

# TO ACT OR NOT TO ACT: PARLIAMENTARY REPRESENTATIONS OF IRISH POVERTY IN THE 1830S

Anne-Catherine Lobo

The Irish Poor Law was entered into the statute book in 1838.<sup>1</sup> Officially, it erased an anomaly: while England had been endowed with a Poor Law during the reign of Elizabeth I,<sup>2</sup> the Irish destitute had been left to their own devices and to the charity of their countrymen. The bill voted on was modelled on the Poor Law Amendment Act of 1834. This piece of legislation was the result of the work of the Poor Law Commission set up in 1832 and chaired by Edwin Chadwick, a staunch Benthamite. In practice, it drastically reduced the possibility of outdoor relief. Relief was only to be given to paupers, as distinct from the poor, and it was to be given in workhouses. To avail themselves of poor relief according to the terms of the 1834 amendment, people were to live in workhouses, where they would be given bread and board and have to work in return. These workhouses were to be erected by unions of parishes, and run by boards of guardians, under the supervision of commissioners at national level. Life in the workhouses was strictly organised, with separate wards for men, women and children, irrespective of family ties. The “less eligibility principle,” as it was called, aimed at maintaining a minimal safety net for the most destitute, while striking at the supposed roots of pauperism, making application for poor relief wholly unattractive, and in the hope of compelling employers to pay decent wages, without trusting the Poor Law to supplement them in cases of severe distress. This principle was recalled by Lord John Russell, then Home Secretary, when introducing the government’s plans for a similar law for Ireland, in February 1837:

The principle of that Bill [...] is to place the pauper labourer, the pauper who cannot find work, and the infirm who apply for support, in a situation more irksome than that of the independent, industrious, and successful labourer. [...] by offering all such persons a residence in the workhouse; by giving them [...] a sufficiency of food, warm clothing, and a comfortable warm residence; but at the same time placing them under a certain degree of confinement; so that, while they have the necessary clothing, the means of subsistence, and often a warmer residence in the winter, than the independent labourer possesses, yet the restraint is so irksome to them, that they are not willing to subject themselves to it, except when really in a state of destitution.<sup>3</sup>

My purpose here is not to go into the details of that law, its implementation, and its utter inadequacy during the Famine, but rather, to go into some of the terms of the

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1 Poor Relief (Ireland) Act.

2 Second act (chapter two) of the 43rd year of the reign of Elizabeth.

3 Hansard, 3rd Series, 1837, 36: 457-58. From contemporary accounts, it seems that Russell is offering a rather rosy picture of life in the workhouses. Those were already called the “Poor Law Bastilles” at that time, and there is no evidence of much comfort in them; indeed, comfort was not part of the initial project.

debate that took place in the Imperial Parliament between 1824 and 1838, i.e. between the first major parliamentary inquiry into Irish poverty and the passing of the Irish Poor Law. Over that period, the possibility and “expediency” of devising some form of public relief for the poor in Ireland was repeatedly addressed in Parliament. Different possibilities had been contemplated and rejected before the adoption of the government’s bill: these varied from an extension of the Elizabethan Poor Law to Ireland to more specific and local measures, often intermingled with schemes of public works and of state-aided emigration. Given the extent and amount of poverty in Ireland, any measure carried a lot of financial implications, hence protracted, if not procrastinating debates. Besides, the debates were constantly interrupted by the emergence of more pressing issues, or by drastic changes in the terms of the debates. Thus, whatever headway had been made since 1829 was simply washed away by the issue of Catholic Emancipation. Considerations were resumed, only to be interrupted afresh by the parliamentary reform debates of 1831-32. The subject surfaced again, but then the adoption of the English Poor Law Amendment Act caused further delay: time was necessary to implement the measure, to see how it worked, and if it could be adopted as the framework within which the question of distress in Ireland could be dealt with.

As far as Ireland is concerned, the debates took place against a backdrop of dramatic population growth, of rampant agrarian and/or sectarian rioting, and of intense religious proselytism.<sup>4</sup> In England, they unfolded in a climate of intense perplexity. Indeed, what was to become known as “the Irish question” had somehow failed to dissolve with the definitive exile of Napoleon. The agrarian dimension of the problem had not disappeared with the recovery following the post-1814 slump. The debates also took place in a changing ideological context. The rise of utilitarianism as a mode of dealing with what we would call social questions completely altered the terms of the debates at the half-way mark.

