

Social Science and the 1834 Poor Law

The Theories that Smith, Bentham, Malthus and Owen made
Andrew Roberts, *Social Science History for Budding Theorists*, chapter 5, 1997

The period we will be looking at is from 1815, when the wars with France ended, to 1834. The law we will watch being constructed is the 1834 Poor Law Amendment Act. This is often called the new poor law and the law it amended is called the old or the Elizabethan poor law. Old and new poor laws provided support for people who became unemployed, sick, too old to work or who had more children than they could support, but the 1834 poor law tried to deter people from claiming these benefits. The most radical way this was done was by building workhouses.



Total institutions

The concept of a total institution was used by Erving Goffman to describe organisations like workhouses, prisons, hospitals, boarding schools, the army and monasteries, where people spend all aspects of their lives. A factory is not normally a total institution because the factory workers have separate leisure and domestic lives. It might become a total institution

if the worker's leisure and home life were organised by the factory managers (Goffman 1961). Jeremy Bentham was a theoretical pioneer of the total institution. He would have liked to have been a practical pioneer, but his schemes did not get the necessary support. "But for George 3rd", he moaned in 1830, "all the prisoners in England...[and]...all the paupers...would, long ago, have been under my management." (Bentham 1830 quoted Poynter 1969 p.108)

In 1791 Bentham published *Panopticon; or, the Inspection-House: Containing the idea of a new principle of construction applicable to any sort of establishment, in which persons of any description are to be kept under inspection.*

The two principle developments he made of the idea were a scheme for a model prison at Millbank, and a scheme for a network of private workhouses. Neither scheme materialised, although the foundations of Millbank were laid according to Bentham's plan, and a prison was erected on the site by other people.

The principle of the panopticon was the all seeing eye (which is more or less what the word means). The supervisor would be able to see everything that inmates were doing, and inmates would never know that they were not being watched. Constant surveillance would, Bentham thought, remove the need for punishment. The inmates would behave because they knew that they could not get away with anything! (Bahmueller 1981 p.155). In practice, the principle of the all seeing eye was applied mostly to lunatic asylums. Workhouses constructed under the 1834 Act were not built on the panopticon principle because they were primarily meant for deterrence, not reform. The people they were supposed to change were not the people inside, but the ones outside. The workhouse was meant to be a place that deterred people from claiming relief.

Putting principles to social policies

The 1834 Poor Law Act came about because nineteenth century government and its civil service administration tried to be more systematic in their social policy than government in the eighteenth century.

In the eighteenth century central government left most of the running of the country to the local authorities and the courts. Courts and local authorities were not separate bodies as they are today, the meeting of the local magistrates was the local authority. The way the poor law was administered would vary from district to district and national laws, where they existed, tended to be Acts passed at the request of a local authority, to permit it to do something it wanted.

19th century government was concerned with the application of principles to social policy, and these principles were drawn from the social sciences of the time. The two principle sciences on which they drew were the laissez- faire policies of what we now call classical economics, then called political economy, and the utilitarian ideas of Jeremy Bentham and his followers. As you read about these sciences you will recognise that they are still influential in public policy today.

Hobbes, Locke and human motives

Two of the earliest founders of social science, Thomas Hobbes and John Locke provided the science with alternative models of human motivation. Hobbes argued that a human being is fundamentally selfish. Locke argued that a human being has conflicting motives of love and selfishness. The Hobbes model was more influential in the science that was applied to the poor law in the 19th century. This was not because theorists rejected the principles of Locke. In fact most of them accepted that we have conflicting motives. With respect to the poor law, however, the most influential theorists put the emphasis on selfish motivation. The notable exception was Robert Owen - but his ideas were not accepted.

Utilitarianism

Utilitarianism is a moral theory that claims "good" is what avoids pain and maximizes pleasure. The variety of utilitarianism that dominated social science in 19th century Britain is often called Benthamism after [Jeremy Bentham](#), whose panopticon scheme was a practical application of his general theory that principles should be applied to social policy. He said that the guide for good legislation should be the "greatest happiness of the greatest number" and believed that society can be restructured to maximize the universal or public interest and minimize "sinister" private interests. In the pursuit of happiness, individuals following their personal ends could defeat one another's purposes. The object of a scientific social policy should be to encourage acts that enhance the general happiness and deter those that do not. The object of good legislation, according to Bentham, is to maximise human happiness.

