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MIGRANTS, IMMIGRANTS AND WELFARE FROM THE OLD POOR LAW TO THE WELFARE STATE
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ABSTRACT. Under the Old Poor Law internal migrants moved from one jurisdiction to another when they crossed parochial boundaries. Following the Poor Law Amendment Act of 1834 central government took an enlarged and expanding part in welfare. As it did so, the entitlement to welfare of immigrants from overseas was scrutinised at a national level in a way that was analogous to the manner in which the status of internal migrants had previously been scrutinised at a parochial level. Having established this analogy, the essay asks whether the entitlement to welfare of outsiders improved or deteriorated over time and seeks to account for the broad trends.

I

Welfare systems have never been universal in their reach. But who specifically has been included within the compass of collective solidarity, and who left out? Limitations can be set in a number of ways; they can be set categorically, for instance, by limiting support to members of a particular religion or denomination, or they can be established on a case by case basis, by means tests, for example. But entitlements have also been restricted by ruling that 'strangers' are not eligible for support. Indeed, according to Michael Walzer, welfare systems, as expressions of distributive justice, necessarily require hard lines to be drawn between insiders and strangers. He writes, 'The idea of distributive justice presupposes a bounded world within which distributions take place: a group of people committed to dividing, exchanging and sharing social goals, first of all among themselves.'[1] The starting point for this essay is an attempt to convert these general propositions into historical questions. As welfare systems have changed over time, we can ask whether and how definitions of entitlement have altered. Specifically, this essay examines the changing definitions and entitlements of strangers under successive welfare regimes in England from the seventeenth century to the late twentieth century.

From the consolidation of the Elizabethan structure in 1598 and 1601

[1] M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York, 1983), 31.

until the major reforms of the early nineteenth century, the official welfare system – the poor law – was financed and administered locally, by the civil parish. So far as welfare was concerned, internal migrants moved from one jurisdiction to another when they crossed parochial boundaries.[2] Although it was possible for migrants to acquire an entitlement in their new parishes of residence, people were able to move far more easily than their right to poor relief. What became known as the Law of Settlement and Removal, introduced in 1662, definitively removed any idea that paupers had a secure claim to relief simply on the basis of residence in a parish.[3] From the mid-nineteenth and, above all, the early twentieth centuries this situation began to change. In the century and a half following the Poor Law Amendment Act of 1834 central government took an increasingly dominant part, first, in administering and, then, financing welfare. As it did so the significance of migrants criss-crossing the jurisdictions of local authorities diminished. But as this problem dwindled, central government faced the question of how it would deal with the welfare needs of those outsiders who now came into the country in increasing numbers, in the form of immigrants from overseas – what would be their entitlement? The entitlement to welfare of immigrants from overseas thus came to be scrutinised and defined at a national level in a way that was analogous to the manner in which the status of internal migrants had been scrutinised at a parochial level.

By conjoining the histories of immigration and internal migration this essay brings together histories which customarily have been treated discretely by historians and social scientists. The distinction between an immigrant and an internal migrant is that the former crosses a state boundary and the latter does not. Once considered historically, however, the categorical force of this distinction appears to vary. Above all, this is because the powers and responsibilities of local and central authorities have changed over time. As the policy-making and administrative capacities of different units of government have altered so too has the significance of the boundaries between them. Writing in 1906 Sidney and Beatrice Webb highlighted the historical importance of local boundaries when they pointed out that

> To the historian of England between the Revolution and the Muni-
> cipal Corporations Act, if he is not to leave out of the account five-

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[2] P. Slack, *Poverty and Policy in Tudor and Stuart England* (1988), 129, 194.

[3] 13 & 14 Car. II, cap. 12. Of course, even before 1662 parishes did not invariably relieve sick or unemployed migrants who, consequently, were 'much sent and tossed up and down from town to town'. However, the judiciary did try to check the practice and advised that only vagrants could be lawfully removed. M. Dalton, *The Country Justice* (1666), 115–16.

sixths of the population, the constitutional development of the parish and the manifold activities of its officers will loom at least as large as dynastic intrigues, the alternations of parliamentary factions, or the complications of foreign policy.[4]

At times, and in some respects, the local jurisdictions crossed by migrants may have held a similar significance to the boundaries crossed by immigrants. This recognition provides the ground for comparison between the welfare entitlements of internal migrants in past centuries and those of immigrants in more recent decades. Elements within this history will be well known to specialists in the history of the Old and New Poor Laws and of the welfare state. What may be less familiar, however, is the idea that these features are structurally similar and can be drawn together within a single historical narrative and analytical framework.

Beyond its intrinsic interest, this long-term perspective may prove useful because it bears on two broad areas of current historical discussion. First, it provides one way in which we can address the history of welfare and the state in a long-term perspective.[5] Much current writing on modern British history exhibits a zealous desire to disinter and destroy all remnants of the Whig interpretation of history. Not least is this the case in the history of social policy. Whereas once the welfare state stood as the triumphant telos of a process of governmental growth whose origins were placed confidently in the Victorian period, now it is surveillance not social insurance which historians often install as the archetypal practice and creation of the modern reforming state in Britain.[6] Where it has not been denounced, the influence of the state has been marginalised. In cases where it is still allowed a constructive role, in histories of public health, for example, it is local authorities not the central bureaucracy which receive attention and credit. More generally, philanthropic voluntarism, associational forms such as friendly societies and neighbourhood ties now receive

[4] S. and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County* (1906), 5.

[5] In recent years there have been some notable attempts to address the history of welfare over the long term. *Charity, Self-Interest and Welfare in the English Past*, ed. M. Daunton (1996); L. Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700–1948* (Cambridge, 1998); P. Thane, *Old Age in English History: Past Experiences Present Issues* (Oxford, 2000); S. King, *Poverty and Welfare in England 1700–1850* (Manchester, 2000).

[6] For an interesting commentary see M. Wiener, 'The Unloved State: Twentieth-Century Politics in the Writing of Nineteenth-Century History', *Journal of British Studies*, 33 (1994), 283–306. Compare, for example, S. Finer, *The Life and Time of Sir Edwin Chadwick* (1952), with C. Hamlin, *Public Health and Social Justice in the Age of Chadwick, Britain 1800–54* (Cambridge, 1998). For a sceptical view of insurance see J. Macnicol, *The Politics of Retirement in Britain, 1878–1948* (Cambridge, 1948).

attention as the agents of significant and creative welfare provision.[7]

At the same time as there has been a negative reassessment of the history of the state in the nineteenth and twentieth centuries, the history of the eighteenth-century state in general and social policy in particular has been revised in the opposite direction. In this spirit, a significant body of scholarship now rescues the Old Poor Law from the opprobrium heaped upon it by nineteenth- and early twentieth-century writers.[8] This corpus of work contains two rather different claims. One claim is that eighteenth-century administration, far from being a patchwork of anomalies and absurdities, can be seen to have been both more efficient and more appropriate than its critics have allowed, once placed within its proper institutional, social and cultural contexts.[9] A second sort of claim goes further still and characterises welfare in the eighteenth and early nineteenth centuries, as inclusive and generous, and contrasts this to a subsequent deterioration.[10] In these ways, an assault upon Whiggish interpretations of the history of welfare in the eras of the New Poor Law and the welfare state has been greatly reinforced by a positive reassessment of the Old Poor Law.