Ultimately, the issue of a Poor Law for Ireland – does Ireland need one? and if so which? – raises different questions, and among others, the question I would like to develop here, i.e. the manifold question of responsibility. Who is responsible?, in the sense of: who is at the origin of this situation? Who is responsible?, in the sense of: who is to pay? Who is responsible?, in the sense of: who is to decide upon such a question?

Representation of the hard facts of Irish poverty converged: miserable dwellings without any comfort within, many people having barely enough to survive, mendicancy, etc. At the time the government introduced its Bill, these facts had been documented by several reports by committees and commissions. In 1836, an English MP, Mr G.P. Scrope, drew an alarming picture of Ireland during a vehement protest

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4 The “New Reformation” was launched by William Magee, the Protestant Archbishop of Dublin, in October 1822.

against what appeared to him as procrastination on the part of both government and parliament. He referred to two million people under-fed for half of the year and forced “to prolong existence, by feeding on weeds of the earth or sea, so unwholesome as to turn their very blood yellow!”; living in “hovels inferior in comfort and healthiness, and the means of shelter, to the sties in which we lodge our swine”; whose “clothing by day (if such it can be called) consists of mere rags, or the very tattered remnant of rags!”; the consequence of it all being “premature old age, besides malignant fevers, and other diseases which shorten the lives of all, and mow down, by a sort of slow torture, thousands of victims, whom direct famine has spared!” (Hansard, 3rd Series, 1836, 33: 594). The expression is, of course strikingly dramatic, yet there was a consensus on the facts.

Who is responsible? or, can the Irish poor be blamed for their own situation? Answers can be grossly listed under two main categories. Yes, Irish poverty was, if not wholly, at least largely attributable to intrinsic characteristics, which had already hardened into well-established clichés by then: laziness, short-sightedness, ignorance, drunkenness, and a propensity to devote more energy to politics than to farming. Or: no, Irish poverty was to be attributed to causes much above those who suffered from it, be they absentee landlords, abuses of landlord power, or even the conquest. On the occasion of the second reading of the 1837 Bill in the House of Commons, Mr G.P. Scrope lamented that

there was nothing [in the Bill] to compel the wealthy – there was nothing to compel the landholders – there was nothing to compel those who might be themselves the cause of the great increase of pauperism, by the neglect of their own property, or by their proceedings, with a view to political objects, to support the poor.<sup>5</sup>

His criticism bore upon one specific and crucial point: who shall bear the burden of the taxes? Indeed, this question was of the utmost practical relevance, and it was inextricably bound up with that of responsibility for the state of affairs. The Bill provided for the payment of the rates by those who worked the land. To bolster his criticism, he refers to a visit he had made in Ireland and sums up his observations with the conventional description and the attending conventional pathos: “he found the people living in wretched hovels, which were without windows and without doors, while the wretched inmates were unprovided even with straw to make their miserable beds.” He then goes on to contrast this wretchedness with the income of the landlord, estimated at £20,000.

Did the individual to whom he referred support the poor? Did he contribute in aid of the funds of any of the excellent charitable institutions of the neighbourhood of his estate – or did he, as the poor man always did, give ‘the bid and the sup’ to the poor peasant who came to see him? In the course of his inquiry he could find but one instance in

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5 Hansard, 3rd series, 1838, 42: 711. The end of this charge is a reference to the practice of subdivision of holdings encouraged by some Irish landlords in order to foster their interest by the creation of 40s. freeholders, after the enfranchisement of Catholics in 1793.

which any portion of the great fund which he received had been appropriated to charitable purposes on the estate. (Hansard, 3rd series, 1838, 42: 711)

To him, a Poor Law is necessary, since in its absence, charity amounts to making the poor pay for their own relief: “And what class was it by whose kindness and charity that the poor were now supported? It was the poor themselves” (Hansard, 3rd series, 1838, 42: 711).

