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**Utilitarian Political Economy, Natural Rights and the Poor**

“Agrarian Political Economy, Jeremy Bentham, and the ‘Science’ of Welfare”

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Abstract

During the years when Bentham was working out his inspection-house or panopticon theory, a number of contributors to Arthur Young’s *Annals of Agriculture* were exploring agricultural renewal and the political economy of poor law reform. In 1797, one of them, Sir Frederic Morton Eden, published *The State of the Poor* in three quarto volumes, which contained among other things: a history of poverty and welfare in England; a substantive essay on the nature of policy; and a vast compilation of parish data on the poor, poor law implementation, and workhouse management from across England and Wales. This was the same year that Bentham introduced himself to *Annals* readers with a detailed query on the characteristics of the poor and his overview of the indigent population. These were followed in 1798 by his abridgment of “Pauper Management Improved” in the journal. This paper maintains that Eden’s study preempted and frustrated Bentham’s attempt to dialogue with *Annals* readers and contributed to his abandonment of “Pauper Management Improved” shortly thereafter.

“Theory! What is the practice?”

Arthur Young, *Annals of Agriculture and Other Useful Arts*, 1793

“In proportion as a thing is excellent...it [is] but...*theory*...  
till the touch of the *seal* or the *sceptre* has converted it into *practice*?”

Jeremy Bentham to Arthur Young, 8<sup>th</sup> September, 1797

A long view of the responses the English had taken to their indigent poor from the 1500s to the turn of the nineteenth century would have to include: claims for the rights of the poor (e.g., the traditional obligations of the *societas christiana*, Thomas More’s *Utopia* [1515], and *The Principles of Moral and Political Philosophy* of Cambridge’s William Paley [1785]); the occasional elaborate legislative proposal (Henry VIII’s bill in

1536 calling for a “national council to avoid vagabonds,” health care for the poor, and an extensive make-work program for the unemployed, Elizabeth’s out-door, parish-centered and financed Poor Law (1598, 1601), and William Pitt’s 1796 renewal bill that would have provided family allowances, reclamation of wastelands, and schools of industry for poor children, among numerous other initiatives); and, political economy analyses (Sir Thomas Smith’s *Discourse of the Commonweal* [1549], which metamorphosed poverty from moral dilemma to political arithmetic challenge, William Petty’s argument to keep the poor commons disciplined to toil in *A Treatise of Taxes & Contributions* (1662), and Jeremy Bentham’s articulation of the first principles of a ‘science’ of welfare in “Pauper Management improved” [1798]).

The new element added to this mix in the 1780s and 1790s was the possibility of “a world without want,” in plans formulated by the *philosophe*, visionary mathematician and Girondist, Antione-Nicolas de Condorcet (formerly le Marquis), and ‘rights of man’ proponent, Thomas Paine, among others. This vision rested in the celebration of human reason, the promise of democracy, and a sense that post-Fall humankind might free itself from the typical burdens of its condition and history. The build-up to the revolution in France and the less vehement one to the American Revolution encouraged this optimism and its accompanying speculations.<sup>1</sup> The severe dearth of 1794-95 in Britain also stimulated out-of-the-ordinary proposals to alleviate the consequent suffering among the poor: The Speenhamland Plan to supplement the wages of the working poor with a

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<sup>1</sup> Condorcet in *Sketch for a Historical Picture of the Progress of the Human Mind* (1794) proposed a ‘social mathematics’-devised social insurance plan; and Paine in *The Rights of Man, Part Two* (1792) and *Agrarian Justice* (1797) argued for the ‘right’ to pensions funded by death duties on large estates and fortunes. See: Gareth Stedman Jones, *An End to Poverty? A Historical Debate* (London, 2004) for his history-of-ideas attempt to reveal this ‘moment’ of “revolutionary subversion of beliefs,” which he argues has been devalued and obscured by subsequent Left and Right leaning narratives of industrialism. There remains no better presentation of the hopes and fears generated by Paine’s work in 1790s Britain than E. P. Thompson’s *The Making of the English Working Class* (New York, 1963), Pt. I: “The Liberty Tree.”

sliding scale of ‘out door’ relief based on family size and the price of bread; Samuel Whitbread’s agricultural wages bill(1796); and Pitt’s bill.

Acknowledging these traditions of theory and practice, this paper focuses broadly on the 1780s and 1790s and more pointedly on the years 1797 and 1798 with two objectives. The first is to establish that a political economy, ‘science-of-welfare’ discussion was under way in Arthur Young’s journal, the *Annals of Agriculture and Other Useful Arts* (1784-1815), well before Jeremy Bentham weighed in there in 1797 and 1798. Second, I seek to demonstrate that two *Annals* contributors, Thomas Ruggles and particularly Sir Frederic Morton Eden, through their ‘histories of poverty’ published in 1797 contributed significantly to Bentham’s inability to acquire data from *Annals* readers to buttress his Industry-House theory (“science”) and bring it to practice (“art”).

Young (1741-1820) founded the *Annals* in 1784 and edited the journal for twenty-five of its thirty-one years. Aristotelian in his predispositions, he was peripatetic, omnivorously curious, prolific, and well-connected.<sup>2</sup> He traveled extensively in Great Britain and on the Continent observing, inspecting, fact-finding, writing, and corresponding on agricultural practice, mostly rural political economy, and generally on issues that encouraged more efficient uses of Great Britain’s natural and human resources. Under Young’s tutelage the *Annals* was an inviting site for agrarian-centered political economy. What largely has been missed or ignored, however, is the attention in the journal’s pages to Britain’s poverty and ways the poor might become agents of their own support and the country’s prosperity. Young was a constitutional, but tempered, optimist—he frequently noted how experience with a particular project had served to

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<sup>2</sup> Young was a Fellow of the Royal Society, and an honorary member of Societies in Dublin, Bath, York and Manchester, Berne, Zurich; Manheim, and Petersburg. He served as secretary to the Board of Agriculture from 1793 to 1811.

lower, but not extinguish, his initial excitement and expectations for the undertaking. It was no mere coincidence that he brought out the *Annals* the year after the Treaty of Paris made official Great Britain's loss of its North American colonies.