A second reason for taking the long-term perspective adopted here is that the negative view of the modern state finds support in the customary pessimistic assessment of how British governments responded

[7] J. Cronin, *The Politics of State Expansion: War, State and Society in Twentieth-Century Britain* (1991), is critical of state policies for doing too little. Voluntaryism is celebrated in F. Prochaska, *The Voluntary Impulse* (1988), and highlighted in G.B.M. Finlayson, *Citizen State and Social Welfare in Britain* (Oxford, 1994). On local government see, for instance, S. Szreter, 'The Importance of Social Intervention in British Mortality Decline c. 1850–1914: A Reinterpretation of the Role of Public Health', *Social History of Medicine*, 1 (1988), 1–37. On working-class mutuality and association see A. Kidd, *State, Society and the Poor in Nineteenth-Century England* (Manchester, 1999).

[8] Most notably in Sidney and Beatrice Webb, *English Local Government: English Poor Law History. Part 1: The Old Poor Law* (1927).

[9] J. Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (1989); J. Innes, 'Parliament and the Shaping of Eighteenth-Century English Social Policy', *Transactions of the Royal Historical Society*, fifth series, 40 (1990), 63–92; G. Boyer, *An Economic History of the English Poor Law, 1750–1850* (Cambridge, 1990); J.R. Kent, 'The Centre and the Localities: State Formation and Parish Government in England, c. 1640–1740', *Historical Journal*, 38:2 (1995), 363–404; D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government* (Oxford, 1994); N. Landau, 'The Laws of Settlement and the Surveillance of Immigration in Eighteenth-Century Kent', *Continuity and Change*, 3 (1988), 391–420.

[10] D. Thomson, 'The Decline of Social Welfare: Falling State Support for the Elderly since Early Victorian Times', *Ageing and Society*, 4:4 (1984), 451–82, implicitly extends the argument back to the Old Poor Law, see 452. K. Snell and J. Miller, 'Lone-Parent Families and the Welfare State: Past and Present', *Continuity and Change*, 2:3 (1987), 387–422. On the generosity of the Old Poor Law to the elderly, at least until the mid-eighteenth century, see R. Smith, 'Charity, Self-Interest and Welfare: Reflections for Demographic and Family History', in *Charity, Self-Interest and Welfare*, ed. Daunton, 37–41.

to immigration in the post-war period. Writing on immigration and public policy by historians and social scientists is dominated by the view that twentieth-century Britain witnessed the triumph of an exclusively 'white' notion of citizenship and national identity. Following from this, some have argued that the history of welfare in the century is also a history of racialized exclusions, directed at people of colour, the Irish and the Jewish poor.[11] By placing the history of immigrants alongside the history of other 'strangers', as we do in the present essay, it will be possible to re-examine the role of ideas and images of race in the formation of welfare policy.

II

With these broad considerations in mind, we shall now turn to the status of migrants in England under the Old Poor Law. By the beginning of the eighteenth century the poor law was well established. It operated as a national system, supported by compulsory, local taxation; its day to day to operations administered locally by the inhabitants of a district – overseers of the poor and justices of the peace.[12] Within this structure the question of which parish should take responsibility for which poor person was a matter of great importance. It was vital to ratepayers who wanted to limit their burdens and it was equally significant to anyone who at any time might apply for poor relief. For so long as welfare was provided locally, migration across the boundaries of one parish to enter another created a population of 'strangers' whose entitlement to poor relief in the place to which they moved was open to question. The predicament of these migrants was particularly significant because eighteenth- and early nineteenth-century England, both urban and rural, was a highly mobile society.[13]

[11] For instance, K. Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca, 1997); D. Cesarani, 'The Changing Character of Citizenship and Nationality in Britain', in *Citizenship, Nationality and Migration in Europe*, ed. D. Cesrani and M. Fulbrook (1996), 57–73; P. Panayi, *Immigration, Ethnicity and Racism in Britain, 1815–1945* (Manchester, 1994); B. Carter, C. Harris and S. Joshi, 'The 1951–55 Conservative Government and the Racialization of Black Immigration', *Immigrants and Minorities*, 6:3 (1987), 335–47. On welfare specifically, see H. Dean with M. Melrose, *Poverty, Riches and Social Citizenship* (1998), 146; N. Ginsburg, *Divisions of Welfare* (1992), 153–5.
[12] J. Innes, 'The State and the Poor: Eighteenth-Century England in European Perspective', in *Rethinking 'Leviathan'*, ed. J. Brewer and E. Hellmuth (Oxford, 2000), 226–9.
[13] A. Redford, *Labour Migration in England* (1926); E.A. Wrigley, 'A Simple Model of London's Importance in Changing English Society and Economy 1650–1750', *Past and Present*, 37 (1967), 46–9; A. Kussmaul, 'The Ambiguous Mobility of Farm Servants', *Economic History Review*, 29 (1981) 222–35; *Migration and Society in Early-Modern England*, ed. P. Clark and D. Souden (1987); C. Pooley and J. Turnbull, *Migration and Mobility in Britain since the Eighteenth Century* (1998).

The terminology of 'strangers' was widely used by contemporaries. In 1698, for example, two years after its foundation, the Bristol Corporation of the Poor appointed a committee 'to consider of methods to prevent strange poor from coming into this city'. Before the end of the year Thomas Dropwell was employed to report twice each week 'what strangers are come to reside in the several parishes within this city that they may take care to have them removed or set at work according to law'.[14] Almost fifty years later, in 1747, John Wesley recorded in his journal the extraordinary generosity of a group of followers in Tetney, Lincolnshire. Their 'leader', Micah Elmoor, had explained to Wesley how 'from time to time' they 'entertain all the strangers that come to Tetney'.[15] By the beginning of the nineteenth century several large towns possessed a Strangers' Friend Society. The report of the Liverpool society for 1824 described its work on behalf of 'the poor and destitute stranger, attracted hitherto by the hope of work but disappointed in his expectation ... unentitled to legal support and reduced by misfortune, hunger and disease to a state of utter destitution'.[16] Methodists took a leading role in creating and maintaining these charities, attracted to the needs of the mobile poor, perhaps, by their own disregard for parish boundaries.[17]

The questions of entitlement to poor relief which arose from internal migration across administrative boundaries were resolved according to the Law of Settlement. This was not a single law but a complex collection of statutes and legal precedents. Taken together, they, and the justices of the peace and judges who applied and interpreted them, determined which parish was responsible for which pauper. The intention of the 1662 law, as its preamble made clear, was to sanction removal of the unsettled poor and to place an obstacle in the way of poor people acquiring a settlement in the parishes to which they migrated.[18] Two provisions constituted the root of the law. First, anyone able to rent a tenement for £10 per annum was exempt from its provisions but, second, all those who could not meet this criterion had to reside in a parish for forty days without objection if they were to gain a settlement. Changes to the law introduced in 1686 and 1691 made it still less likely that migrants would gain a settlement by forty

[14] *Bristol Corporation of the Poor: Selected Records, 1696–1834*, ed. E.E. Butcher (Bristol, 1932), 62–3.

[15] E.M. North, *Early Methodist Philanthropy* (New York, 1914), 34.