Irish society was globally represented as dysfunctional, especially to British eyes. Inevitably, in the course of the debates, the issues of social unrest, of violence, of agrarian outrages, surfaced again. It was hoped by some that a legal provision for the destitute would contribute to more acceptable social behaviour. On February 10, 1837, Lord John Russell even went out of his way to demonstrate that England would have been a far less civilised country without a Poor Law. In his speech, he first dramatically recalled the violence that prevailed during the reign of Henry VIII – and the gangs he mentioned must have reminded all MPs of Irish secret societies – and concludes:

Now, that was a barbarous state of society, which it was most difficult to remodel: but the means taken were many combined together. Various changes were made; [...] but there was one in particular, which, I think, tended to the improvement of the country, to the establishment of peace, and to the creation of that which I consider almost the greatest benefit that can be conferred on any country, namely, a high standard of comfortable subsistence for the labouring classes – that one was the establishment of poor-laws.<sup>6</sup>

At first reading, this argument may sound a little far-fetched, and in any case hard to substantiate. Yet, he was perhaps trying to establish that the degree of “civilisation” or “advancement” of a society can be judged by the amount of protection it affords its weakest members.

Such considerations would probably have weighed little if Irish poverty had been confined to Ireland. But it was clear that it was becoming an economic, political, and social time-bomb, threatening British stability. For want of employment at home, many people crossed the Irish Sea to seek employment, either temporary or permanent, in Great Britain. It is a well-known fact that these Irish migrants often accepted lower wages than English workers, hence occasional popular outbursts of anti-Irish feeling. This phenomenon was not confined to the large industrial centres. In 1830, Thomas Law Hodges, MP for Kent, thus declared to the Committee that “of late years this town [London] particularly and others, are so blocked up by Irish labourers that few Englishmen now find employment out of their own parishes,” which, to him, deprives parishes of the channels by which they used to be drained of their “surplus population.”<sup>7</sup> This increased the burden of the Poor Law. Besides, such witnesses were also alarmed by the low standards of living accepted by the Irish and feared a contamination and a degradation of the popular classes in Britain. Such fears naturally found

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6 Hansard, 3rd series, 1837, 36: 456.

7 *First Report of the Select Committee on the State of the Poor in Ireland.*

their way to Parliament: many petitions from English counties were presented, demanding a Poor Law for Ireland, so that the Irish poor would remain at home. They were occasionally voiced by English MPs, and sometimes very bluntly – even in the Lords, as the following statement shows: “It was because he [the Duke of Richmond] thought Poor laws for Ireland the best means of getting rid of those who ought to remain at home that he had ever been the advocate of them” (Hansard, 3rd series, 1836, 33: 899). Irish poverty was spreading beyond its natural boundaries. In Britain, Irish poverty was increasingly represented as a major threat at home, even in the quietest and most prosperous counties.

Who, then, was to decide upon such a question? Taking a broad view of things, this may appear as an almost absurd question: as soon as the question reached parliamentary level, the decision could not but rest with the Imperial Parliament and the British Government. But what was the involvement of Irish MPs in the debate, and what was their share of initiative? As I have just explained, there was strong pressure from within Britain, as Irish poverty was gradually less of an exotic fatality and more of a domestic problem (a side-effect of the Union). As could be expected, Irish MPs had a lot to say on the issue, as they, together with their electors, would have to pay for the cost of any measure which should be eventually decided upon.

There was pressure within Britain, there was pressure from Ireland, all the more so as the frequent airing of the matter at Westminster and the repeated inquiries made public opinion impatient for a solution, or a definitive non-solution in the case of those who were hostile to any measure of public relief. For indeed, the necessary sums would be borne by local taxation. In the 1830s, before the government took the legislative initiative, many private member’s bills were drafted and offered for consideration.

O’Connell could see an assault on the intrinsic value of the Irish people, and on the reliability of its representatives in the contemplated measures, and perhaps even more in the way they were presented. As far as the people were concerned, here is one instance:

He feared that the effect of the introduction of Poor-laws into Ireland would be to make youth careless and manhood reckless, if there were a certainty that old age would be provided for. It would, he was apprehensive, be the cause of depriving poverty of its remunerating quality, of loosening the close ties of social life, and inducing callous hard-heartedness to the necessities of relations. (Hansard, 3rd series, 1835, 26: 1213).