By his own admission, Young was responding to what he considered the overly bleak views of the anti-war "Dr. [Richard] Price and some others of the same school," who characterized post-war Britain as "crushed by her expences, and her debts...[and] incapable of all exertion." He set the tone for the *Annals* and a much different assessment of the realm in a quite remarkable seventy-eight page Introductory essay in volume i. There he committed to demonstrating from "facts, that there was little foundation for [Price's] mode of thinking and writing." Quite to the contrary, "we are at present a much more flourishing people, than these gentlemen are willing to allow."

America is lost! Must we fall beneath the blow! Or have we resources that may repair the mischiefs [including a debt of L200,000,000] of the late unfortunate contest? What are those resources? Should they be sought in distant regions held by a precarious tenure, or shall we seek them at home in the exertions of a new policy?

Here in a few words is sketched the subject of these papers. The situation of the kingdom is novel—the policy that is to govern it must be novel likewise.<sup>3</sup>

The tragedy of the late, lost war, according to Young, was that underdevelopment in Britain encouraged the "beggars, fanaticks, felons, and madmen of the kingdom" to emigrate (always a bad thing) to North America and cultivate the wastes there. The subsequent treasure in lives and national debt spent in the attempt to keep the colonies far exceeded any mercantilist economic advantages they had provided. Nevertheless, colonial possessions will remain important for the nation's overall prosperity. However, the danger, as Young saw it, was that the British will continue to assume that their

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<sup>3</sup> Arthur Young, "Introductory. Containing an inquiry into the situation of the kingdom on the conclusion to the late treaty. And into the surest means of adding to the national resources by a proper application of the arts of peace," *Annals of Agriculture and Other Useful Arts*, Vol. i (1784): 9-87, pp.11, 26-7.

strength derives only from their overseas possessions—the Caribbean islands “manured with African blood,” Canada, Nova Scotia, India—rather than in a long overdue expansion of the domestic economy. It will be Young’s “pleasant” task to show that the “resources of this country, are very far from being exhausted.” If the peace is employed wisely, his countrymen have it within their power “to give an extent and stability to [those resources], that shall leave us few apprehensions of the future.” To buttress his claim, Young offered much favorable, mercantilist-like statistical data on the nation’s customs revenues, imports, shipping tonnage, population, balance of trade with Continental cities, currency circulation, and the national debt.<sup>4</sup>

The moment was ripe: 200,000 soldiers, sailors, and other participants in the American War were returning. Employment for them must be available, lest they form yet another wave of debilitating emigration. The focus of the domestic effort, Young argues, should be the modernizing and expansion of the agricultural sector. He was convinced that cultivating all wastes now uncultivated (“not because the soil is bad but because cursed with the rights of commonage”) should be the “very greatest object of British policy.” Even though “exertion of wisdom, knowledge, and activity, is all the business demands,” a parliamentary act and public moneys would be required to get the process moving. His own investigations convinced him that among England, Wales, and Scotland as much as 13 million acres of potentially convertible wastes were available. His plan called for local land owners, with or without government assistance, to set-up poor men in their neighborhoods (veterans and others) on small farms with a cabin and other necessary provisions worth about 30*l*. Young had observed first hand the results of such an initiative by an Irish landowner: several years later the poor man had become a

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<sup>4</sup> pp. 9-23, 25-27

modestly prosperous farmer surrounded by several more. This reinforced Young's belief in the transformative possibilities of land use—for the farmer and the economy. It illustrated “one of the most powerful [principles] that actuates the human bosom, that if you give property in land you will create the industry that shall improve it.”<sup>5</sup>

Young went on to suggest that the newly-established farmers should have lease to their land “for three lives” and by act of parliament be absolved from paying the poor rate and other parish charges while, at the same time, losing their eligibility for parish support. He was convinced that the government's likely investment of L500,000 annually raised by temporary taxes (less than the expense “to keep Gibraltar, a barren rock of impregnable defence indeed”) would provide for 16,666 farm families and the cultivation of 166,660 acres of waste. Ten years into the plan's implementation 9,166,300 acres would have been brought to cultivation, L14,998,400 of new income generated in the national economy, and 833,300 “souls added to the kingdom.” By the thirteenth year of implementation, public expense would cease, the yearly draw back in taxes from the economic expansion having reached L500.000.<sup>6</sup>

As promising as such a national undertaking could be, Young's long experience in these matters convinced him that an early implementation of waste reclamation or any other significant initiative for that matter will not be possible. Why? For one thing, the options available to the living are too much limited by the heavy hands of custom, habit, and tradition. For example, the “constraint and imperfection of the open field system” bind current agricultural practice to the inconveniences which the barbarity of [our] ancestors had neither knowledge to discover, nor government to remedy.” Furthermore,

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<sup>5</sup> pp. 53-55.

<sup>6</sup> pp. 56-59.

“speculative writers who have passed their lives by a fire side,” regularly attempt to convince the public that enclosure “starved the poor, and...caused the great rise in all products of the land.”<sup>7</sup> Since the “situation with impunity forms the character,” it might take as long as a century to overcome the “ignorance, prejudice, or caprice” that continue to oppose enclosures. The challenge is to initiate “more active and more speedy efforts,” which surely will require the intervention of government.<sup>8</sup>

Nevertheless, at best the state can be but an occasional and indirect promoter of the public good. It sometimes can remove “an obstacle to private industry and thereby create a public resource” through the resulting “exertion of wisdom, knowledge, and activity.”<sup>9</sup> But ministries can just as likely cause havoc, as occurred in the decades prior to the American Revolution, when “our statesmen,” instead of seeing to the improvement of Britain’s population and wastes, fell under the spell of various “speculations” that justified the crippling expenses of the empire in North America.<sup>10</sup> What makes the salutary uses of government power so problematic, according to Young, is the “spectacle of the times,” the “contentions of our parties, hot, restless, and active for their own purposes; but lazy, inert, and dronish, when the public is concerned.” Since the “minds of our leaders” are preoccupied with “that one universal scuffle for power,” Young

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<sup>7</sup> pp. 71-72; Young was not shy in expressing his frustration with excessive theorizing. For example, in the *Annals*, Vol. xix (1793), he used his editor’s prerogative to make the point. A contributor, Gamaliel Lloyd, invoked the Declaration of the Rights of Man and Citizen to back up his assertion that the end of all political associations, is to preserve for the citizen...liberty, property, security, and resistance against oppression.” Young footnoted “property” and commented scornfully: “Theory! What is the practice!” (p. 155).