[16] *The Kaleidoscope or Literary and Scientific Mirror*, 3 May 1825, 372a.

[17] North, *Early Methodist Philanthropy*, 49. On the society in Manchester see G.B. Hindle, *Provision for the Relief of the Poor in Manchester 1754–1826* (Manchester, 1975), 78–89. For Leeds see R.J. Morris, *Class, Sect and Party: The Making of the Middle Class in Leeds 1820–50* (Manchester, 1990), 205–6

[18] 13 & 14 Car. II, cap. 12.

days' residence. By the latter date, in order to gain a settlement, migrants had to give notice in writing of their arrival and this, in turn, had to be read out in church and entered in the parish's poor law account book. These requirements were calculated to encourage objections. As Richard Burn noted, settlements by giving forty days' notice were 'very seldom obtained'.[19]

At the same time, the law set out the ways in which a 'stranger' might acquire an entitlement to poor relief in the parish to which he or she had migrated. By the beginning of the eighteenth century, there were a number of routes through which migrants were able to establish a new entitlement to relief. These arose as exceptions to the requirement to give notice or as ways in which the forty-day rule was deemed to have been fulfilled even though notice had not been given. Thus a settlement could be gained by someone being bound to an indentured apprenticeship, by someone being hired for and fulfilling one year's service, and upon marriage a wife acquired her husband's settlement. Apprenticeship, service and marriage were all contracts upon which the poor laws were not allowed to trespass. Likewise, anyone living on their own estate gained a settlement, because in the eyes of the law, the rights of property owners superseded ratepayer concerns. Finally, in those cases in which migrants acquired a settlement by paying parish rates or by serving for a year in an elected office, the law determined that the public nature of their action rendered formal notice super-fluous.[20] These exceptions provided a number of ways through which migrants could gain a settlement and gain access to the official network of collective solidarity within the parish. On the other hand, those migrants who stood in need of poor relief but had not gained a new settlement could be removed to their last parish of legal settlement or, if this could not be determined, their place of birth. Indeed, before 1795 it was possible for parishes, with the warrant of a justice of the peace, to expel 'strangers' merely on suspicion that at some time in the future they would apply for poor relief.

The logic of the system of settlement and removal was set by the fiscal and administrative structure which divided England and Wales

[19] The two statutes are 1 Jac. II, cap. 17 and 3 & 4 Will. and M., cap. 11. R. Burn, *The Justice of the Peace and the Parish Officer* (14th edn, 1780), III, 444. On the logic of the law see W. Blackstone, *Commentaries on the Laws of England* (4th edn, 1770), I, 362.

[20] See Blackstone, *Commentaries on the Laws of England*, I, 362–5, for a short summary of the law as it stood in the middle of the eighteenth century. More detailed expositions can be found in Burn, *The Justice of the Peace*, and in M. Nolan, *A Treatise of the Laws for the Relief and Settlement of the Poor* (3 vols., 4th edn, 1825). For a characterisation of how the law changed at the end of the seventeenth century which is different from the one given here see J.S. Taylor, 'The Impact of Pauper Settlement, 1691–1834', *Past and Present*, 42 (1976), 42–74.

into 15,000 thousand units. This was well appreciated by Sir William Hay MP writing in 1735.

> It is certain that the obligation on each parish to maintain its own poor, and, in consequence of that, a distinct interest, are the roots from which every evil relating to the poor hath sprung, and which must ever grow up, till they are eradicated. Every parish is in a state of expensive war with all the rest of the nation, regards the poor of all other places as aliens, and cares not what becomes of them if it can banish them from its own society.[21]

Faced with a mobile population parishes were armed to forestall an unwanted reputation that theirs was a comfortable resting place for migrants who were indigent or threatened to become so. Further, Norma Landau has shown that some parishes used their powers of examination and removal not only to determine access to the poor law but also to protect other collective resources, such as access to commons and wastes, against the predations of poor migrants.[22]

Powers under the law of settlement and removal were thus implemented by parishes eager to limit their obligations. In October 1783, for instance, the vestry at Hungerford in Berkshire ordered its overseers to summon all inhabitants likely to become chargeable and not legally settled in the parish, to determine their places of settlement and to have them 'henceforth removed accordingly'.[23] Writing about Warwickshire in 1794, John Wedge observed:

> A vast number of those who are employed in manufacturing towns are parishioners of different villages ... and whenever infirmity, age or check in trade happens, these men are not supported by those

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[21] A Member of Parliament, *Remarks on the Laws Relating to the Poor*, cited in Parliamentary Papers [henceforth PP] 1851 XXVI, *Report on the Law of Settlement and Removal*, 296. Attributed in T. Ruggles, *The History of the Poor: Their Rights, Duties and the Laws Respecting Them* (1793), I, 217.

[22] N. Landau, 'The Regulation of Immigration, Economic Structures and Definitions of the Poor in Eighteenth-Century England', *Historical Journal*, 33 (1990), 541–71; Landau, 'The Laws of Settlement and Surveillance'. Landau's argument has been controversial. See K.D.M. Snell, 'Pauper Settlement and the Right to Poor Relief in England and Wales', *Continuity and Change*, 6 (1991), 375–415; N. Landau, 'The Eighteenth-Century Context of the Law of Settlement', *Continuity and Change*, 6 (1991), 417–39; K.D.M. Snell, 'Settlement, Poor Law and the Rural Historian: New Approaches and Opportunities', *Rural History*, 3 (1992), 145–72; R. Wells, 'Migration, the Law and Public Policy in Eighteenth and early Nineteenth-Century Southern England', *Southern History*, 15 (1993), 86–139.

[23] Berkshire Record Office, D/P 71/8/3, Hungerford Special Vestry Minutes, 19 Oct. 1783.

who have had the benefit of their labour but are sent for subsistence to their respective parishes.[24]

But in addition to wholesale purges of migrants such as these, overseers on their own initiative arranged for the examination of individuals and when necessary their removal.[25]

The economic interests of ratepayers were reinforced by a moral appraisal of different sorts of people which promoted inclusion and exclusion. The acquisition of a settlement – without formal notice – of anyone who lived for forty days on tenement rented at £10 was based not only on an economic judgement about such a person but also upon reputation. Here the double meaning of the term 'credit' was important. According to Burn, the £10 rent signalled 'the credit given to the tenant by the landlord' and 'the credit given by the legislature to a man able to stock a farm of such value'.[26] It was not only a measure of wealth and financial independence but also of reputation.

The parochial elites in town and country, among them the men who fulfilled the office of overseer of the poor, were drawn from the middling ranks of seventeenth- and eighteenth-century society. These men privileged values such as diligence, economic independence and discipline. Unwed mothers, idle and tippling incomers, itinerant labourers of all sorts, were not only a potential charge on the parish but also stood condemned by their habits in the eyes of the parochial elite.[27] In 1700 the Bristol Corporation of the Poor, created four years earlier to exercise central control over poor relief and to 'civilise' and 'purge' the poor, appointed a committee to 'Examin the cases of strangers and all other disorderly persons that come to live in this City and single women who live at their own hands that are likely to become chargeable to the corporation.'[28] The remit thus nicely elided the distinctions between all migrants, disorderly migrants and independent women, in an impressive sweep which combined moral disapprobation with parsimony. In Bristol,

[24] A.W. Ashby, *One Hundred Years of Poor Law Administration on a Warwickshire Village* (Oxford, 1912), III, 67.

