtaining free lodging and free food whenever he is on his beam ends. In a civilized country, men and women cannot be left to starve. But the mere relief of their destitution, whilst it may, in most cases, stop the greater evil of death by starvation, and may ensure the propertied classes against revolutionary outbreaks, is found to be a deteriorating influence on the character and conduct of the persons subject to it. When we turn from the mere relief of destitution to the Framework of Prevention, we note a different influence at work. In that great body of regulation typified by the Factory Acts, the principle is that of enforcing on landlords and employers, and indirectly on the workmen whom they employ, a course of conduct which they ought spontaneously to have pursued if they had been guided by the interests of their fellow-citizens. Indeed, the 'blocking of the downward way' actually promotes, not only the health and the comfort of the propertyless person, but the efficiency and morality of the directors of industry and the owners of house property. And it is not only the landlords and the employers who are compelled to fulfil their obligations to the community. The provisions with regard to the safety of machinery, and the sanitation of the workshop and home, involve obligations to decent living on the part of the workers and tenants, which they also are compelled to fulfil. When we pass from the foundation of the Framework of Prevention to its communistic superstructure, we see this same principle of enforcing obligation; for instance, under the Education Acts the obligation on the parents

to forgo, up to the school-leaving age, the children's earnings, to send them to school, and to send them in a clean condition, properly clothed and shod, and in decent health; under the Health Insurance Acts, the obligation to submit to medical treatment and to carry out the instructions of the medical adviser in the way of personal hygiene; under the Unemployment Insurance Acts, the obligation to register at the Employment Exchange and to accept employment under proper conditions when offered; under the Public Health Acts, the obligation to carry out the instructions of the Medical Officer of Health and the Health Visitor; and so on. What has been aimed at, and already partially achieved, by our still imperfect Framework of Prevention is the maintenance, through the enforcement of the mutual obligation of the citizens, whether rich or poor, of a National Minimum of Civilized Existence, below which no person is permitted to fall. To the extent to which this National Minimum is above the 'Poverty Line', below which the sufferers would otherwise fall, the operation of the Framework of Prevention, in preventing destitution, is, in the best way, preventive of pauperism.

*Overlapping and Confusion.*

The advantageous results of the establishment, during the past three-quarters of a century, of what I have termed the Framework of Prevention, are no longer disputed. Although still imperfect and especially incomplete, the Framework itself, as it exists in the large body of preventive statutes and in the extensive array of social services connected with the statutes, now enjoys the approval, not only of the economists and practical philanthropists, but also of general public opinion. Owing, however, to its fragmentary and empirical development, and to the continued failure to co-ordinate it with the machinery of the Poor Law, there has come about an ever-increasing overlapping and confusion between the various preventive services and the relief of

destitution. Thus, whilst the Board of Guardians are everywhere providing, under the Poor Law, maintenance and medical treatment for many thousands of children, of sick and infirm persons, of the mentally disordered or defective, and of the aged, at the same time, and in the same localities, the County, Borough, or District Councils are supplying, under the Public Health and Education Acts, food and medical treatment, and sometimes lodging and complete maintenance, to at least as great a number of infants and children, and sick and infirm persons of all ages. As there is no complete or effective common register of these cases, we do not know to what extent the rival Local Authorities are dealing simultaneously with the same families; but it is known that in many thousands of cases this double provision is being made. Scarcely less objectionable is the obvious fact that in a still greater number of cases the same family is repeatedly dealt with alternately by rival authorities, acting on diametrically opposite principles and by different methods.

With the establishment of Old Age Pensions and of the National systems of Compulsory Insurance for Sickness and Unemployment, now elaborated to cover nearly all the wage-earning population, the overlap has, of course, become more extensive and disastrous. Yet no alteration has been made in the functions and duties of the Poor Law Authorities. They are still required to relieve all cases of destitution. They have even been officially pressed and encouraged to extend the scope of their work, until the Poor Law Infirmaries vie with the voluntary hospitals in the excellence of the provision for the sick, and the newest Cottage Homes for the children exceed in their costliness many of the boarding schools frequented by the children of the middle class. The national pensions for the aged, the Sickness Benefit drawn under the Health Insurance Acts, and the Unemployment Benefit paid by the Employment Exchanges are alike supplemented, literally in hundreds of thou-

sands of cases, by Outdoor Relief from the Boards of Guardians. In one and the same town, there are two, three, and even four public authorities helping, from one and the same fund of rates and taxes, the infants and children, the sick and the mentally defective, the aged, and the ablebodied unemployed.