<sup>8</sup> *Annals*, Vol. i, pp.71-73.

<sup>9</sup> pp. 73-74.

<sup>10</sup> pp. 44-45.



concluded, that the country prospers “not from the attention, but in spite of the profligacy of government.”<sup>11</sup>

All these obstacles to achieving enlightenment, innovation, release of human energy and creativity, and helpful state policy converge in Young’s extreme discomfort with the Poor Law, particularly the burden of the poor rates and the policy’s deleterious results.

That tax raises near two million a year: if it contributed largely to the welfare and happiness of the lowest classes—if it was the means of smoothing some of the cruel [disparities] of life—of leveling the inequalities of fortune—and providing for those who were unable to support themselves—not a word should drop from my pen against a system that would, in such a case, be itself a national resource, by relieving indigence and [forestalling] misery. But if, on the contrary, as experience has fully convinced me, it corrects no evil it did not create—relieves no indigence it did not cause—banishes no sorrow that did not flow from the folly of its own administration, and is itself the parent of the poverty it assists—in this case a very different conclusion is to drawn.

This conclusion is “fact, without prejudice or exaggeration,” according to Young, to those who have observed “the effect of industry among the poor [as his plan to reclaim the wastes would promote], and who have made themselves sensible of the infinite difference between an early and habitual dependence on labour, and the fatal one which so often takes place on parochial assistance.” He is old enough to have witnessed the “idleness, drunkenness, and dissipation” in adult men and women, who, when they were children were told that “*the parish must maintain them, if they could not maintain themselves.*”<sup>12</sup>

Given Young’s deep caution that rapid transformation in deeply entrenched thinking, customary behavior, and state policy is possible, he settled for “a prohibition of future increase.” As to the poor rate, no new legislation concerning relief of the poor

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<sup>11</sup> pp. 84-85.

<sup>12</sup> p. 74-75.

should be passed that did not limit “all levies and assessments” to the average of the last seven years. Young rendered the same judgment—no likely action—to his speculation that, beyond his scheme for creating individual rural farms from wastes, there could be gains by making universal the houses of industry which have been proliferating over the years. Most commentators agree that these houses promote “a change in the habits, education and consequent industry of the poor...truly a resource for the kingdom.” Nevertheless and for the usual reasons, Young concluded that a “general extension” of the houses is not “to be expected at present.”<sup>13</sup>

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Young’s ambivalence about social welfare policy innovation notwithstanding, the prominence he gave in his *Annals* Introductory to the symbiosis between expanding the agricultural sector of the economy and re-directing the nation’s poor from indigence to self-support was compelling. We should not be surprised, then, that the *Annals* pages over the years were frequently occupied by characterizations of the poor and assessments of the impact of yearly harvests and trade balances on them, forays into the origins and history of poverty and poor relief in the realm, laments about the dangers that Jacobin ideas posed for English life, suggestions for more efficacious social policy, and calls for parliamentary reform that would yield fairer representation of agricultural interests. In very short supply, however, was advocacy for the rights of the poor.

The prolific Young wrote perhaps one-quarter of all the *Annals* material, and three groups primarily contributed the remaining articles: country gentlemen, Anglican clergy, and substantial practical farmers. Rev. Thomas Howes, Rector of Thornton, Suffolk, offered a typical *Annals* perspective in his “The State of the Poor.” While

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<sup>13</sup> pp. 75-76.

gentlemen farmers desert the country (a complaint raised by commentators at least since the 16<sup>th</sup> century) and “leave things in the hands of stewards and farmers,” it can only be expected that “all discipline and authority will decline with respect to the poor.” Unless landowners agree to a “more rigorous discipline” for the poor than that of annual overseers exposed to “obloquy, at which even their neighbours and equals rejoice,” they must submit “to be governed by those whom they ought to govern.” But, the landowners are so divided in their opinions “upon every plan of government over the poor” that they allow the old ways to persist “rather than attempt anything better.” As a consequence, there is no incentive “to make any observations which may point out any more satisfactory method of maintenance for the poor,” particularly one calling for a “stricter discipline over them.” Howes offered his suggestion anyway: larger boards of overseers with sequenced terms to guarantee experience, continuity, and resilience against *ad hominem* criticism.<sup>14</sup>

Notable in Howes’s essay was its preoccupation with the indiscipline of the poor, the need to find new ways to control or manage that, and a lack of confidence in the political process to yield a satisfactory solution. This required no reference to the rights of the poor to adequate relief or the obligations of landowners to those in need.

Clergyman that he was, Howes remained nevertheless agnostic on issues of the ‘moral economy’ or the traditional rights and duties of the *societas christiana*.

Two writers whose work appeared often in the *Annals* in and around the poverty ‘crisis’ years of the 1790s were Thomas Ruggles (d. 1813) and Sir Frederic Morton Eden (d. 1809). Ruggles, a country gentleman and boyhood friend of Young, was deputy-

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<sup>14</sup> John G. Gazley, *The Life of Arthur Young, 1741-1820* (Philadelphia, 1973), pp. 156-158; *Annals*, Vol. xxvii (1796), pp. 215-21.

lieutenant of Suffolk and Essex and spent much time in Ireland. Between 1789 and 1793 he contributed 49 ‘letters’ or essays to the *Annals*, each under the title “On the Police and Situation of the Poor.” He published these in a two-volume book form in 1793 and 1794 as *The History of the Poor, Their Rights, Duties, and the Laws Respecting Them*; a second edition in one volume appeared in 1797. Eden was the son of the last colonial governor of Maryland and through his mother a descendant of the Lords Baltimore. An Oxford M.A., he combined a successful business career with prolific writing, mainly on economic subjects. At his death at age 43, he was chairman of the Globe Insurance Company which he had founded. What distinguished these two is each man’s resourcefulness within the political economy frame articulated by Young to push for deeper levels of insight into the roots, implied obligations, and ongoing impact of the poor law on the poor and non-poor alike. And different as were their conclusions on the continuing usefulness of the poor law, Ruggles and Eden saw the need to acquire historical perspective on the dilemmas of the late eighteenth century—the expanding numbers and suffering of the poor and the increasing burden of the poor rate on property owners. Neither of them saw fit to dismiss the poor law with Young’s unequivocal derision.