[25] *The Diary of Thomas Turner*, ed. D. Vaisey (Oxford, 1984), 80–1, 86–7, 93–6, 108–110, 139, 143, 269, 276.

[26] Burn, *The Justice of the Peace*, III, 457–8. On 'credit' see C. Muldrew 'Credit and the Courts: Debt Litigation in a Seventeenth-Century Urban Community', *Economic History Review*, 46 (1993), 23–38.

[27] *The Middling Sort of People: Culture, Society and Politics, 1550–1800*, ed. J. Barry and C. Brooks (Basingstoke, 1994); K. Wrightson, 'The Politics of the Parish in Early Modern England', in *The Experience of Authority in Early Modern England*, ed. A. Fox, P. Griffiths and S. Hindle (Basingstoke, 1996), 10–46; S. Hindle, 'Power, Poor Relief and Social Relations in Holland Fen', *Historical Journal*, 41:1 (1998), 67–96; J. Kent, 'The Rural "Middling Sort" in Early-Modern England, circa 1640–1740: Some Economic, Political and Socio-Cultural Characteristics', *Rural History*, 10:1 (1999), 19–54.

[28] *Bristol Corporation of the Poor*, 83.

moreover, the practices vindicated by this rhetoric served to make the world conform to its image. The Corporation refused to provide for 'any casual poor who do not immediately belong to this City' and so forced them to beg in the streets, producing 'great disturbance and scandal of the inhabitants'. Here was a policy which inevitably converted 'strangers' into 'vagrants' and the Corporation's response was to pursue a more vigorous implementation of the laws against 'rogues, vagrants and sturdy beggars and idle disorderly persons'.[29] Bristol's size, as well as its position as a gateway to and from Ireland, meant that migration impinged on the city in some distinctive ways. However, as several historians have now shown, the poor law authorities elsewhere in eighteenth-century England – in rural parishes in particular – spent a great deal of time pursuing vagrants and unmarried mothers.[30] In their eyes the line between the unsettled poor and the immoral and disorderly poor was thin and permeable. Indeed, this moral feature was replicated in law. Someone who returned to a parish from which he or she had been removed was reclassified as a vagrant; their transgression transferred from the civil to the criminal law.[31]

Of course, want of an entitlement did not mean that all unsettled paupers were expelled by their parishes of residence. The force of the law was mitigated in a number of ways. Before departing, migrants could apply for a certificate from the parochial authorities. The latter, if they provided the document, recognised a continuing obligation to relieve the certificate-holder and his family and so saved them from removal until they actually became chargeable.[32] Conversely, by the late eighteenth and nineteenth centuries many parishes were allowing non-resident relief. That is to say, a migrants' home parish would send money to relieve a pauper who would not then be forced to return to his or her parish of settlement.[33] Migrants clearly knew the system well, and used this knowledge to try to extort poor relief from parishes known to allow non-resident relief. For example, in 1810 Mary Wilkinson wrote from Kendal to the overseer of Kirkby Lonsdale, her parish of

[29] *Ibid.*, 92–3.

[30] Hindle, 'Power, Poor Relief and Social Relations'; Kent, 'The Rural "Middling Sort"'.

[31] See for example Hertfordshire Record Office, PS/2/2/1, Minutes of the Proceedings at the Special Sessions Chipping Barnet, 8 Oct. 1796.

[32] There is a useful discussion of certificates in P. Styles, 'The Evolution of the Law of Settlement', in P. Styles, *Studies in Seventeenth-Century West Midlands History* (Kineton, 1978), 189–93. However, from the mid-eighteenth century there were complaints that some parishes refused to issue certificates. *Bristol Corporation of the Poor*, 117–19.

[33] J.S. Taylor, 'A Different Kind of Speenhamland: Nonresident Relief in the Industrial Revolution', *Journal of British Studies*, 30 (1991), 183–208; *Essex Pauper Letters*, ed. T. Sokoll (Oxford, 2001).

settlement, hoping that he would have the goodness to send her another shilling.

> I ham sorry that I ham oblidge to trouble you but I ham in such a Desterd situation that I cannot Help it for I have not half work and the times is so hard that it is impossible for me to gett anything for me and my Child to put on and we are all most Naked for we have neither shirt to our Back not shoes to our feet that we are allmost starved to Death.

But her supplication was joined to a commonplace threat; she added that if he did not send money, then both she and her child would 'be Oblidge to come to you'. In this case the tactic was effective.[34] Beyond the devices of certification and non-resident relief, the impact of the law was lessened by the large discretion allowed to poor law overseers. One factor that influenced local administrators was the state of the local labour market. In 1803–4, when male labour was in short supply due to the French wars, an inquiry into the poor law found that as many 194,052 individuals were being relieved by parishes to which they did not belong.[35]

But despite these qualifications, even when it did not lead to their expulsion, the Law of Settlement placed the migrant poor within a structure of uncertainty. Parishes that had once been indulgent could turn against the non-settled poor as the state of the labour market or demographic conditions altered, or as the nation's state of peace or war, or the identity of individual vestrymen, overseers and clergymen might change. The policies of even contiguous parishes could vary widely. Among the parishes in Holland Fen, for instance, the amount spent on settlement litigation varied between 0.7 per cent and 17.3 per cent in 1802–3.[36] Although the formal position of poor migrants improved after 1795 and, with the major exception of unmarried women with children, they could no longer be removed merely on suspicion

[34] Cumbria Record Office, Kirkby Lonsdale Township Letters, Mary Wilkinson to Stephen Garnett, 2 Jan. 1810. Pioneering work by Taylor, Sokoll and others on these letters written by migrant paupers proposes that non-resident relief was a functional adaptation which promoted the interests of migrants and both parishes involved. No doubt this was often the case but since so many pauper correspondents complain that they have not received answers to letters, that money has not been sent or that the amount they have been given does not meet their basic needs, future research might also consider to what extent these letters also reflect a system under strain. Dealing with a slightly later period, D. Ashforth draws attention to the low level of non-resident relief. 'Settlement and Relief in Urban Areas', in *The Poor and the City: The English Poor Law in its Urban Context, 1834–1914* (Leicester, 1985), 73.

[35] PP 1803–4 XIII, *Abstract of Answers and Returns…Relative to the Expense and Maintenance of the Poor in England*, 715.