Bentham bans fictions

[Hobbes](#) and [Locke](#) were state of nature theorists. This means that their social science was based on imagining humans stripped of social characteristics (in a state of nature) and working out how society came about through a social contract or agreement between the individuals.

[Robert Filmer](#) and [David Hume](#) thought that, as history has no record of an original social contract, it is unscientific to build theories on it.

[Jean Jacques Rousseau](#) however, in *The Social Contract* (1762), thought even a fictitious concept was a useful tool for analysing society.

Nowadays many social scientists accept the idea of useful fictions. [Max Weber](#), for example, constructed *ideal types*: hypothetical constructions modeled on some aspect of reality (e.g. contract) which though not existing in the pure form, have explanatory value.

But 19th century British theorists wanted a less abstract, more concrete social science. For most of them, this was provided by the utilitarianism founded by Jeremy Bentham. Bentham insisted that a fiction could not be useful to science. In his first book, *A Fragment on Government*, in 1776, he wrote

"As to the Original Contract...I was in hopes...that this chimera had been effectually demolished by Mr Hume...in the third volume of his *Treatise on Human Nature*". "We no longer need the sandy foundation of a fiction... there was once a time, perhaps, when they had their use....But the season of *Fiction* is now over....To prove fiction...there is need of fiction; but it is the characteristic of truth to need no proof but truth."

Through reading Hume and others, Bentham said he had

"learnt to see that *utility* was the test and measure of all virtue...and that the obligation to minister to general happiness, was an obligation paramount to and inclusive of every other" ([Bentham 1776 Chapter 1, sections 36-37 and footnotes](#)).

Real social science had to be based on the idea that we pursue ends which are useful to us because they maximise the happiness we experience and minimise the pain. For Bentham and his followers, social science is a way of looking behind the explanations (fictions) that human beings give for their actions, to discover the real reasons in terms of pain avoidance and pleasure seeking. It is a practical science, because if science can analyze the real motives of human behaviour, laws can be designed that encourage citizens to behave in the way that maximises the sum of their pleasures, and minimises the pains. In Bentham's words, laws could be constructed to achieve "[the greatest happiness of the greatest number](#)".

Political economy and laissez-faire

The other body of ideas that 19th century Britons thought of as social science, was political economy. In practice, utilitarians tended to be political economists, and vice versa, but the theories are distinct.

Political economy was not just economics. Its analysis of class structure, and how that related to government, made it a much broader social science.

Almost all political economists in Britain, following Adam Smith, argued that the wealth of the nation would grow fastest (or decline slowest) if government left the regulation of the economy to the "hidden hand" of the market.

This policy is known as *laissez-faire*, which is a French phrase meaning let alone, let be, let make, "let people do as they please" or "leave it alone to make itself".

Smith was optimistic about growth of the nation's wealth, and the wellbeing of the people.

"No society" he said "can surely be flourishing and happy, of which the far greater part of the members are poor and miserable" ([Smith, A. 1776, book 1, chapter 8, *Of the Wages of Labour*](#)).

By the early 19th century all this had changed. Political economists were so pessimistic about the future of the nation's wealth, and the possibility of the poor getting any richer, that Thomas Carlyle called political economy the "gloomy science".

Smith founds society on the division of labour

[Adam Smith](#)'s comments on the poor laws were restricted to criticisms of its law of settlement ([Smith, A. 1776 book 1, Chapter 10 *Of Wages and Profit, towards the end of the chapter*](#)). The basic principles of his *Wealth of Nations*, however, have a general relevance. Smith draws a distinction between the animal kingdom and the human in that human beings remain dependent on one another throughout life whilst

"in almost every other race of animals each individual, when it is grown up to maturity, is entirely independent.

However, the interdependence of adult human beings is not by the same means as humans and animals use in childhood. It is by exchange, not begging.