According to Ruggles, it was time to “explore on what principle of legislation, from what consent, virtual or implied, of our forefathers,” from what system of human or divine laws “this ruinous...paradox should happen.” He thought of himself as a “philosophical” historian; his sources base rested in parliamentary debates, statutes, and reform tracts. He approached his subject by “fixing a foundation in the first principles of society, and proceeding by an historical analysis.” As Ruggles saw it, the maldistribution

of property in Antiquity was the reason for poverty's appearance and continuation. Furthermore, he was convinced that "[a]nterior to, and vastly above all human laws, the obligation of the rich to the poor is prominent in the variety of religious and 'social compacts', was preached by Christ and his disciples, and was early embedded in English practice in the distribution of the tithes." Thus the rights of the poor are embedded in a kind of 'ancient obligation'.<sup>15</sup> The Norman invasion set off several centuries of contention, during which the "voice of law" and the "doing of equity" were seldom heard and finally forgotten. It was only during Elizabeth's long, well-managed, and prosperous reign that the rights of the poor were restored. "Some of the best moral principles of the Christian religion" were "engrafted by degrees...in the statute law of the land," and parliament sanctioned that, which was before only a moral duty, by a law of the state." Unfortunately, in spite of this "god like" policy, the poor have become more numerous, more exposed to the hazards of city life, more subject to the health and moral debilities of manufacturing, and less likely to find paths to social mobility. Ruggles proposed remedies included strict enforcement of the poor laws, more restrictions on alehouses, the establishment of union workhouses, a partial repeal of settlement, and the encouragement of friendly societies.<sup>16</sup>

It was the deep suffering of labourers in 1794 and 1795 that "induced" Eden from motives of benevolence and curiosity, to investigate their condition in various parts of the kingdom. He designed a query that requested information about: the "domestic economy" of the parish poor (e.g., diet, dress, fuel, and housing), birth, death and demographic statistics; and, reports on local administration of work-houses, friendly societies, and

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<sup>15</sup> Thomas Ruggles, *The History of the Poor, Their Rights, Duties, and the Laws Respecting Them*, 2 vols. (London, 1793-94), I: pp. xxiii-iv, xii-xv.

<sup>16</sup> pp. 73-75, 91-92; Vol. II: pp. 50-51, 213-15, 232-244, 313, 318-319.

other relevant public institutions from several agricultural, commercial, and manufacturing regions. He visited several parishes himself and made use of a full-time research assistant and numerous correspondents. Although the resulting data pool was enormous, it did not provide Eden with certainty on the relative degree to which the increasing “numbers” and “distress” of the poor were caused by improvidence and misconduct or by the very policies designed to better their condition. A clearer understanding probably surpassed his practical knowledge and required “more comprehensive details than can fall within the grasp of a single individual.” And, he conceded, the “little I have to advance on these topics” came more from historical than from “personal and local” enquiries.”<sup>17</sup> Eden’s *State of the Poor* grew into a prodigious and useful addition to the poor law policy discussion in the latter 1790s. The three volumes contained: a 410-pp. history of poverty and poor relief; a 221-pp. essay on the philosophy and foundations of national establishments for the maintenance of the poor; 904 pages of parochial reports drawn from 35 counties and 176 parishes in England and 3 counties and 5 parishes in Wales; an invaluable appendix of relevant documents, statutes, reports, and statistics; and an elaborate index. In this completed project, Eden put at his readers’ disposal for their own uses an enormous compilation of documents, empirical data, political philosophy, and historical perspective.

In his history, Eden maintained that poverty originated in the universal necessity to work for food, clothing, and shelter; but, in England soil and climate were not adequate to supply the population without some previous labour. Thus a “portion” of the society “must be indefatigably employed...to supply the necessary want of the whole.” When

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<sup>17</sup> Sir Frederic Morton Eden, *The State of the Poor, or An History of the Labouring Classes in England, From the Conquest to the Present Period*, 3 vols. (London, 1797), I: pp. i-iv, 491-6.

these labourers decline into illness, chronic disorder, or old age, it is the "readily admitted" duty of every man, "according to his abilities and opportunities to relieve his fellows."<sup>18</sup> As in Ruggles's account, civil and social disruption followed on the Norman Conquest. Yet, Eden compared medieval villeinage in England favorably with the far worse conditions that prevailed for African slaves in North America and serfs in Russia. No matter how degrading their situation, English agricultural labourers were "assured of the bare necessities of life." However, the appearance of legislation toward the end of the fourteenth century to punish vagrants and relieve the impotent and aged signaled the weakening of that minimal security. Villeinage was in decline "by slow degrees" and "a new race of men" was rising who were employed in manufactures. Even though manufacturing and commerce ultimately brought "numberless benefits" to the realm, Eden concluded that they were the causes of "our national poor." A manufacturing economy enabled men "to make use of the most valuable of all property, their own industry," but it also allowed them to starve "independently" when they were incapacitated.<sup>19</sup>

Eden is much less sanguine about the renowned Elizabethan poor law than was Ruggles, because the legislation was based on scanty knowledge of "political economy." Unwisely, it had restrained "market competition" among agricultural labourers and hourly artificers by imposing wage regulations and settlement requirements. Little more than a reorganization of "legal regulations" that had become "impolitic and impractical" the Elizabethan poor law remains nevertheless the "groundwork of every regulation

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<sup>18</sup> p. 411.