[36] Hindle, 'Social Relations in Holland Fen', 89.

they would become a burden to the ratepayers, in practical terms their situation may have become still more precarious, for after this date removals became more frequent.[37] As the rate burden soared in the late eighteenth and early nineteenth centuries parishes, which now had their discretionary and pre-emptive sanction of removal taken away, used their remaining powers more energetically. In these years the amount spent by overseers on removals and legal costs rose at a still faster rate than the amount dispensed on poor relief.[38] Between 25 March 1827 and the same date the following year 43,677 individuals were removed from parishes in England and Wales.[39]

Migrants who fell on hard times were left with the difficult choice of being removed to their parish of settlement, of begging and cajoling in the manner of Mary Wilkinson or of trying to negotiate their misfortunes without support from the poor law. Indeed, the greatest effect of the Law of Settlement was to force the non-settled poor to survive without support from the poor law. The London Strangers' Friend Society, established in 1784, pointed out that it did not duplicate the work of parochial relief: 'The overseers … do their duty if they receive every applicant for relief: our business is with those chiefly who do not apply.'[40] The rapid advance of urbanisation in the late eighteenth and early nineteenth centuries, which led to greater concentrations of migrants, as well as the impact of the trade cycle, rendered the resulting problems more intense, more visible and significantly different. In 1851 George Coode, in the course of his massive report on settlement and removal, observed that 'It is almost certain that of late years the settlement laws have not been retained so much to protect one parish from another, as to protect the towns and places of popular resort from the burden of the poor being born in the country.'[41] In the words of two nineteenth-century critics, the threat of removal was 'hung up *in terrorem* over the heads of the poor', to deter them from applying for relief.[42] In 1843 the Poor Law Commissioners reflected on the impact

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[37] Taylor, 'The Impact of Pauper Settlement', 53; Wells, 'Migration, the Law and Public Policy', 114; Eastwood, *Governing Rural England*, 110.

[38] In 1775–6 legal expenses amounted to 2.2 per cent of expenditure on poor relief, by 1802–3 this figure had risen to 3.5 per cent. *The Relief and Settlement of the Poor, &, Second Report* (1777), 539; *Further Appendix to the Report from the Committee on Certain Returns Relative to the State of the Poor* (1787), 730–1. Both in *Reports from Committees of the House of Commons* (1803), IX. PP 1803–4 XIII, *Abstract of Answers and Returns…Relative to the Expense and Maintenance of the Poor in England*, 714.

[39] PP 1829 XXI, *Poor Rates: Abstract of Returns*, 202–3.

[40] Cited in M.D. George, *London Life in the Eighteenth Century* (1925; 1966 edn), 395 n. 140.

[41] PP 1851 XXVI, *Report of George Coode Esq to the Poor Law Board on the Law of Settlement and Removal of the Poor*, 111.

[42] E. Head, 'The Law of Settlement', *Edinburgh Review*, 87 (1848), 456; PP 1854/5 XIII, *Report from the Select Committee on Poor Removal*, 188.

of economic depression 'in the industrial manufacturing districts' as follows:

> All persons ... agree that the Irish and non-settled poor whom the fear of removal deterred from applying for relief have suffered far the most. The obligation to relieve existed on the spot but the pauper knew well that the receipt of relief would be followed up by removal, and he preferred any extremity to this result.[43]

By 1864 when, as we shall see, the scope of Law of Settlement had been greatly attenuated, 36 per cent of all expenditure on indoor and outdoor poor relief in England and Wales went on the irremoveable poor; that is to say it went to paupers who had no settlement but who could not be sent away.[44] This percentage is almost double the incidence of relief to the non-settled poor indicated by the returns to parliament for 1802–3. This huge gap is one rough and ready but highly illuminating measure of the level of effective disentitlement in the period before the Law of Settlement was reformed.[45]

III

The Poor Law Amendment Act of 1834 marks the onset of the slow and incomplete shift from local to state boundaries in determining entitlement to welfare. By imposing change upon myriad local author-ities, the 1834 Act amounted to a vast and novel exercise of power by central government. Accordingly, the Act also created a central bureaucracy in the shape of the Poor Law Commission and, after 1847, the Poor Law Board, whose task was to monitor local practice and to promote uniformity conforming to minimum standards.[46]

The 1834 Act is widely regarded by historians as a calamity for the labouring poor. The imperatives of ratepayer economy, economic individualism and a punitive attitude to the able-bodied poor, they argue, now influenced policy to an unprecedented degree.[47] Never-theless, for migrants the Poor Law Amendment Act set in motion

[43] PP 1843 XXI, *Ninth Annual Report of the Poor Law Commissioners*, 35; see too T. Koditschek, *Class Formation and Urban-Industrial Society: Bradford 1750–1850* (Cambridge, 1990), 405–6; Morris, *Class, Sect and Party*, 206–7.

[44] In 1855, following the introduction of irremovability after five years' residence the figure was 21 per cent. PP 1865 XLVIII, *Poor Relief*, 199.

[45] PP 1803–4 XIII, *Abstract of Answers and Returns...Relative to the Expense and Maintenance of the Poor in England*, 714–15.

[46] Lees, *Solidarities of Strangers*, 145–53, 177–229, provides a recent discussion of how far these goals were fulfilled.

[47] For recent restatements of this view see C. Chinn, *Poverty Amidst Prosperity: The Urban Poor in Nineteenth-Century England* (Manchester, 1995), 102–5; Lees, *Solidarities of Strangers*, 113–14.

changes which greatly improved their entitlements to welfare. It was
parliament and the Poor Law Board that intervened repeatedly in the
middle decades of the century to attenuate drastically the Law of
Settlement and extend the welfare entitlements of 'strangers'.

Initially, the Poor Law Amendment Act barely tampered with the
Law of Settlement. But once the New Poor Law had been established
and it was apparent that not all the hopes it carried had been realised,
the Law of Settlement became a renewed object of criticism. One aim
of the poor law reformers when they tried to terminate outdoor relief
for the able-bodied was to encourage agricultural labourers to migrate
from southern counties with low labour demand to manufacturing
districts in the north. The Law of Settlement now appeared to the poor
law commissioners and inspectors to provide one reason why the 1834
Act had not liberated labour markets in the ways they had hoped.[48]
They criticised settlement and removal not only as economic fetters
but also as sources of unnecessary hardship and injustice. The law was
interpreted as a bulwark of parochial selfishness: a device used to deny
the poor their legal entitlement.[49] The commissioners also highlighted
the hardship caused to 'poor and industrious' persons by a law which
left them liable to be removed from a place they had lived for many
years and to be sent to a parish where they were not known. In
particular, they decried the ordeal caused to Scotch and Irish paupers
by the Law of Settlement. Because the English Poor Law did not
extend to Scotland and Ireland, Scotch and Irish paupers, unlike their
English counterparts, were not removed to a parish but to a country.
Irish paupers were landed 'at random' without reference to their place
of birth or to where their families and friends resided. In these cases,
moreover, there was no receiving parish to launch an appeal against
an unjust removal.[50] Settlement and removal were assailed also as
obstacles to moral improvement, freedom and manly independence.
Settlement, according to George Coode, was a 'degrading and cor-
rupting' tie, a form of bondage. In a small or over-populated parish
the settled labourer was not a free man: 'He knows that the parish by
its protection of removal has bound him to its soil ... there is no
independence of either employer or labourer, ... no such feeling as
grows out of connexions freely sought, freely maintained and, if
unsuitable, freely abandoned.'[51]

[48] Public Record Office [hereafter PRO], MH/33/48, 'Report on the Details to be
Observed in Conducting the Migration of Labourers to the Cotton Districts of Lancashire',
July 1835; *Report of George Coode*, 127.
[49] PP 1839 xx, *Fifth Annual Report of the Poor Law Commissioners*, 55; T.M. Torrens, *The
Life of Sir James Graham* (1863), II, 350–1.
[50] *Ibid.*, 36–8.
[51] *Report of George Coode*, 320–1.