"A puppy fawns upon its dam....Man sometimes uses the same arts with his brethren, and ...endeavours by every servile and fawning attention to obtain their good will. He has not time, however, to do this upon every occasion....Man has almost constant occasion for the

help of his brethren, and it is in vain for him to expect it from their benevolence only. He will be more likely to prevail if he can interest their self-love in his favour, and show them that it is for their own advantage to do for him what he requires of them....It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own interest. ...Nobody but a beggar chooses to depend chiefly upon the benevolence of his fellow-citizens". ([Smith, A. 1776, book 1, chapter 2](#))

He says this in the chapter on "[the principle which gives occasion to the division of labour](#)" in which exchange is presented as the foundation of the social organism, at least as far as its economic well-being is concerned. A prosperous society is built on exchange. Smith describes to us a world wide network of exchange, that we could never have constructed consciously, creating the complex division of labour that makes the wealth of nations possible. It could have been a very short step from imagining healthy societies growing out of the pursuit of selfish ends, to imagining benevolence, and consequently the poor laws, as an unhealthy, malignant growth. Smith did not take that step, some of his followers did.

Smith believed that there are sets of balancing desires within us. Self love is balanced with sympathy ([Smith, A. 1759](#)). But self love is the most effective in the market place, whilst sympathy is most relevant to our family and friends. In general social policy, therefore, the followers of Adam Smith took an individualist line, basing effective social policy on self-love. His ideas were developed, and applied to the poor law, by [Thomas Malthus](#) and [David Ricardo](#), two very close friends, who thought the poor laws were malignant and wanted to cut them out of the body politic.

Bentham thought that his idea of government seeking the greatest happiness of the greatest number, and Smith's idea of the hidden hand of the market securing the greatest wealth of the nation, had a lot in common ([Inglis 1972](#) p.87 referring to [Bentham 1793](#)). Put like this, however, the difference is obvious: the hidden hand of the market is a natural (not made by humans) phenomena, government laws are artificial (made by humans). (See [A.J.Taylor 1972](#), chapter 5 *Benthamism, Laissez-faire and Interventionism*, for a summary of the debates on this relationship).

The poor law and laissez-faire

We can highlight two types of issue linking laissez-faire to the poor law. One type of criticism concerns the operation of the law, and seeks to modify it. The other type questions the very principle of public help for people who have become destitute as a result of market forces.

An example of the limited free-market criticism of the poor law is Smith's criticism of the [law of settlement](#). The [Elizabethan poor law](#) required that someone claiming relief should do so in the parish where they were born. This was seen by Smith and his followers as a restraint on free trade. Economic theory treats labour as a commodity that can be bought and sold. It is argued that labour should be free to move to where the work is. So, today, if coal mines close down, miners should be free to move to an area of the country where there are other jobs - if they can find one. But if, when you become unemployed, you are forced to move back to the place where you were born, it is unlikely that will be the place where jobs are available. Smith, therefore, wanted the poor law modified so that unemployed people could claim benefit where they lived, rather than where they were born.

Population theory and the poor law abolitionist movement

The criticisms of Malthus and Ricardo were much more radical. They wanted the poor law abolished. Malthus thought that the Government should make an announcement that people alive at the time would continue to have a right to claim benefit - but anyone born after the announcement should grow up in a world where they would have no claim on state benefit. (Poynter 1969 pp 156-157. Referring to Malthus 1803). He and Ricardo argued that moving resources into welfare, moves them out of the real economy. It reduces the money available to pay people for working. It also, they said, gives an incentive for idleness, discourages people from saving for old age or illness, and encourages irresponsibly large families.

It was after the war with France had ended, in 1815, that the case for abolishing the poor law was made most strongly. The free market abolitionists, Ricardo and Malthus, argued that their version of science (political economy) should be applied to policy on poor relief. Malthus, they claimed, had shown that the poor law was self-defeating, so they wanted it abolished. Against them was Robert Owen, who argued that his version of science (socialism) should be applied. He wanted villages of cooperation to be financed out of the money being spent on poor relief: securing full employment instead of destitution. So, in different ways, the two rival social sciences both sought the abolition of the poor laws.

Malthus

Daniel Malthus, the father of Thomas Malthus loved an argument and he often chose to argue with his son. It was out of one of these arguments that Thomas developed his theory of population. His *Essay on the Principle of Population*, published anonymously in 1798, attracted a great deal of attention. A second edition much enlarged and altered appeared in 1803.