He further expatiates on the moral virtue of the Irish people, and adds that “[t]he present Resolution would go far to do away with this moral feeling, and it would be as in England, where a son or a daughter would be found battling with their father or mother for sixpence and a shilling” (Hansard, 3rd series, 1835, 26: 1213).

But “old ascendancy,” ultra-Tory Commoners and Lords, who could hardly be suspected of entertaining similar feelings for the Irish people, surprisingly developed this idea along similar lines. On June 25, 1835, the Duke of Richmond presented a peti-

tion in the House of Lords, in which the inhabitants of Clare pressed for the establishment of a Poor Law. Among the counter-arguments given by the Earl of Limerick, we can read:

If they [the Poor Laws] were introduced there [in Ireland] he believed that they would do away with all the kindly and charitable feelings that now existed in that country. Ireland, cursed as it was with many misfortunes, was happily distinguished by the possession of the best feelings of human nature. The affections of the people were strong; and there were no instances of a pauper not being relieved by the inhabitants, or of a poor child not being relieved by its parents, or of poor parents not being relieved by their children. That would no longer be the case if the Poor-laws were introduced there, and money was taken by force of law from those who possessed it, for the relief of the needy. (Hansard, 3rd series, 1835, 28: 1201-2)

Of course, such arguments were partly a rather awkward attempt at hiding reluctance towards the heavy taxation which was bound to be involved, but not only. Such politicians were also left resentful: over the past decades, their traditional prerogatives had been curtailed in the name of something that was not yet called “utilitarianism,” let alone “cost-effectiveness.” Police reforms had placed the enforcement of law and order in the hands of distinct, state-appointed and state-controlled bodies. Reforms of the Grand Jury laws had also curtailed their local power and subjected their actions to state-scrutiny and arbitration. An impending Poor Law meant that they would be further disowned as elements of social stability – no matter how defective traditional elites had proved. Hence paradoxical convergences of representations of Irish poverty among such politically opposed representatives as Daniel O’Connell and the Marquis of Westmeath or the Earl of Limerick. No matter whether the issue was represented in terms of identity or of authority: for them, and the ideological groups they represented, the shift of the question from charity to policy was to be resisted.<sup>8</sup>

At that stage, it seems necessary to return to the terms of the report that eventually came to shape the 1834 Poor Law Amendment Act. In the following passage, the Commission tries to define what the standards for the administration of relief should be:

The standard, therefore, to which reference must be made in fixing the condition of those who are to be maintained by the public, is the standard of those who are to be maintained by their own exertions. But the evidence shows how loosely and imperfectly the situation of the independent labourer has been inquired into, and how little is really known of it by those who award or distribute relief. It shows also that so little has their situation been made a standard for the supply of commodities, that the diet of the

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8 Daniel O’Connell, initially hostile to the introduction of a Poor Law into Ireland, changed his mind between 1835 and 1836. He explained this by an improvement of the economic situation of Ireland. It may be doubted whether this reported change was such as to enable the country to raise immediately the large funds (close to £1 million, according to contemporary estimates) which were necessary. This change may also be explained by O’Connell’s broader strategy of alliance with the Whigs; in 1836, it was becoming clear that the government intended to act. Nonetheless, he remained vigilant to all practical considerations likely to curtail the traditional functioning of society.

workhouse almost always exceeded that of the cottage, and the diet of the gaol is generally more profuse than even that of the workhouse.<sup>9</sup>

Here, a hierarchy clearly emerges: the “independent labourer” is presented as the “standard,” or norm, criminals form the very bottom of society, and paupers appear to stand half-way between both. What, then, is the status of paupers in such a representation?

The metaphor of the disease would be adequate in that case. Testimonies referred to above display evidence of a fear of contagion. How should Irish pauperism be prevented from contaminating the body politic, not only of Ireland, but of the whole of the United Kingdom? How could the disease be prevented from reaching the heart?