The Law of Settlement had been subject to rising economic, ethical and political criticism since the late eighteenth century but it was not until the creation of the Poor Law Board that this opposition became effective. Situated at one remove from the daily pressures of poor law accounting and ratepayer politics and stimulated by crusading ideals of 'free labour' and 'justice', centrally appointed poor law officials could more easily choose to construe migrants as victims of parochial injustice, and many did so. Responding to opinion within the Poor Law Board, the home secretary, Sir James Graham, introduced legislation that gave rise to the Poor Removal Act of 1846.[52] The most important provision of the Act was that people who had been in a parish for five years and had not gained a settlement nevertheless could not be removed. A further Act in 1861 reduced the term before irremovability took effect from five years to three, and the unit for irremovability was extended from a single parish to the considerably larger unit of the poor law union. In 1865 the residency requirement was further reduced to just one year.[53] Cumulatively, parliament and the Poor Law Board caused a radical shift in the burden of relieving the migrant poor. These new acts forced urban authorities and urban ratepayers to take responsibility for the welfare of their migrant poor in ways that hitherto they had been able to evade.[54] Nationally, there were just 8,351 removals in the whole of England and Wales by 1867–8.[55]

After initial obstruction on the part of some local boards of guardians, it became clear that the settlement reform of 1846 also applied to the Irish in England. This was particularly significant since the level of Irish immigration was about to increase dramatically as one consequence of the famine. The number of Irish in Britain totalled over 400,000 in 1841 and rose to 806,000 in 1861. Irish immigrants arrived without a legal settlement and, on account of their disproportionate poverty, the great majority of them did not acquire one. A law of 1819 had allowed poor law officials to remove Irish men, women and children from England and Wales as soon as they applied to the poor law for assistance. This was a significant deterioration in their legal situation; hitherto the Irish had been sent home only if they were found committing acts of vagrancy.[56] Armed with this power, between 1824

[52] A. Smith, *The Wealth of Nations* (1776); Ruggles, *History of the Poor*, provides a digest attack up to the 1790s. For an account of the genesis of the 1846 Act see PP 1857/8 XIII, *Report from the Select Committee on the Irremoveable Poor*, 5.

[53] On these changes see M. Rose, 'Settlement, Removal and the New Poor Law', in *The New Poor Law in the Nineteenth Century*, ed. D. Fraser (1976) 25–43.

[54] See the recognition of this outcome in A. Prentice, *Historical Sketches and Personal Recollections of Manchester* (Manchester, 1851), 233–4.

[55] PP 1867–8 LX, *Orders of Removal*, 279.

[56] 59 Geo. III, cap. 12.

and 1831 English and Welsh parishes expelled 51,556 Irish poor back
to Ireland through the ports of Liverpool and Bristol: a figure equivalent
to roughly 15 per cent of the Irish population in England and Wales at
the time. Although we should remember that among those removed
were gangs of Irish harvest workers who used and abused the system
and threw themselves on the parish to engineer a free passage home.
In the face of the famine migration, between 1845 and 1849 29,079
Irish were removed from parishes in England and between 1849 and
1854 more than 50,000 Irish were sent back to Ireland from Liverpool
and London alone.[57]

Early Victorian poor law guardians shared the conventional opinion
of the time that the Irish in Britain were likely to contain more than
their fair share of drink-sodden labourers and professional mendicants.[58]
According to this view, those Irish in work were among the least likely
to make prudent provision for bad times and those out of work were
likely to prey on the poor rate if given the chance to do so. Many poor
law guardians believed that the threat of removal to Ireland was a vital
deterrent without which they would be inundated.[59] In 1852 the clerk
of the Bradford Poor Law Union informed the national Poor Law
Board that the guardians had 'latterly removed nearly all Irish paupers
applying for relief without enquiring the length of time they have
resided in the respective townships of the Union'.[60] The interventions
of the Poor Law Board and of parliament meant that by the 1860s
boards of guardians no longer deported large numbers of Irish paupers.
In 1868 just 508 people were removed to Ireland.[61]

It is notable, therefore, that at a time when antipathy to the Irish,
expressed in newspapers and political speeches, pulpit sermons and
labour organisations, ballads and cartoons, was both extensive and
intense, the treatment of the Irish under the poor law underwent a
marked improvement. This was not because the officials of the Poor

[57] PP 1831–2 XLIV, *Number of Irish Poor Shipped from Bristol and Expense thereof, 1823–31*, 461;
PP 1833 XXXII, *Number of Irish Poor Shipped under Passes from Liverpool to Ireland in Each Year
since 1823*, 352–3; PP 1850 L, *Orders of Removal*, 31–44; PP 1854 LV, *Poor Removals*, 325.

[58] For an example of the attitudes of local officials to the Irish see J. Davis, 'Jennings
Buildings and the Royal Borough: The Construction of the Underclass in Mid-Victorian
England', in *Metropolis – London: Histories and Representations since 1800*, ed. D. Feldman and
G. Stedman Jones (1989), 24.

[59] PP 1854–5 XIII, *Report from the Select Committee on Poor Removal*, qq. 458, 1191, 2360,
3168. At the same time, however, some authorities had given up removing the Irish
because the procedure was seen to be impossible to enforce and increasingly laborious
to administer. *Ibid.*, q. 1178; PP 1850 XXVII, *Report to the Poor Law Board on the Law of
Settlement and Removal of the Poor*, 118, 125.

[60] Cited in D. Ashforth, 'Settlement and Removal in Urban Areas', in *The Poor and the
City: The English Poor Law in its Urban Context, 1834–1914*, ed. M.E. Rose (Leicester, 1985),
82.

[61] PP 1867–8 LX, *Orders of Removal*, 279.

Law Board held a more enlightened view of the Irish than the men responsible for the daily administration of the poor law locally. Indeed, many of the most articulate and elaborate expressions of the conventional wisdom of the time, that the Irish migrants were 'demoralised', 'barbarous' and 'worthless', can be found in the writings of poor law officials. Men such as J.P. Kay and George Cornewall Lewis played an important part in instating Irish immigration as one of the main causes of the urban crisis in early Victorian Britain.[62] In other words, the case of the Irish suggests that a profoundly negative caricature of them, though almost ubiquitous, had only slight impact on the direction of poor law policy in England. Policy towards the Irish became more generous despite their negative image not because this image became more favourable. Conversely, in so far as a negative view of the Irish did influence the decisions of poor law guardians it did so in a situation in which fiscal, legal and administrative conditions made it both possible and financially beneficial to allow the Irish unequal access to the poor law. Once these conditions changed, then so too did the influence on policy of stereotypes and racial ideas.

The gains bought to English and Irish migrants by the reforms of the mid-nineteenth century were limited in two important ways, however. First, in many places the irremovable poor in general and the Irish among them in particular were treated more harshly than their settled counterparts. Some Boards of Guardians, forced to discharge their responsibility to these paupers, responded by rigidly offering nothing but admission to the workhouse.[63] Second, and more fundamentally, migrants achieved a degree of equality at the same time as levels of poor relief were subject to drastic retrenchment. In absolute terms, the levels of poor law expenditure that had prevailed during the Napoleonic wars did not return until the 1870s. This is similarly reflected in the declining proportion of national income devoted to poor relief which fell from 2.7 per cent of Gross Domestic Product in 1820/1 to 0.7 per cent in 1880.[64] Whereas institutional arrangements shifted to the benefit of migrants in the middle decades of the nineteenth century, fiscal arrangements did not.