<sup>19</sup> pp. 59-63.

affecting the poor.”<sup>20</sup> In his assessments of legislation Eden distinguished among: “policy,” which cultivated “the right,” “moral virtue,” or “unforced exertion” in the citizenry; “impolicy” or “unenlightened policy,” government initiatives that stultified initiative; “police” (“regulation,” according to Dr. Johnson); and, “policed” (“Regulated” and “Formed into a regular course of administration”). Eden thought the Elizabethan poor law and Pitt’s elaborate continuation bill to be examples of “impolicy”; they consigned those temporarily in need to ceaseless labor for subsistence at all other times. Perpetual labor with no possibility for “repose and recreation” is but “barbarism” and the “savage state.” Characteristic of the “ancient statutes” unfortunately was their “mistaken principle” that policy’s goal should be the “eschewing of idleness,” and “setting the Poor on work.” Thus, with the “incitements of civilization before them, the people must be *compelled* to follow their own interest.”<sup>21</sup> Nevertheless, in spite of Eden’s profound disagreement with the “rights of the poor” premise of the poor law, he temporized and withheld his support from those who advocated its abolition. Instead, the provisions of the system that encourage “idleness, improvidence, and immorality” must be limited and the labourer must be allowed “his right to exercise his industry...in a manner most agreeable to himself.” In addition, the rise in the poor rate must be limited by three or seven-year averaging; and, parish funds must be managed more efficiently.<sup>22</sup> Eden’s reason for this reveals his most profound insight into the nature and impact of policy or, in this case, impolicy.

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<sup>20</sup> pp. 73-74, 128, 131.

<sup>21</sup> pp. 5-6, 73-74, 416-418, 438-445; Samuel Johnson, *A Dictionary of the English Language* (London, 1755).

<sup>22</sup> pp. 484-490.



Over time, contingent forces, whether environmental, institutional, or attitudinal, combine with and alter the original intention of a statute or code. Many institutions “incongruous and unconnected” in their origins, come together in harmony and cooperation as time passes. Thus, every policy initiative will be modified “according to circumstances [and] imperceptible additions...[and] gradually swell into a complicated machine.” The ongoing synthesizing “produces effects, to which the subordinate parts have all contributed; but in what proportion each has assisted, it often becomes impractical to determine.” By the 1790s, then, the Elizabethan poor law tradition had become a complicated and inscrutable amalgam, a “spreading ivy” insinuating itself into “every crack and aperture” of the societal edifice. The original intentions of the Elizabethan code and the society in which they were applied have been fused and transformed by the capricious and incremental developments of the succeeding two centuries. Once this complicated historical nature of policy is understood, the ability of the state to affect great societal good or evil through its policies can be advanced only unthinkingly. And with regard to the ever present and all encompassing poor law, the only prudent course is to prune the spreading ivy, not attempt to uproot it.”<sup>23</sup>

Eden’s elixirs for the poor were the Glorious Revolution, the constitution, William III, “the master workman” (Burke), and his associates. This was not because of any immediate improvement in the “ease and comfort” of the poor, but because William’s party laid the “foundations of future greatness,” for the rewards that can develop only from “slow and imperceptible improvement.” As Eden viewed it, the Revolution of 1688 “inspired the great mass of the nation with the sprit of thinking and

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<sup>23</sup> pp. 5-6.

acting which have been conducive towards rendering them more happy and independent.<sup>24</sup>

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In these years, Bentham was recoiling from his conversion to democracy during the French Revolution and would not revive his public advocacy of egalitarian politics until his *Plan for Parliamentary Reform* (1817). However, he continued to clarify and systematize his thinking on *Eudaemonics* (*well-being*), the “utility principle,” and “the greatest happiness for the greatest number.” He claimed to have been influenced in this process by David Hume, Helvetius, and Joseph Priestly. Bentham insisted that the “*art*” of *Eudaemonics* seeks “in some way or the other to the attainment of *well-being*, while its “*science*,” in so far as it is possessed by an individual, allows him or her ”to exercise that art with effect.”<sup>25</sup> Bentham had been attempting to develop a ‘science’ of pauper management at least since 1778, when he published *A View of a Hard Labour Bill*, his commentary on, and rewriting of, a bill with which he was in general agreement. He did this to make the proposal more accessible to the public, since legal and parliamentary linguistic style often obfuscated the meaning and underlying theory of legislation.<sup>26</sup> In the preface, Bentham mentioned that he read the pamphlet on the hard-labour bill and “Mr. Howard’s Book on Prisons”<sup>27</sup> while “employed in finishing a work of some bulk on the

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<sup>24</sup> pp. 405, 407.

<sup>25</sup> Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford, 2006), pp. 9-10, 106. Schofield’s quotations appear to be from *Chrestomathia: being a collection of papers explanatory of the design of an institution...the Chrestomathia Day School...* (London, 1816).

<sup>26</sup> *A View of a Hard Labour Bill: being an abstract of a pamphlet, intituled “Draught of a Bill, to punish by Imprisonment and Hard-Labour, certain Offenders: and to establish proper Places for their Reception: Interpreted with Observations relative to the subject of the above draught in particular, and to the penal jurisprudence in general* (London, MDCCLXXVIII), pp. iv-v. Bentham was in general agreement with one priority of the bill which was to provide for the establishment of “Labour-houses” throughout England.

<sup>27</sup> Likely John Howard, *The State of the Prisons in England and Wales* (Warrington, 1777). This was Howard’s (1726-1790) first of many studies of prison conditions in Britain and on the continent.

subject of *Punishment at large* (*Panopticon: or, The Inspection House*, 1791?). Those readings provoked him to extract portions of the larger work for publication even though they “would probably have come with more force, and shewn to more advantage, in company with the rest.” Eleven years later in *An Introduction to the Principles of Morals and Legislation* (1789), also long in being completed, Bentham opined that “a work which takes for its subject the totality of any science, ought to contain all such matters, and such matters only, as belong in common to every particular branch of that science, or at least more branches of it than one” and will likely appeal to a narrow circle of readers initially.<sup>28</sup>

In *Panopticon: or, The Inspection-House* in 1791, Bentham elaborated on the “Inspection Principle,” the kernel of his pauper management “science.” In the preface he enthused, “*Morals reformed—health preserved—industry invigorated—instructions diffused—public burthens lightened—Economy seated as it were upon a rock—the Gordian knot of the Poor-Laws not cut but untied—all by a simple idea of Architecture?*” Bentham’s answer was a resounding ‘Yes’. Whatever the purpose of the confinement, it will be attained “the more constantly [if] the persons to be inspected are under the eyes of the person who should inspect them.” While it might be “perfection” if that inspection could be constant, the next most effective possibility is that the inmates imagine they are under constant surveillance. This is achievable through the architectural plan of the Inspection-House, devised by Bentham’s brother, Samuel. Ideally, the building should be circular. The inspector’s lodge, of good size to accommodate as large a family as possible, whose members can also inspect, will be surrounded by the apartments of the inmates forming the circumference of the facility. The construction design admits light in