According to Malthus, we can never reach a condition of well-being, with plenty for all, because our numbers will always tend to increase more rapidly than our means of subsistence. The reason for this is the human sexual drive, and, in particular, its insatiability in the male. Malthus's law was that population increases much faster than subsistence unless checked by misery or vice. Misery included things like famine and war. In practice, Malthus argued, the most potent check was the higher infant mortality in families where provisions are short. Vice is not so clearly defined, but two practices he probably thought of as vices limiting population are prostitution and birth control. Prostitution channels the sexual drives of men away from their wives, birth control stops their wives having babies. Neither was considered morally acceptable at the time.

Malthus gave his theory a mathematical form:

"Population, when unchecked, increases in a geometrical ratio. Subsistence increases only in an arithmetical ratio" (Malthus 1798 chapter 1, fifth page).

In his second edition Malthus added moral restraint to the possible checks on population. The main form that this could take was late marriages, without having sex outside marriage. The reason that Malthus only had two types of check in his first edition appears to be that he doubted the willingness of men to live without sex - if late marriages meant men frequenting prostitutes, then all checks could be counted as either misery or vice.

Although a gloomy essay, it was very popular, because it appeared at the height of anti French feeling in Britain (Halevy 1913, Part 3; Chapter 2, Section 16). People who could

afford to buy books were pleased to find scientific reasons why the French ideas about reorganizing society to make it rational, would not work. With respect to the poor laws, its implications were clear. If people had to work hard for a living the pain of the work might deter them from the pleasures of sex: in an effort to restrict the number of mouths they had to feed from their work. But if the poor were given welfare by the state whenever they were hungry, nothing would deter them from breeding like rabbits and they would breed until the country's resources were exhausted and famine and disease began to curb their numbers. In the long run, it was no kindness to the poor to provide for their welfare other than by the free market for their labour.

To this argument against the poor laws, Malthus's friend Ricardo added another. He argued that there is an "iron law of wages" whereby money that is provided to the poor as welfare is withdrawn from the money that is available for the payment of wages. The poor law, therefore, simply moved money from the workers to the idle, and encouraged the workers to become idle.

Ricardo and the abolitionist case

The case for the abolition of the poor laws reached a climax in 1817. This was the year that David Ricardo published his *Principles of Political Economy and Taxation*, a work which Inglis (1972 p.185) suggests rapidly became the text book, relegating Adam Smith's *Wealth of Nations* "to the comparative standing of an Old Testament".

Ricardo was outspoken on the need to abolish the poor laws:

"Wages should be left to the fair and free competition of the market and should never be controlled by the interference of the legislature. The clear and direct tendency of the poor laws is in direct opposition to these obvious principles"

"Instead of making the poor rich, they are calculated to make the rich poor".

He even suggested that the poor law

"could progressively increase till it has absorbed all the net revenue of the country

"No scheme for the amendment of the poor laws merits the least attention which has not their abolition for its ultimate object."

Ricardo did not provide the theory to support his assertions. He simply pointed out that it had already been provided by Malthus. The "pernicious tendency" of the law was

"no longer a mystery, since it has been fully developed by the able hand of Mr Malthus; and every friend of the poor must ardently wish for their abolition" (Ricardo 1817, Chapter 5 *On Wages* page 61)

Owen's socialism

Robert Owen's ideas on the poor law were listened to attentively by the government, and rejected. So you may, if you want, skip this section without losing the thread of the argument. I am including Owen's ideas here because they show that there were alternative directions in which government policy could have developed, directions in which it did develop later.

Owen wanted full employment policies promoted on cooperative principles. In the 20th century, aspects of his ideas became part of new liberalism, labour party socialism and one-

nation conservatism. In the 19th century they were adopted by the labour movement and, via Friedrich Engels' *The Condition of the Working Class in England* (1845), inspired marxism.

In contrast to Smith, Owen argued that individualistic self-love corrupts public affairs. He looked for a way in which self-love could become love of all, and he thought he had found this through his argument that rational self interest is the general interest.

The first version of Owen's plan for the relief of the poor was published in 1817 (Owen 12.3.1817). He was still developing the plan in 1820 (Owen 1820). As it progressed, the plan drew everybody in and became a plan for a new society.