#### *A Swollen Poor Law.*

Let us now return to the Poor Law, and see what has happened to it since 1909.

In spite of the unanimity of the Reports of the Royal Commission—a unanimity confirmed by the influential MacLean Committee of 1918—as to the necessity of abolishing the Boards of Guardians, and in favour of the transfer to the County and Municipal Authorities of the greater part of the Guardians' work, no such reform has taken place. The powers and duties of the Poor Law Authorities have remained unchanged. The failure of successive Governments to deal with the Poor Law was made possible by the economic circumstances of the next ten years. From 1910 to 1913 Great Britain enjoyed unparalleled prosperity; from 1914 to 1918 the Great War ensured employment at good wages for the whole population—men and women, girls and boys. The Workhouses were emptied of all their ablebodied and semi-ablebodied inmates. Outdoor Relief was largely superseded by Army allowances; and even the vagrants on the roads disappeared into the munition works or on to the battlefield.

Unfortunately this shrinking of the Poor Law proved to be but the drought before a torrential flood. An unparalleled depression of trade set in. By 1921 the number of applicants for poor relief exceeded any previous record. Further, these applicants were very largely the heroes to whom Mr. Lloyd George had promised 'a country fit to live in'. The spasmodic insubordination of whole battalions of the Army on various occasions after the Armistice—concealed from the public—sent a shiver down the

spine of Cabinet Ministers; and the melodramatic strike of the police in London and Liverpool, though actually unconnected with any revolutionary aims, predisposed the property-owners to an ill-considered general laxity in the administration of relief.

The result was that, up and down the country, the 'Principles of 1834' were thrown to the wind, and the traditional objection of the Poor Law Division of the Local Government Board to unconditional Outdoor Relief to ablebodied persons suddenly gave way. The Outdoor Relief Prohibitory Orders, which had been consolidated in 1911, were not, indeed, changed or withdrawn; and it is still the law that no Outdoor Relief may be given to any ablebodied man, other than the dole of bread in sudden or urgent necessity, without the special sanction of the Ministry in each case. But after 1921 this regulation (especially where unemployment was excessive) became inoperative. In scores of populous Unions, comprising in the aggregate more than one-fourth of the whole population, Outdoor Relief (only half in kind) was given as a matter of course by Boards of Guardians to ablebodied men merely because they were unemployed—the names, and often not the names but only the number of cases, being reported as a matter of form, to be not objected to, and indeed, not even scrutinized, by the Ministry of Health which had replaced the Local Government Board. Year after year no general inquiry seems to have been made whether this relief did or did not have the effect of a Rate in Aid of Wages, demoralizing alike to the employer and the employed; or whether there was attached to the relief any necessary conditions. Moreover, as unemployment became general in so many industries, and Boards of Guardians had to deal suddenly with thousands of cases, 'scales' for relief were generally adopted and mechanically applied. The Ministry, which had hitherto looked askance at the formulation of any scale, insisting that each case must be separately investigated, found itself unable to prevent their use even

in slipshod fashion. It strove only to insist that the amount of Outdoor Relief given should be less than the wage to be obtained in regular full-time employment. But this vague condition was open to all sorts of interpretations. It did not provide for the man with an exceptionally large family, and Guardians felt themselves justified in making the relief 'adequate'. This often meant giving to the unemployed man a 'living wage' in Poor Relief, which, if the man and wife had six children, was more than was earned by many men in work. There ensued a struggle between some Boards of Guardians and the Ministry of Health; a struggle which has had no conclusive result. The General Strike and the Miners' Lock-out added enormously to the burden. Many Boards of Guardians found themselves unable to pay the swollen mass of Outdoor Relief out of the current income that they could raise by rate; and they had to apply to the Ministry of Health for sanction to a loan, and even for the loan itself. This enabled the Ministry of Health to impose new conditions on the most necessitous of the Unions, compelling a general reduction of the scales; and leading in the cases of three recalcitrant Boards to summary supersession by the Minister's salaried nominees.