[62] J.P. Kay, *The Moral and Physical Condition of the Working Classes Employed in the Cotton Manufacture in Manchester* (Manchester, 1832), 27; PP 1836 xxxiv, *Report on the State of the Irish Poor in Great Britain*; D.M. MacRaild, 'Irish Immigration and the Condition of England Question: The Roots of an Historiographical Tradition', *Immigrants and Minorities*, 14:1 (1995), 67–85.

[63] PP 1850 xxvii, *Report to the Poor Law Board*, 8; PP 1860 xvii, *Report from the Select Committee on Removals*, qq. 1132, 3676.

[64] P. Harling and P. Mandler, 'From 'Fiscal-Military State to Laissez-Faire State, 1760–1850', *Journal of British Studies*, 32 (1993), 57; P. Lindert, 'Poor Relief before the Welfare State: England versus the Continent, 1780–1880', *European Review of Economic History*, 2 (1998), 114.

IV

In an important sense the changes made to the Law of Settlement by parliament and the Poor Law Board were easy to prescribe, for their costs fell on local government and not upon the resources of the institutions enforcing reform. In the twentieth century the situation changed. Now central government increasingly contributed to old age pensions, health and unemployment insurance and, after 1945, to family allowances and to national assistance as well. By 1948 these measures had finally abolished the poor law and the laws of settlement.[65] Under this new fiscal and administrative regime the broad pattern we have already observed continued to operate: in those fields in which welfare was financed and administered by central government the entitlements of 'strangers' were defined more generously than where welfare was controlled and financed by local agencies. Of course, where central government intervened the definition of who was a 'stranger' also changed. In those spheres in which welfare was financed and administered on a national basis, migrants who traversed internal boundaries no longer became strangers. The problem of the stranger increasingly became identified with the problem of the immigrant.[66]

Once the central state provided benefits for its citizens it was forced to determine what, if anything, would be the entitlement of immigrants. The beginning was not auspicious and both aliens and the British wives of aliens were excluded from state old age pensions when they were introduced in 1908. Lloyd George also planned to exclude aliens from his scheme for national insurance, which passed into law in 1911. Nevertheless, a cross-party coalition of members of parliament, prompted by a campaign by the Jewish benefit societies, won large concessions for the immigrants. Lloyd George not only included aliens within the national insurance scheme but agreed that unnaturalised aliens who had been in the country for five years should receive the state's 2d per week contribution.[67] This new pattern of state provision was further developed in the inter-war years as contributory old age pensions, unemployment insurance and unemployment assistance outside of the poor law were introduced; each of these was a major and new source of support, and all were were extended to immigrants. In the case of contributory old age pensions, for instance, introduced

[65] 11 and 12 Geo. VI, cap. 29.

[66] On numbers of immigrants see C. Holmes, *John Bull's Island: Immigration and British Society, 1871–1971* (1988); C. Peach, V. Robinson, J. Maxted and J. Chance, 'Immigration and Ethnicity', in *British Social Trends since 1900*, ed. A.H. Halsey (1988), 561–615; D. Coleman, 'UK Immigration Policy: "Firm but Fair", and Failing?', *Policy Studies*, 17 (1996), 195–214.

[67] See D. Feldman, *Englishmen and Jews: Social Relations and Political Culture* (1994), 370–8.

in 1925, a two-year residence requirement was explicitly applied to British subjects and aliens alike.[68]

Similarly, after the war, the 1948 National Insurance Act explicitly made 'no distinction on grounds of nationality'. The free treatment of all comers under the National Health Service was also vigorously defended by Aneuran Bevan in the face of a Conservative party campaign which claimed that the young service was being overwhelmed by entrepreneurial Egyptians coming to the United Kingdom to procure free National Health Service spectacles and prostheses and selling them across the length and breadth of Arabia.[69] Crucially, the introduction of National Assistance, which directly terminated the poor law, was broadly and simply conceived 'to assist persons in Great Britain who are without resources to meet their requirements'.[70] Accordingly a Department of Health and Social Security memorandum issued in 1970 declared that 'health and welfare services and social security benefits are available to all people in this country irrespective of race, colour or origin'.[71] Under the Social Security Act of 1966 supplementary benefit was available to anyone in Great Britain, irrespective of origin and regardless of the time spent in the country, subject to the normal rules such as the requirement to register for employment if they were fit for work and under pensionable age. Groups of immigrants, such as asylum seekers and overseas students, whose terms of entry to the country did not allow them to register for work, were able to qualify for urgent needs payments.[72]

In contrast, where welfare remained a tax on local pockets and a local administrative responsibility, the characteristic pattern of the eighteenth and nineteenth centuries was maintained in the twentieth; in these cases immigrant entitlements were brought into question. We can see this, for example, in 1918 when the London County Council determined that only candidates born in Britain could apply for Council scholarships. In 1920 it banned all 'aliens' from its employ and in 1923 decided to give preference to British citizens in the allocation of accommodation on the Council's housing estates.[73] In the 1930s the Irish once again became a target for hard-pressed local authorities. In 1938 the Association of Municipal Corporations complained of the burden the Irish were placing on public assistance and all social services

[68] 15 & 16 Geo. V, cap. 70; PP 1924 xv, *Unemployment Insurance Directions to Local Employment Committees Regarding Grant of Uncovenanted Benefit*; 24 & 25 Geo. V, cap. 29.

[69] *Parliamentary Debates*, 1948–9 (457), 1015; *Parliamentary Debates*, 1948–9 (461), 2001–2; A. Bevan, *In Place of Fear* (1952), 81.

[70] PP 1947–8 IV, *National Assistance Bill*, 156.

[71] PP 1969–70 xv, *Select Committee on Race Relations and Immigration*, 380.

[72] *Ibid.*, 383–4.

[73] G. Alderman, *London Jewry and London Politics 1889–1986* (1989), 66–7.

and called for their 'compulsory repatriation'.[74] During the Second World War it was fear of the hostile reaction from local authorities and local populations that led the British government to introduce special, centrally funded, measures for the support of refugees.[75]

In the post-war period too, it has been those facets of the welfare state which have remained to a great extent the administrative and fiscal responsibility of local government – education, personal social services and, above all, housing – that have a provided a focus for anti-immigrant sentiment and in which the entitlements of immigrants have been brought into question. Many local authorities prevented new immigrants from gaining speedy access to council housing by operating a residence requirement. In other a words, a view of whether a family really 'belonged' to the authority superseded a strict assessment of housing need.[76] But a residence requirement was only the most simple means of discriminating against immigrants. For example, councils were able to omit areas with large numbers of immigrants from slum clearance and redevelopment schemes or to offer only 'short-life' properties listed for demolition to immigrant families.[77]

By 1970 Birmingham City Council was presenting the immigrants as an unwanted and expensive obstacle to the city's redevelopment programmes. In this spirit, the deputy town clerk of Birmingham complained to a parliamentary select committee in 1970:

> We just cannot house our own population there now, so one extra person brings one extra problem of housing; there is no question of that. We are paying out large sums to rehouse them virtually all over the Midlands ... Quite honestly if ten extra people came into Birmingham it would to that extent increase the problem which, as far as I am concerned, is almost insoluble at the moment.[78]

In the 'beggar my neighbour' style of eighteenth- and nineteenth-century poor law guardians, Birmingham's medical officer of health suggested that 'there are many areas of this country that do not know this problem whatsoever, and you may consider it would be quite

[74] S. Glynn, 'Irish Immigration to Britain, 1911–51', *Irish Economic and Social History*, (1981), 63.