In the 1817 version, Owen envisaged the unemployed finding work in villages of co-operation. Cooperation, as opposed to individualism, had economic and moral advantages. He believed collective activities would be more efficient, but he also argued that the influence of individualism is towards ignorance and brutality and that of cooperation towards liveliness and intelligence. He contrasted the "brutal selfishness" of individualism with the "rational self-interest" of co-operation, which recognizes the individual's own interest in the welfare of the community. Owen claimed that

"the character of man is.. always formed for him",

and argued that

"the members of any community may by degrees be trained to live without idleness, without poverty, without crime, and without punishment; for each of these is the effect of error in the various systems prevalent throughout the world. They are all necessary consequences of ignorance. Train any population rationally, and they will be rational." (Owen 1813 in Owen 1927 p.37)

Malthus had argued that poverty is inevitable because human population will always outstrip the production of food and other necessities. Owen said that this is not true. Malthus, he said, had ignored the influence of technology. In his own lifetime, he said, technology had increased production 40 or even a hundred times relative to population. Human needs remained the same. So why was there mass poverty? Owen said it was because a sufficient market did not exist for the goods produced. The reason for this, he said, was because the labourer is not paid the full value of what he or she produced.

"The natural standard of value" he said "is human labour"

Money introduces an artificial standard. The solution then was to return to the natural standard. If every labourer gets back what he or she puts into production there would be enough demand for the goods produced. In terms of his villages of cooperation, Owen said they must be provided with a market. The government would have to abandon the money standard of gold and silver, and replace it with a paper currency that represented the amount of labour in a product. Owen's economics is what we now call demand side (as opposed to supply side) economics. It is also an attempt at macro-economics, or economics of the whole system. In recent years many of these issues have re-emerged in the debate between monetarism and keynesianism. (Ian Gilmour MP in *Britain Can Work* (1983) gives an introduction to these recent debates from the one-nation conservative point of view. Gilmour was the leading theorist of the "wets" that Margaret Thatcher attacked as her enemies within her own party. You may find his book interesting as it is an analysis of modern politics in the light of the 19th century debate between political economists and socialists that I have been discussing in this article).

There was a debate between Ricardo and Owen about the principles on which social science should develop. The result of this was that Ricardo and Malthus's principles, modified by utilitarianism, became the guiding principles of the government, whereas Owen's principles were adopted by the newly emerging labour and trade union movement.

Utilitarianism modifies laissez- faire

The argument of Malthus and Ricardo, that the poor law should be abolished, was rigorously consistent with free market economics. But to abolish all help to the poor was politically unacceptable. In 1817 Ricardo saw the greatest difficulty in establishing a free market in labour as political.

"Unfortunately" he wrote, the poor laws "have been so long established, and the habits of the poor have been so formed upon their operation, that to eradicate them with safety from our political system requires the most cautious and skilful management."

"He is the best friend of the poor, and to the cause of humanity," who can point out how the poor law can be abolished "with the most security, and at the same time with the least violence" (Ricardo 1817, Chapter 5 *On Wages* page 61).

Abolition was soon recognised as impossible but, during the next few years, an amalgam of utilitarianism and laissez-faire ideas was developed that modified laissez-faire principles by saying that government needed to be an active manipulator of pains and pleasures if the free market was to thrive. It was this broader science that was eventually applied to the reform of the poor laws. The poor law was retained, but modified in a way that took account of the laissez-faire criticisms, and Benthamism provided an alternative to abolition that was consistent with free market principles.

The laissez-faire theory of Malthus and Ricardo suggested that the correct balance of pain and pleasure is provided naturally, by the market. The Benthamite alternative was that government could and should create an artificial balance of pain and pleasure. This would be the aim of scientifically designed laws that would seek to achieve the greatest happiness of the greatest number of people. Government intervention should complement the market.

A science that could develop in different directions

Utilitarianism is a science with a lot of different possibilities. It can be developed in many different directions according to which other theories it is linked to. For example, utilitarianism could be linked with free market economics or with socialist theory. Both Ricardo, advocating laissez-faire, and Owen, advocating socialism, were broadly Benthamite in their outlook. Owen's theories were centred on the pursuit of happiness by rational methods and his essay on government begins

"The end of government is to make the governed and the governors happy. That government, then, is best, which in practice produces the greatest happiness to the greatest number; including those who govern, and those who obey" (Owen 1814/4th Essay. 1927 p.63).