The outcome is that the Poor Law itself—that is, the relief of destitution—has, by 1927, got into a condition closely analogous—only on a vastly larger scale—to that of the Old Poor Law in 1832. In nearly all large industrial districts we have now an indiscriminate and unconditional relief of the ablebodied, whether they are only in partial employment or wholly out of employment; even the wives and children of men actually on strike being, by express direction of the Ministry, given substantial weekly doles. This method of dealing with unemployment has been complicated by the fact that the scales of relief which have been laid down, even by the Ministry itself, are plainly in excess of the Unemployment Benefit on the one hand, and the lowest current rate of wages, on the other. Thus, we are at present sub-

sidizing out of the Poor Rate, even with the sanction of the Ministry itself, not only the demoralizing system of Casual Labour, but also the sweating employers and inefficient labourers, and whole industries that cannot stand on their own feet, whilst maintaining not a few persons who do not even honestly seek for work. The total cost of Poor Relief in all its forms now reaches the gigantic sum of fifty million pounds annually, as compared with fourteen millions in 1906 and seven millions in 1834.

Now, I think the present state of things is intolerable; and if it is permitted to continue will bring about national disaster. For as I have already pointed out, pauperism—that is, relief out of public funds—may itself become a disease of society, wholly irrespective of that other and more potent disease, involuntary destitution. Can we distinguish sharply and precisely between the social environment—the conditions and circumstances—which lead to the artificially induced disease of pauperism, as contrasted with the disease of destitution which is endemic in human society? The main distinction to be made, as all experience teaches us, is between the individual destitute person who is ablebodied and not otherwise than healthy and sane, on the one hand, and all the varieties of non-ablebodied on the other. With regard to the non-ablebodied—the aged, the sick, the infants, the children, the lunatics, and the mentally defective—pauperism as a disease of society is a rare occurrence. People cannot make themselves young or old, diseased or mentally defective, merely in order to get Poor Relief. The special evil which it is imperative to avoid—that of increasing by the very offer of relief the number of patients for whom treatment has to be provided—is accordingly, in the case of the non-ablebodied, wholly absent. What has been attempted in this way under the Poor Law—very ineffectually, and, as I think, to great social disadvantage—has been to seek to make the poor pay for their own non-ablebodied relations. This is some-

times defended on the plea that it encourages saving. It has been argued that the prospect of maintenance or treatment out of public funds discourages people from making provision for their own old age or sickness, for the education of their children, or for the care of the lunatics and mentally defective among their relations. But it is clear that, taken as a whole, the four-fifths of the nation who are wage-earners have not the income which would enable them to make this costly provision without neglecting the more immediate duty of maintaining themselves and their children in a state of health and efficiency. Moreover, with regard to the sick, the mentally defectives, the infants and the children, the social advantages of hygienic discipline on the one hand, and the development of moral and intellectual faculties on the other, far exceed in value the hypothetical lessening of savings by those in wage-earning employment.

When we turn from the non-ablebodied to the ablebodied there is a very genuine and always present liability to the disease of pauperism. We know by long experience that if unconditional maintenance is freely given to ablebodied persons in idleness, especially if it amounts to a sum greater than that which they could secure by being employed, and is given without any obligation to render 'service' in return, this does, and will always, lead to an ever-spreading demoralization of character, to voluntary unemployment, and to malingering in one or another form. Thus, as regards the relief of the ablebodied, the 'Principle of Less Eligibility' cannot be ignored with impunity. The inclination of human beings not to work, or to put it more precisely, not to work in a way which satisfies the needs of other people, if they can obtain full maintenance without work, seems likely to endure. It is, of course, theoretically possible that we might have such a complete knowledge of all openings for wage-earners that we may always be able to confront the unemployed person with an offer of work; but, even then, it does not necessarily follow that

we could induce him to work in such a way that any employer—even the State as employer—would keep him. What is however as clear as noonday is this: if a knowledge of the labour market is a requisite qualification for testing willingness to accept work on the part of able-bodied persons, no Local Authority, least of all one whose powers are strictly limited to the relief of destitution, can be the right authority to check the growth of able-bodied pauperism by testing the willingness to work of all the applicants.