Several facts could substantiate this comparison. First, the organisation of the workhouse itself. Those establishments were soon called the “Poor Law Bastilles,” owing to the rigid, prison-like regime which presided over their organisation. Here, it could be argued that there was a criminalisation of pauperism. Nonetheless, I will insist on the medicalisation of pauperism, because it seems that the initial idea was containment. This report deals with the British Poor, but in the case of pauperism, and given the composition of the House of Commons, we could not help having a class analysis, taking in regional variations. Besides, it would be consistent with earlier policies regarding poverty and pauperism in Ireland. From the 1810s onwards, much was written in favour of schemes of assisted emigration. Emigration as a solution to Irish pauperism was repeatedly considered in all official inquiries on the subject. Interestingly enough though, the commissioners never seem fully convinced by what they advocated; they advocated it half-heartedly, and for want of an adequate, long-term domestic solution. The 1830 Report places “emigration” among the thirteen “remedial measures” suggested. Thus, the Report runs:

As the low condition of the labouring classes, whatever may be considered its primary cause, is traceable to the altered proportion now existing between the number of the people and the amount of capital which can be profitably employed in creating a demand for labour, former committees have considered that one remedy for this evil is to be found in emigration.<sup>10</sup>

The scientific reasoning leading to this simple conclusion did not dispel the commissioners’ misgivings on the question, and they asserted the need to check that the public money thus spent in assisting emigration “might not be more profitably employed.” Eventually they suggested an indirectly assisted emigration scheme: candidates to emigration would be given jobs in public works, i.e. rate-financed works like bog-drainage; their wages would be kept for them until they could pay for their passage. The cost of emigration would thus be borne by those who were to benefit from it. The thirteenth measure considered is “a compulsory system for the relief of the

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9 *Report from His Majesty’s Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws.*

10 *Third Report of the Select Committee on the State of the Poor in Ireland.*

poor,” in other words a Poor Law, although the Commissioners were careful not to air the word frequently.

Taking a broad view of things, it could be argued that such schemes partook of eighteenth-century medicine, when bleeding was a handy remedy, especially as far as organisms brimming over with life and animal spirits were concerned. The prophylactic approach to pauperism embodied in the 1834 Amendment Act could be linked to a more modern vision of medicine, hoping to eradicate the disease, or at least, should it prove impossible, to contain it by adequate sanitary measures.

In February 1837, when calling upon the House of Commons to resolve itself into a Committee to work on a Poor Law for Ireland, Lord John Russell had strongly asserted that such a law, providing the weakest with a minimum institutional safeguard against utter destitution, would, among other results, tend to promote or restore social concord and harmony, “showing a disposition in the state and in the community at large to attend to the welfare of all classes” (Hansard, 3rd series, 1837, 36: 455). If we put it in more modern terms, the contemplated measure would at least contribute to mending the social fabric of Ireland. Yet, Russell’s model – the new English Poor Law – is not consistent with what was after all a fairly modern vision of society. The same inconsistency is manifest in his analysis of the operation of this law in England, as appears from another part of his address to the Commons, quoted above. Similar inconsistencies appear in Russell’s assessment of responsibilities. He made it clear from the outset that it was in vain to inquire into the deeper causes of the evils of Irish society, of which pauperism, as well as disregard for the law, were symptoms. Yet, he does raise the question of responsibility. The landlords are described as victims of a violent state of society, being themselves products of mendicancy, directly connected with the absence of legal provision for the poor.

It [this state of society] has produced, too [...] the indifference or neglect as to the manner in which their property is cultivated and their tenants live. In a great part of Ireland, the same indifference prevails as to the comfort of the tenants on the part of the landlords. [...] A great amelioration, I believe, is taking place in Ireland; but generally, the landlords in Ireland regard the connexion as a mere bargain between them and the tenant, by which they are to obtain a certain rent from him. (Hansard, 3rd series, 1837, 36: 465).