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<sup>28</sup>Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*. Printed in the year 1780 and now first published (London, MDCCLXXXIX), pp. 3, 5.

such a way that the inspectors can observe the inmates but not the reverse. The advantages of the plan, in addition to the Inspector's assurance that "the discipline actually has the effect which it is designed to have," include the small number of inspectors relative to the population of the inmates and the susceptibility of the employees to the same incentive as the inmates to do their jobs.<sup>29</sup>

Bentham and Arthur Young had inaugurated a correspondence as early as 1794. Typically Bentham requested statistical information from Young which he would supply. In one exchange Young told Bentham how much his "Panopticon principle" is approved.<sup>30</sup> In July 1797, Bentham received a flattering letter from Sir John Sinclair, president of the Board of Agriculture, urging that he become involved more publicly in the poor law discussion. Bentham replied that he already had been working on the matter for "seven or eight months" and would act on Sinclair's suggestion. Presumably Bentham, in addition to "Pauper Management," was referring to three unpublished essays and "Observations on the Poor Bill," which he generated quickly after William Wilberforce sent him a draft of Pitt's bill early in 1796. He articulated policy "science" principles against which he might evaluate the heads of Pitt's bill. Bentham's impulses favored continuing public welfare, but he veered sharply from Pitt's embellishments on the poor law. On the contrary, he insisted that the objective of the system should be to eliminate *indigence*, not poverty. Indigent persons lack subsistence because either they are unable to labour or, having it available, are unable or unwilling to acquire it. Poverty is the universal spur to

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<sup>29</sup> Jeremy Bentham, *Panopticon: or, The Inspection-House: containing the Idea of a New Principle of Construction applicable to any Sort of Establishment, which persons of any description are to be kept under Inspection: and in particular to Penitentiary-Houses, prisons, houses of industry, work-houses, poor-houses, manufactories, mad-houses, lazarettos, hospitals, and schools: with a Plan of Management adapted to the Principle...* (London, 1791), pp. i-ii, 2-3, 22-33.

<sup>30</sup> Gazley, p. 337.

labour, the source of wealth, and thus vital to human well-being. Bentham identified two ‘returns’ that are due to a government that administers poor relief at public expense. First, the recipient must work to the extent of his or her ability without risk to his or her life; and, second, he or she must accept the provider’s location of the work and the mode of living there.<sup>31</sup>

Perhaps buoyed by the attention to poverty issues he encountered in the *Annals*, Bentham penned a playful letter to Young, hoping that “your Editorial Majesty” will exhort “your loving subjects, my fellow-correspondents” scattered across the realm to “fill my Tables, and send in their contributions.” Ultimately Bentham submitted to Young a query, “Pauper Population Table,” and a typology, “Table of Cases Calling for Relief,” which appeared in Vol. xxix (1797) under the title “Situation and Relief of the Poor.” Young did urge *Annals* readers to respond to the query, and Bentham reassured them that its object is “not the scrutinizing into the Management of any particular Parish, etc.—but the forming of a Sample of the State of the Pauper Population throughout *England*, collected from as many Parishes, and those as differently circumstanced as possible.”<sup>32</sup>

The actual fold-out query formed an imposing rectangular sheet approximately four page lengths wide and two lengths high. Bentham sought both gross figures on the ‘outdoor’ and ‘indoor’ relief recipients, the number of deaths in the dependent population of a parish for a given year<sup>33</sup>, as well as fine-grained information on the different classes of dependency, their ages, their birth status, and liabilities. To identify

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<sup>31</sup> Michael Quinn, ed., *The Writings on the Poor Laws*, Vol. I (Oxford, 2004), p. xii, n.s 1-3; *The Collected Works of Jeremy Bentham*, F. Rosen and P. Schofield, gen. eds. : Economics and Society; Quinn (pp. xiii- lii) provides the definitive treatment of these essays, on which I have drawn for my brief distillations.

<sup>32</sup> Pauper Population Table, Bowring, between pp. 362 and 363.

<sup>33</sup> “I. Out-Door or Out-Allowance List: showing the Number of Paupers of the several Classes undermentioned, and of all Ages, not lodging in the Poor-House, but receiving Weekly or other *regular* Allowances. II. In-Door or House List; showing in Red Ink (for which the same Columns may serve) the Numbers of the several Classes and Ages, lodging *in* the Poor-House, where there is one.”

the various categories of dependent poor to Bentham's satisfaction required forty-seven vertical columns spread across the survey, and the respondent was to work within the guidelines of twelve paragraphs of detailed instructions.<sup>34</sup> Bentham did not seek this elaborate information directly from parish officials as Eden had done in his *State of the Poor* (1797). Young would have put the management of his waste-reclamation poverty reduction plan in the hands of the local overseers; he acknowledged the pervasive distrust of them nationwide but claimed it was overblown.<sup>35</sup>

The response to Bentham's query were slim to none.<sup>36</sup> Although "Cases" was not a query, it must have been as off-putting as "Pauper Population." It was Bentham's reflections on, and distinctions among, the variety of indigent people who constitute the "demand for relief." His intention here was to formulate a schemata in which his categories of the indigent are "rendered subservient to one or more of the three practical considerations." These included:

1. The nature and degree of prevalence of each *efficient* cause of *Indigence* (the degree being measured by the number, absolute and comparative, of the Individuals reduced to Indigence by such efficient cause):
2. The *cause, degree, and duration*, of the inability in respect to *Work*:
3. The *mode and degree of Relief or Prevention*, practiced or practicable, adequate or inadequate, eligible or ineligible.

*A plan of provision in relation to the BURTHENSOME part of the POOR. will, if complete, embrace all these cases.*<sup>37</sup>

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<sup>34</sup> For example: "5. For each Entry observe to take the Compartment which has for its bounds the *perpendicular* lines that bound the Columns expressive of the Class or Condition, (as *Orphans, Blind*, and so forth,) and the *horizontal* Lines that include the Figures expressive of the *Age*. Thus among the *female* Children that are *Bastards*, should there happen to be 3, and not more than 3, that are between the *Ages* of 4 and 5, to express this, insert a figure of 3 in Column 27, between the two horizontal Lines, between which, at the End of them which runs through the Column of *Years of Age* [Col. 1] the Figures 4 to 5 are included."