There is, in fact, only one way open to Boards of Guardians of checking the growth of Able-bodied Pauperism, namely, the offer, as the only form of relief, of confinement in an institution under conditions as disagreeable as those of a modern prison. This was the solution of the problem offered by the Royal Commission of 1834. It had the drawback then that it proved impossible to get the Boards of Guardians to put it continuously and universally into operation. It has this drawback to-day, but we see now that it has others as well. The 'Offer of the House', if it is to be effective, has to be made and the deterrent regimen applied, to all the able-bodied applicants for relief, whether good, bad, or indifferent; and public opinion to-day refuses to allow penal conditions to be applied to persons unconvicted of crime. Moreover, in so far as the device is successful in 'detering', exactly to the same degree does it fail by letting loose upon society, without supervision or restraint, the very men who ought to be inside. Those whom even penal conditions do not 'deter', and who prove their dire need by entering the workhouse, may be punished thereby—if this is desired—but certainly not improved; and public opinion will not to-day tolerate the punishment of those who are not merely unconvicted, but who are actually innocent of anything but misfortune and failure. Thus, alike in its effect on the good and in its relation to the bad, the Able-bodied Test Workhouse stands condemned. No Minister will venture to

propose it as a remedy to the House of Commons for any but men judicially convicted of an offence against society.

*Will the Poor Law Endure?*

Let me disclaim at the outset any gift of prophecy. What we can profitably consider is, ought the Poor Law—that is a locally administered system of the general relief of destitution as such—to continue to form part of our social organization?

*The Non-Able-bodied.*

I think that all experience proves the necessity of dealing separately with the various sections of the non-able-bodied, on the one hand, and the able-bodied on the other. For the infants, the children, the sick, the idiots, lunatics, and mentally defective, the blind, the deaf and dumb, the crippled and the helpless aged, organized public provision now exists, outside the Poor Law, on the lines, not of the relief of their destitution, but of specialized treatment, available for all, in respect of the peculiar needs of each of these diverse sections. This organized public provision has grown up, almost unawares, during the past half-century, in the services administered by the County, Borough, and District Councils, as part of the Framework of Prevention to which I have referred. No one can contemplate its abolition. It has inherently the great virtue that it leaves undiminished the salutary advantage that the prudent and thrifty man enjoys over the wastrel and the unthrifty. It has at present the great drawback that, at nearly all points, it overlaps, duplicates, and competes with the Poor Law provision for these same sections of the population, in so far as they happen to be destitute. I can see no reason for continuing this overlapping, this duplication, this rivalry, with the wasteful expenditure and demoralizing confusion that it is causing. And I can see no way of bringing it to an end, except by amalgamation. This was the principle embodied in the unanimous Report, in 1918, of the Committee presided over by Sir Donald Maclean. This



is the principle to be discerned to-day underlying Mr. Neville Chamberlain's proposals for 'Poor Law Reform'.