But the man best known for popularising Bentham's work developed it in Ricardo's direction, not Owen's. This was [James Mill](#), who linked utilitarianism to three other bodies of theory:

1) Egoistic psychology, which is the kind of psychology that Hobbes developed. This argues that the foundation of any explanation of the human mind must be to trace its content back

to the self-centred desires of the individual. In 1829 James Mill published one of the first English text books on psychology.

2) Democracy. He argued that if we are all pursuing our own self-interest it is not safe to trust government to a minority. Every male adult must have a vote to act as a control on the government. He wrote a very influential article in the *Encyclopedia Britannica* to argue this point ([James Mill 1820 & 1825](#))

3) Laissez-faire economics. He linked together the theories of Bentham and those of Ricardo, Malthus and other followers of Adam Smith. (James Mill 1821-1822)

None of these links is a necessary link:

William Thompson and Anna Wheeler were socialist utilitarians whose theories broke the links with egoistic psychology and laissez-faire economics. In the interests of economic and gender equality, they integrated the ideas of Owen and Bentham ([W. Thompson 1824 & 1825](#)).

Later, [Harriet Taylor](#) and James Mill's son, [John Stuart Mill](#) modified laissez-faire and utilitarianism enough for some people to think of them as forerunners of Labour Party socialism. They too incorporated ideas from Owen and other socialists (Mill, J.S. 1848, and subsequent editions).

In mid-Victorian Britain John Stuart Mill was probably the most influential social scientist. In the 1830s, however, it was James Mill's version of utilitarianism which most people would have recognised.

A Royal Commission on the poor laws

In 1832 a Royal Commission was ordered to inquire into the poor law. Their [report in 1834](#) was made the basis, later the same year, of the [Poor Law Amendment Act](#), which changed the whole system. The report is generally credited to [Edwin Chadwick](#) one of Bentham's disciples, who later became Secretary to a new administrative body, established by the Act, to coordinate the new poor law. This new body was also called a commission: the [Poor Law Commission](#).

The Report of the Royal Commission in 1834 was based as much on principles as it was on empirical evidence. It was a self consciously scientific report, in the utilitarian mode, with theory openly organising the evidence it presented. We will follow Fraser ([1984 p.43](#)) in dividing its principles into three:

1. [less eligibility](#)
2. [a workhouse test](#) and
3. [centralisation and uniformity](#)

Less eligibility

The Royal Commission's basic aim was to discipline able bodied paupers by refusing them relief unless they entered a workhouse where conditions were "less eligible" than those of the lowest paid independent labourer. Less eligible just means less desirable. Bentham had used this idea when writing on pauperism in the 1790s:

"If the condition of persons *maintained* without property by the labour of others were rendered more eligible than that of persons maintained by their *own* labour then, in

proportion as the existence of this state of things were ascertained, individuals destitute of property would be continually withdrawing themselves from the class of person maintained by their own labour, to the class of persons maintained by the labour of others: and the sort of idleness, which at present is more or less *confined* to persons of independent fortune, would thus extend itself sooner or later to every individual...till at last there would be *nobody* left to labour at all for anybody". (Bentham's papers in 1790s quoted Poynter 1969 p.125; Inglis 1972 p.399 and Fraser 1984 p.45)

This is saying that one needs a balance of pain and pleasure that will lead to people doing what is socially desirable. If there is more pleasure and less pain in being on social security than in working, Bentham says, people will stop working. The implication for social policy is that being on social security should be made less eligible (less desirable) than working.

The Royal Commission's Report called less eligibility the

"most essential administrative principle of administering relief to the needy".

"A principle which we find universally admitted, even by those whose practice is at variance with it, is that his situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class...In proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed; their industry is impaired, their employment becomes unsteady, and its remuneration in wages is diminished. Such persons, therefore, are under the strongest inducements to quit the less eligible class of labourers and enter the more eligible class of paupers...Every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice. We have found that as the poor's rates are at present administered, they operate as bounties of this description, to the amount of several millions annually." (1834 Report. Checkland 1974 p.335)

The workhouse test

The 1834 Report recommended that

"except as to medical attendance, and...[an] exception respecting apprenticeship..., all relief whatever to able bodied persons or to their families, otherwise than in well regulated workhouses...shall be declared unlawful" (1834 Report. Checkland 1974 p.375).