<sup>35</sup> *Annals*, Vol. i, pp. 64-65.

<sup>36</sup> This is indicated in Bentham's qualifying comment at the outset of *Pauper Management Improved*, *Annals*, Vol. xxx (1798), p. 89: "To be filled up, and the work published in one volume octavo, as soon as a sufficient number of communications solicited in Vol. xxix, No. 167, of the *Annals of Agriculture* have been obtained. "

<sup>37</sup> Table of Cases Calling for Relief, *Annals*, Vol. xxix (1797); Bowring, between pp. 364 and 365.

Bentham divided the indigent into two major classes: those whose indigence results from “Personal, or Internal Causes” and those whose condition was caused by “External Causes.” The internal sources are: “Infirmity of Mind,” Infirmity of Body,” “Non-Age” related, “Inability with regard to Work,” and “Unwillingness with regard to Work.” Indigence’s external causes are: “Loss of Work,” “Inability to Obtain Work,” and “Loss of Property.” Bentham divided these eight major cohorts of causes into twenty-two subdivisions and each of these into six to a dozen or more further components. For example, under “VII. Inability to Obtain Work,” Bentham included “XIV. Stigmatized Hands,” a list of ten categories of law-breakers, who had either been pardoned or were at large after expiration of their sentences: “1. Thieves, including Pickpockets—2. Highway Robbers, including Footpads—3. Housebreakers—4. Incendiaries—5. Coiners—6. Cheats, including Gaming-Cheats, or Sharpers, Swindlers, and other Obtainers by false Pretences—7. Smugglers—8. Forgers—9. Perjurers—10. Soldiers, Militia-men, Marines and Seamen, drummed out, or otherwise discharged with infamy.”

Even though the empirical data Bentham expected from his Pauper Population query did not materialize, he continued to expand “Pauper Management improved” and published the extensive outline, minus Book V. Financial Grounds and Book VI. Constitution Defended, in volumes xxx and xxxi of the *Annals* in 1798.<sup>38</sup> Bentham proposed that the “management of the concerns of the poor throughout South Britain” would rest in the authority of a “*Joint-stock Company*” that would maintain and employ the “whole body of the burdensome poor,” in a national system of Industry-houses. These

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<sup>38</sup> *Annals of Agriculture* xxx (1798), pp. 89-176, 241-96, 393-424, 457-504, and xxxi (1798), pp. 33-64, 169-200, 273-88; my citations are drawn from the text in Bowring, pp. 369-439. Since Bentham had been working on the piece long before publishing the query in the *Annals*, one has to wonder how much his plan actually utilized fresh data.

would be “distributed over the face of the country as *equally* as may be, with each a portion of *land* (*waste*, in preference) at least for the maintenance of its own population.” He forecasted a total pauper population of 500,000, maintained in 250 houses of approximately 2,000 inmates each.<sup>39</sup> Local directors and their staff would have coercive power to apprehend “all persons, able-bodied or otherwise, having neither visible or assignable property, nor honest and sufficient means of livelihood, and employing and detaining them.” The architecture of each house will be shaped by “a new and simple principle—the *central inspection principle*,” which I discussed above.<sup>40</sup>

Perhaps the most crucial of the principles at play in the Pauper Management plan was its commitment to the restorative power of discipline, labour, and education, all of which the Industry-houses were designed to embody in their architecture and culture. The inmates were most often referred to as “Hands,” making clear both the means and the end of proper management and, ultimately, the recovery to self-support of the indigent poor. For example, in Section IV. “Working Hands” of Chap. IV. “Principles of Management,” we learn that the goal of the project is “the extraction of labour to as great a value as may be, consistently with the regard due to health, customary relaxation, and the observance of religious duties. According to the *self-liberation* principle, whether a man works more or less, makes no difference to the Company: the better he works, the sooner his is out: the less he works, the longer he stays.”<sup>41</sup> Education is crucial. Even though writers on education, according to Bentham, overlook House children, the Company must constantly exercise education’s “plastic power” with them.

Education is the conduct of the individual through the early part of life.

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<sup>39</sup> p. 369.

<sup>40</sup> p. 375; see p. 18.

<sup>41</sup> Bowring, pp. 382-383



The proper end of education is no other than the proper end of life—*wellbeing*.

The wellbeing here in question is, partly that of the individual to be educated, partly that of the parties at whose expense, and by whose care, he is to be educated—viz. the proposed Company:—in respect of the wellbeing of the child, they are as *guardians*; in respect of their own, they are as masters....<sup>42</sup>

The academic subjects in the curriculum included natural history, chemistry, mechanics, mathematics, medicine, as well as ‘Morality Public—Politics and Constitutional Law’. If it might appear ““full of absurdity and extravagance”” to be exposing ““the lowest class of the Poor”” to instruction in morality and politics, the no-longer-democrat Bentham offered reassurance. The outcome of the instruction was intended to encourage the students ““to be contented with their lot””, and to realize that their situation was ““as favorable to happiness as any other””. However, if they thought that is was not, ““no efforts which they could use by the display of their collective force would have any tendency to mend it””. Better that the paupers remain content and not resort to turbulence or abandon their labour. They were after all ““born and bred”” to work, and only a small component of society can be exempt from that.<sup>43</sup>

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Here is a more politically cautious Bentham than the advocate six years earlier for the little people’s rights against the “extortion, monopoly, useless formalities, law-gibberish, and law-taxes” of the lawyers and judges who deprive them of access to

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<sup>42</sup> p. 395; Bentham goes on to list 15 “*ends*” or “*objects*” of education: “1. Profit of the pecuniary kind, the fruit of productive industry....2. Comfort (including amusement.) 3. Continuation of existence (viz. by nourishment.) 4. Health. 5. Strength. 6. Cleanliness. 7. Personal security....8. Faculty of self-maintenance. 9. Faculty of self-amusement. 10. Intellectual strength. 11. Moral health. 12. Military strength. 13. Faculty of pleasing. 14. Religious affections. 15. Suitable instruction—instruction in all suitable points of art and knowledge.”