*The Ablebodied.*

Very different is the position with regard to the able-bodied who ought to be at work but are not. Over more than a quarter of England and Wales, measured by population—and much the same in Scotland—there has been for six years, and still is to-day, a disastrous flood of more than a million men for whom, in the mass, we know that no wage-earning employment can be found, at any rate in their own trades and in their own districts; and for whom, whether as persons entitled to Unemployment Benefit, or as persons for whom there is a legal obligation to grant some form of Poor Relief, or as homeless wanderers on the roads, some public provision has necessarily to be made. Here no one can suggest amalgamation with the work of other Local Authorities. The intellectual bankruptcy and practical impotence of the Boards of Guardians with regard to the able-bodied man in health, who is in need of food, is shared by the Municipalities and the County Councils. This failure, common to all forms of Local Government, we may now see to be at any rate partly due to the very unequal geographical incidence of the burden. The blight of industrial depression, with its accompaniment of exceptional unemployment, is very largely localized. Something like one hundred Poor Law Unions out of 650 contain three-fourths of all the unemployed. And these Unions have distinctive industrial features. If we pick out the iron and steel, shipbuilding, marine-engineering, coal mining, and textile areas, and the principal seaports, which are all suffering exceptionally from the industrial depression, we shall find aggregated together something like three-fourths of all the able-bodied men to be provided for. South of the historic line from the Severn to the Wash—with the exception of the Metropolitan area, which is the greatest of seaports—there appears to be, to-day, hardly

anywhere an abnormal percentage of unemployment. To me at least it seems almost an economic insanity to place upon exactly those areas which are suffering most severely from industrial depression a burden of local rates which seriously intensifies their special economic difficulties. This points to an assumption by the National Exchequer, in relief of local rates, of whatever expenditure is necessary for the unemployed able-bodied. Yet we can never allow elected Local Authorities to conduct a service which not they but the Chancellor of the Exchequer has to pay for.

The problem is, moreover, to a large extent one of effecting an extensive migration and transformation of workmen left high and dry by the shrinkage of various hypertrophied branches of war-time production. We can foresee a great development of training in all sorts of kinds and degrees. Possibly half a million men will have to be shifted to the southward, and made suitable for the new and expanding industries. This is plainly beyond the knowledge and capacity of any Local Authority.

Finally, there is the uncomfortable discovery that has, I think, been generally made that a many-headed elected local body is not a good authority for dispensing money payments in the nature of charitable relief. Quite apart from corruption, which is happily rare, the duty is one that ought not to be imposed on men and women who have to be popularly elected. Either they represent predominantly the well-to-do electors, and they are then almost irresistibly drawn in the direction of an unecological stinginess, in order to 'keep down the rates', or they will represent predominantly the 'Have Nots', who are themselves, either actually or potentially, applicants for relief, which then inevitably becomes lax and unduly generous. It is my own view that money payments can be safely made only in strict accordance with general rules, the application of the rule to the individual case being like the application to individual cases of the Common Law, determined by an official trained to a rigidly impartial integrity.

For all these reasons, I think the whole burden and duty of dealing with the able-bodied unemployed ought to be transferred to the National Government, under the direction of Parliament. This would relieve the local ratepayers where they are now most severely penalized. It would enable the Employment Exchanges to deal with all vacancies; Unemployment Benefit to be safeguarded, and extended to all proper cases; industrial training centres to be organized wherever required; migration to be continuously promoted; vagrancy to be uniformly dealt with; and penal settlements to be established for the inevitable remnant who would find themselves judicially convicted of criminal offences. And the nucleus of the national organization for the able-bodied is already there in the Ministry of Labour, with its network of Employment Exchanges, its Unemployment Insurance Fund, and even its rudimentary Training Centres.

Here, as it seems to me, we have the answer to our question, 'Will the Poor Law endure?' Assuming that Parliament and the Cabinet have the necessary insight and the necessary courage, the whole system of the Poor Law—that is, the public relief of destitution—would, as regards all the various sections of the non-able-bodied, be gradually absorbed in its present-day rival, which we have termed the Framework of Prevention. For each section provision is already made by the existing network of directly elected Local Authorities under the Public Health, Education, Mental Deficiency, and Old Age Pension Acts, which need only slight adaptation to cover the whole ground more efficiently than can be done by the ubiquitous Destitution Authority. With regard to the wage-earners destitute merely on account of unemployment, it is essential that the burden should be assumed by the National Exchequer, and the whole service undertaken by a National Department able to combine the measures preventive of unemployment with those providing for the fluctuating margin of unemployed.

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