The workhouse was to be the instrument to deter claimants unless they were really desperate. John R. McCulloch, a laissez- faire economist and a Benthamite, had written in 1828:

"The real use of a workhouse is to be an asylum for the able-bodied poor...But it should be such an asylum as will not be resorted to except by those who have no other resource...The able bodied tenant of a workhouse should be made to feel that his situation is decidedly less comfortable than that of the industrious labourer who supports himself". (McCulloch 1828 quoted Poynter 1969 p.305; Inglis 1972 p.399 and Fraser 1984 p.46)

This was also the spirit of the 1834 Report. But why use workhouses to make the condition of paupers less desirable than that of people who are supporting themselves? Why not just pay paupers less in poor relief than they could get in the lowest paid job?

The answer is not as clear in the 1834 Report as it might be. But there are two points to bear in mind.

1. The lowest paid workers were paid so little that the Government might have been accused of gross cruelty if it had paid even less to paupers.

2. The workhouse could be a more fearful deterrent than a low benefit. The person on a benefit below the wage he or she could earn might still think themselves better off, because they did not have to work for the benefit. They might even get away with earning some money to top up the benefit. The workhouse test meant that the pain that offset the unearned benefit of the relief was sure and certain.

The use of workhouses uniformly to deter all the able bodied poor from claiming relief was new. Thomas Wakley, a radical MP, quoted the 18th century lawyer William Blackstone to show that the [Elizabethan poor law \(1601\)](#) had intended that most claimants would remain in their own homes. Blackstone said:

"The two great objects of this statute seem to have been, - 1. To relieve the impotent poor, and them only. 2. To find employment for such as are able to work. And this principally by providing stocks of raw materials to be worked up at their separate homes, instead of accumulating all the poor in one common workhouse, a practice which puts the sober and diligent upon a level, in point of their earnings, with those who are dissolute and idle, depresses the laudable emulation of domestic industry and neatness, and destroys all endearing family connections, the only felicity of the indigent." (Blackstone 1765/9 quoted [Hansard 28.9.1841](#) col.975)

Wakley attributed the 1834 Act to the utilitarians. Quoting Blackstone against a utilitarian Act was particularly apt, for Bentham's first published work ([1776](#)) was a criticism of Blackstone!

[See Wakley's Alternative Poor Law](#)

Centralisation and uniformity

The 1834 Report recommended

"The appointment of a central board to control the administration of the poor laws...empowered and directed to frame and enforce regulations for the government of workhouses, and as to the nature and amount of relief to be given and the labour to be enacted in them, and that such regulations shall, as far as may be practicable, be uniform throughout the country."

This proposal was consistent with Bentham's positive view of the function of central government as promoter of the greatest happiness of the greatest number. The Royal Commission argued that, without a central body to regulate the law, the poor would be able to exert direct pressure on the local authorities to undermine the stringency that was required.

The [1834 Poor Law Act](#) established a Poor Law Commission; not a Royal Commission of Inquiry, but an administrative department. Bentham's one-time secretary, [Edwin Chadwick](#), was appointed as the Commission Secretary and Halevy credits him with much of the responsibility for the centralisation and bureaucratization of English government in the following years. Chadwick, he says, was

"a determined opponent of the aristocratic self- government which prevailed in England and a zealot for uniformity and administrative centralisation." ([Halevy 1927](#) part one, chapter 2, section 3.1, p.100)

Social security was not the only central government department that Chadwick helped to found. After his *Report on the Sanitary Condition of the Labouring Population of Great Britain*, in 1842, he went on (1848 to 1854) to pioneer a [Board of Health](#).