<sup>43</sup> Schofield, p. 106.

justice.<sup>44</sup> Philip Schofield above argues effectively that Bentham's spin on the proposed curriculum for the Industry houses in 1798 confirmed his abandonment of "tacit" democratic leanings by that time. This reversal may be a manifestation of the general revulsion with the Terror in France, the consequent re-embrace of Christianity, and an upsurge in patriotism grown of the war with the new Republic and fears of an invasion from across the Channel. Gareth Stedman Jones, noting these and other features of public opinion in Britain, is convinced that a marked turn to the Right was under way in 1797 and 1798. It was closing the brief pre-Revolution "moment of convergence between the late Enlightenment and the ideals of a republican and democratic revolution," which, as I mentioned at the beginning of this essay, allowed that poverty itself might be eliminated.

One of the crucial post-Revolution reassessments was the "human nature" question: were we rational and potentially good or fallen and hopelessly impaired? In this constricting and uncertain environment plans for fundamental alterations in poor relief policy lost their luster; Paine's and Pitt's proposals no longer found traction.<sup>45</sup> Were the preoccupations, priorities, and general climate of opinion in 1797 and 1798 such that both Bentham and his potential readers and respondents in the *Annals* could not sustain the degree of involvement that the forward movement of "Pauper Management Improved" required? Were even the most keen participants in the *Annals* discussions of alternatives to the poor law unwilling to push themselves to Bentham's level of dicing and parsing categories of the poor? He offered a reason for his abandonment of the project in a letter to his Genevan translator and editor, Pierre Etienne Louis Dumont, on 18 May 1800: "I forbear discussions and dissertations. They present a dilemma for which no solution

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<sup>44</sup> Bentham, *Truth versus Ashhurst: or Law as it is, contrasted with what it is said to be* (London, 1823 [1792]), p. 5.

<sup>45</sup> Stedman Jones, pp. 9-15, 17-36, 79-81.

strikes me at this instant, and it may be some time before I apply myself again to this subject.”<sup>46</sup> Interesting but illusive! Bentham, a chronic workaholic even as he procrastinated, typically had several unfinished projects vying for his attention. He may have provided a more candid explanation of his loss of interest in “Pauper Management Improved” inadvertently in 1789 when discussing the lengthy, but still too brief, gesticulation of *An Introduction to the Principles of Morals and Legislation*.

*The body of the work had received its completion according to the then present extent of the author’s views, when, in the investigation of some flaws he had discovered, he found himself unexpectedly entangled in an unsuspected corner of the metaphysical maze. A suspension, at first not apprehended to be more than a temporary one, necessarily ensued: suspension brought on coolness, and coolness, aided by other concurrent causes, ripened into disgust.*<sup>47</sup>

We must consider, too, the possible impact of Eden’s *State of the Poor* (1797), the three-volume nose-ay of current data and documents, historical perspective, and meditations on the nature of policy, readily accessible to the curious, on Bentham’s discouragement. At the very least, its appearance in the year of Bentham’s first outreach to *Annals* readers, already familiar with Eden’s earlier contributions to the journal and likely aware of his massive new study, meant that the timing was inauspicious for an enthusiastic response to Bentham’s query, table, and detailed, but incomplete, outline. The enormous cache of parish data Eden presented, which is mined still by historians, very well might have appeared to preempt or obviate Bentham’s recondite fact-gathering demands. Bentham did mention the Eden data disapprovingly in “Pauper Management Improved”: “highly valuable” pauper censuses from thirty-one parishes,” but too

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<sup>46</sup> Quinn, pp. xii-xiii.

<sup>47</sup> *An Introduction to the Principles of Morals and Legislation*, p. 1.

inconsistent to support unassailable propositions.<sup>48</sup> Furthermore, given the apparent rightward shift of political outlook in these years, Eden's eschewing of policy reform, even in the face of his unapologetic displeasure with the poor law, may have seemed sensible and pragmatic rather than confused or pusillanimous.

1797 brought yet another reversal, a personal one, to the confirmed atheist and secularist Bentham<sup>49</sup>: the apostasy to Christian enthusiasm of his proto-utilitarian ally, Arthur Young. In the summer of that year, Young's fourteen year old daughter, Bobbin, died of consumption, the "most severe emotional shock" of his life. Even though Young had given hardly any attention to religion previously, he turned to a heavily Bible-centered Christianity for consolation and to seek new meaning for his life. The conversion was stimulated by their mutual friend William Wilberforce's book, *Practical View*, and sustained by his example and encouragement. Young changed his reading habits, daily routine, and amusements and joined a new circle of devout friends who came to mean more to him than his acquaintances of long standing. Young's hope in his bereavement was that "by dedicating the rest of my life here to God, to join my dear child hereafter," to lead such a life as not to pain her. Increasingly he became known as "the friend of the poor," pointing out the responsibilities of the non-poor and the rights of the poor. In 1801 he revived and made more clear his 1784 waste-cultivation plan for "every country labourer in the realm." He also peppered his writings with theological perspective and asides to such an extent that some critics cast doubt on the reliability of his facts and conclusions. For example, he wrapped up an *Annals* article on dearth with the suggestion that crop shortages are a chastisement from God for the "irreligion, luxury,

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<sup>48</sup> Bowring, p. 365, n.\*.

<sup>49</sup> James E. Crimmins, *Secular Utilitarianism: Social Science and the Critique of Religion in the Thought of Jeremy Bentham* (Oxford, 1990), pp. 16-20.

extravagance, and perpetual dissipation” of too many rich people and the “profligacy, idleness, immorality, vice and depredation, and the sure effects of neglected education” that mar the lives of the poor.<sup>50</sup>

Finally, what of theory (“science”) and practice (“art”)? In a profound irony, Young’s religious conversion transfigured his support for secular Inspection-House theory from an observer’s perspective to inmate practice in a heavenly Panopticon, under the careful observation of his daughter and God. Meanwhile, Bentham’s “Pauper Management Improved” languished—an incomplete and untested theory. In 1834, the seal of the Poor Law Amendment Act enabled it as practice.

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<sup>50</sup>Gazley, pp. 360-375, 416-423.