This section of the speech moves from understanding to criticism. Other sections clearly have punitive overtones:

A person possessed of considerable property, who looks only to receive the rents of his estate, may be careless as to the number of persons who may be found in a state of destitution, in a state of mendicancy, or ready to commit crime and act as marauders in the neighbourhood of his estates; but if he is compelled to furnish means for the subsistence of those who are destitute, it then becomes his interest as well as his natural occupation to see that all persons around him are well provided for, that they are not in want of employment, and that his immediate tenants can live in a state of comfort. (Hansard, 3rd series, 1837, 36: 455).

In other words, having to pay for the maintenance of the destitute would be a punishment for not attending to the duties of property.



Russell, and through his speech the whole official attitude towards the issue of Irish poverty, goes back and forth between understanding and stigmatisation – hence the importance given to Russell’s speech in this paper. Strikingly enough, the same oscillation is perceptible in his references to the population. To him, the blame for the economic state of Ireland cannot be put on the population either:

On the contrary, we have it in the evidence of those examined by Mr Lewis, and particularly from one gentleman of Birmingham, that he never found the Irish labourer to refuse work, or fail to perform it to the utmost of his industry and capability. There is not, then, a want of industry amongst the people. (Hansard, 3rd series, 1837, 36: 462)

Yet, through apparently casual remarks, he describes a people prone to take advantage of their fellow-countrymen’s charity by begging far away from their residence, likely to cheat on any system of relief, pretending severe illness to be admitted into an institution. Hence his insistence on a Poor Law, which would enable Parliament to outlaw vagrancy, thus containing paupers in their specific areas, and whose operation would ensure that cheating would be too “irksome” to consider. This is also manifest in his dismissal of quick and massive emigration:

It would at once be supposed by them [the colonists] that we are sending in amongst them a vast quantity of our useless population, paupers who conferred no benefit to the country they were exported from, and, therefore, as they would argue, likely to prove an evil instead of a benefit and productiveness to the new soil in which they were to be placed. (Hansard, 3rd series, 1837, 36: 474)

It becomes difficult here to discern the difference between the colonists’ putative reaction and the government’s own approach. Especially so as, a few minutes earlier, he had argued that there would also be some kind of didactic value to the workhouse system: “it will have many collateral advantages, as, for instance, accustoming the people to see examples of cleanliness and regularity, order and peace in the workhouses” (Hansard, 3rd series, 1837, 36: 473), thereby suggesting both that the people were deficient in the above listed virtues and could not find local suitable examples either. The global representation and the subsequent solution-finding process are strongly marked by a sanitising approach to Irish poverty.

In the light of all this, the references to the civilising effect of the Elizabethan Poor Law upon England may also have served as a *captatio benevolentiae*, in order not to ruffle the Irish MPs at Westminster, be they those whose sympathies clearly leant towards Ireland’s traditional elites or those who tended to vindicate its people. Examples of implicit distrust, not only of the Irish people, but also of the elite of Irish society, could be multiplied.<sup>11</sup> In this, Russell’s speech is typical of the whole official approach to the question: upper-class attitudes, well-meaning Whiggism and cold

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11 For instance, the government was not favourable to the active presence of the clergy, of any denomination, in the boards of guardians which were to run the workhouses, whereas their traditional place in society seemed to fit them for this office.

utilitarianism. A similar attitude could be traced in the new English Poor Law. Yet, the notable difference lay in the scale of the problem: in 1836, the Commissioners had estimated the number of very poor or destitute people in Ireland at 2.3 million. Another notable difference is that all earlier initiatives towards some system of poor relief had aborted or had been thwarted before the government eventually took the matter in hand. This in itself was an implicit criticism of Irish representatives. This final government initiative did not drastically modify the terms of the debate.

In conclusion, if we take Irish MPs' view of the question, we have a dual representation of the same material, amply provided by the various official inquiries into the matter.<sup>12</sup> A faulty people or defective elites – the government's representation seems to contain both. The solution preferred, that of the workhouse system, rested on the representation of poverty as something almost criminal, as demonstrated above. It rested on a punitive approach to Irish poverty, through taxation on the one hand and through the quasi-reformatory nature of the institution devised. It was also based on an hygienist approach, in which Irish poverty was a local and large-scale disease to be confined, lest it should spread to the British body politic or to the empire at large.

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12 1823-24, 1830-31 and 1835-36, to mention only the bulkiest reports produced.