Under the 1834 Act, parishes could combine into "unions" for the purposes of building workhouses. As they did, however, they became subject to the regulations of the Poor Law Commission. The Commission, which needed Parliament's approval for general regulations issued to all unions, but not for those issued to individual unions, neatly evaded the restrictions this was intended to put on its operations. Instead of issuing general regulations, it issued individual regulations varying only slightly from one another. Most parishes found they wanted to form unions to gain the administrative and financial advantages that size entailed. As they did, they came under the regulation of the central bureaucracy of the Commission. In this way, over the following years, a whole network of rationally designed local government units (the unions), coordinated by a central agency (the commission) came into being. The foundations were laid for a modern bureaucratic state. The eighteenth century model, where local government was the responsibility of the local magistrates, continued for a while in parallel with the new system. By the 1880s, however, the functions of the poor law unions had expanded, and demonstrated their efficiency, to such an extent that it became necessary to restructure English local government on the model that we know today. So, almost unintentionally, the 1834 Poor Law Amendment Act brought in a new system of government, not just a new system of poor relief. How unintentional this was is something historians argue about, because the model of government that developed is remarkably like the model that Benthamite social science had constructed in theory.

Out of the poor law

It is a long journey from the [poor law of 1834](#), pauperism, the workhouse and less eligibility, to the [Old Age Pensions Act of 1908](#), an income as of right, and dignity in old age. It is a journey we cannot take here. But we can look at the signposts.

In 1841 Thomas Wakley MP was whistling into the wind when he described to parliament his vision of a social security system based on rights which supported elderly people in homes where their dignity was respected ([Hansard 28.9.1841](#)). Wakley drew on paternalist theories of the relation between classes. He hoped that parliament would replace the law that

"originated with a set of Utilitarians"

with laws that should

"cause the working men of this country to teach their sons that the gentry were their friends and benefactors....If this were done there would be no fear of midnight conspiracy or crime, nor would any tremble through the night...." ([Hansard 28.9.1841](#)). col.978).

Shortly after this, the utilitarian [John Stuart Mill](#) began a campaign against paternalism. He attacked the idea that the working class should be politically submissive in exchange for welfare benefits. In this context, he defended the 1834 poor law as an Act that encouraged the independence of the poor ([Mill, J.S. 1845](#)).

Developing the same idea of independence, [Harriet Taylor](#) drafted a [paper on the future of the working class](#) (and, by analogy, women) that became part of Mill's *Principles of Political Economy* (1848). The idea was further developed in Mill's *On Liberty* in 1859, and in his [Subjection of Women](#) in 1869.

The idea of freedom that Taylor and Mill developed was one of self-determination as an essential part of being human. It was better, they argued, to be a woman who could determine her own future, even in tough conditions, than to be a pampered pet whose husband made all the decisions.

By thinking about the workhouse, we can see that two distinct ideas of freedom were emerging. People who took refuge in a workhouse were not prisoners, they could leave at any time. In this sense, they were free. But, when they left, they had to supply their own food and shelter. If they were able bodied and work was available, this might be possible. To this extent the workhouse could be said to encourage self-development in the second sense of freedom. But no one who could not support themselves outside the workhouse would feel free, or have any possibility of self development. For people like Annie and Albert Rose, the freedom of the workhouse was as good as imprisonment. For them to have the possibility of self-development, they needed an income that would enable them to keep their flat and live outside the workhouse. The [Old Age Pensions Act of 1908](#) can thus be seen as an indirect outcome of the new concept of freedom that Taylor and Mill developed. The Act was, in fact, preceded by much theoretical work on the concept of freedom. (See Pearson and Williams 1984, chapter five, *New Liberalism*). Work carried out by theorists like the philosopher T.H. Green at Oxford University; D.G. Ritchie in *Principles of State Interference* (1891); the economist J.A. Hobson and L.T. Hobhouse, the editor of the *Sociological Review* who was appointed Professor of Sociology at London University in 1907. Hobhouse's theories were evolutionary. He looked at the way society evolved and suggested that paternalism had become incompatible with individual freedom in the free-market context (as John Stuart Mill had argued), but that this necessitated a

"definite right to the primal needs of a civic life on the basis of mutual obligations as between the individual and the community" (Hobhouse 1913 p.225 quoted Fletcher 1971 p.193).

Hobhouse was theorising the welfare state. Social science, as it always has, continued to shape the lives of ordinary people in their most intimate details. Which is one of the reasons that my great-grandparents, Annie and Albert, had a pension.