[75] *Parliamentary Debates*, 1939–40 (357), 1738; PRO, AST 11/8, L.N. Ure to T.M. Snow, 14 Mar. 1941.

[76] J. Rex and S. Tomlinson, *Colonial Immigrants in a British City* (1979), 130–1; P.B. Rich, 'The Politics of Race and Segregation in British Cities: With Reference to Birmingham, 1945–76', in *New Perspectives on Race and Housing in Britain*, ed. S.J. Smith and J. Mercer (Glasgow, 1987), 74–93. As the 1969 Cullingworth Report made clear, these rules disadvantaged internal migrants as well as immigrants. J.B. Cullingworth, *English Housing Trends* (1965), 61.

[77] *Select Committee on Race Relations*, 43.

[78] *Ibid.*, 727.

reasonable and sensible and fair for immigrants to go to those areas'.[79]

This contrast between the treatment of immigrants by central government and local authorities is subject to decisive qualification only from the mid-1980s. As late as 1984, the rules for supplementary benefit were deliberately broadened to allow almost any person from abroad seeking an extension or variation of their terms of stay to qualify for an urgent needs payment.[80] Since the mid-1980s, however, a series of measures have significantly undermined the welfare entitlement of some immigrants. First, the 1988 Immigration Act extended the category of 'sponsored immigrant'. Clause 1 of this Act required the dependants of all immigrants to have a sponsor who agreed to maintain and accommodate them 'without recourse to public funds'.[81] Initially this rule was used to limit immigration by placing a means test on family unity. By the mid-1990s, however, the Department of Social Security took a growing interest in sponsorship. In 1996 its regulations for claims by 'persons from abroad' specified that 'sponsored immigrants' should not be allowed benefits unless their sponsor was dead or the immigrant acquired British citizenship.[82] The welfare entitlements of 'persons from abroad' have been diminished in other ways. The 'Habitual Residence Test' was introduced in 1994. This device requires applicants for the main means-tested benefits to demonstrate 'a genuine commitment to living in the UK'. By October 1995 over 30,000 claimants had failed the test, saving the government an estimated £7 million.[83] A further key moment came in 1996. In this year the Conservative government withdrew all benefits from asylum seekers who did not apply for asylum on arrival in the country. The cost of supporting these asylum seekers thus fell on local authorities. The 1999 Immigration and Asylum Act restored central government responsibility for these asylum seekers but did so by introducing a system of vouchers in place of cash-based welfare benefits.[84]

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[79] Ibid., 725.

[80] Statutory Instruments, 1984, Part II Section 1, Supplementary Benefit (Misc Amdts), Regs 8.(2).

[81] 36 & 37 Eliz. II, cap. 14. This is what had been intended in 1971 but following a campaign against this rule Reginald Maudling, the home secretary, exempted the wives and children of commonwealth immigrants who were settled in Britain before the 1971 Immigration Act came into force.

[82] C. Vincenzi and D. Marrington, Immigration Law: The Rules Explained (1992), 39–40; Welfare Rights Bulletin, February 1996, 10.

[83] House of Commons, 1996–7, Social Security Committee, Inquiries not Completed, 101; N. Harris, Social Security Law in Context (Oxford, 2000), 198–201.

[84] A. Geddes, 'Denying Access: Asylum Seekers and Welfare Benefits in the UK', in Immigration and Welfare: Challenging the Borders of the Welfare State, ed. M. Bommes and A. Geddes (2000), 134–47.

V

In this essay I have suggested that immigrants in twentieth-century Britain presented policy makers and officials with problems that were structurally similar to those presented by internal migrants in the eighteenth and nineteenth centuries. The overarching lesson to be learned from taking this long-term perspective is that until the 1980s, when localities bore the financial burden of welfare the entitlements of 'strangers' were usually less secure than those of people who 'belonged'. Welfare reforms introduced by central government in twentieth-century Britain have served to include immigrants within the practices of collective solidarity. Where local autonomy has retained a significant fiscal and administrative role, as in the case of housing, the rights of 'strangers' have been insecure. This does not mean that we cannot find examples of eighteenth-century parishes which treated their non-settled poor generously. Neither does it mean that immigrants to post-war Britain always received their full entitlement from benefit offices.[85] It does suggest, however, that the framework within which particular decisions were made shifted over time and that, with the growth of central government, until the mid-1980s, it shifted to the advantage of migrants and immigrants: they became more likely to be included within systems of collective provision.

With this long-term perspective we can now return to some of the historiographical and interpretive issues raised at the beginning of this essay. The treatment of the non-settled poor does not directly contradict the claim that the Old Poor Law, when seen in its appropriate contexts, was more efficient, responsive and appropriate than its critics have allowed. But it is also clear that the Old Poor Law privileged the sedentary and settled portions of the labouring population. Individuals and families who took to the road, if only to go to a nearby parish, may well have taken a less positive view of how appropriately and responsively the Old Poor Law attended to *their* needs. Moreover, the notion that the eighteenth or early nineteenth centuries marked a golden age of transfer payments, followed by a deterioration in the nineteenth and twentieth, finds no confirmation from the changing treatment of migrants and immigrants.

The history presented here is still less compatible with the customary pessimistic assessment of how the British state responded to immigration in the post-war period. Certainly, exclusive ideas concerning English and 'white' identity have played a role in the evolution of British immigration policy.[86] But if we look beyond immigration policy to the

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[85] See, for example, National Association of Citizen Advice Bureaux, *Barriers to Benefit* (1991).

[86] However, even this has been questioned in R. Hansen, *Citizenship and Immigration in Post-War Britain: The Historical Origins of a Multicultural Nation* (Oxford, 2000).

changing structure of welfare entitlements, its causal contribution appears less significant. The reflex of racial thinking and the force of negative stereotypes cannot account for the patterns of disadvantage over the long term which this essay has revealed. The most vulnerable group we have considered has been composed of the internal migrants in England who, before 1795, could be ejected from a parish merely on the basis of a fear that they might, one day, become a charge on the rates. It was not racism that disadvantaged these paupers. Further, we saw that Irish migrants were cruelly denigrated both by those who changed the law in their favour in the nineteenth century, as well as those who operated the vagrancy and settlement laws to remove them. Neither was it a racial characterization of the Irish that determined the outcome here. When we look at post-war Britain we are forced to account for the more favourable welfare entitlements of immigrants at a national level and their discriminatory treatment at a local level. Plainly, racism encouraged and could be used to justify local practices. But it would be difficult to argue that local policy makers were collectively more hostile to the immigration of people of colour than their counterparts at a national level. Beyond the realm of immigration policy itself, the presence or absence of racialized attitudes among politicians and officials in themselves predict little in the way of policy outcomes.

What, then, did generate the pattern of entitlements documented here? In a preliminary way, this essay has drawn attention to how the fiscal and institutional system established a framework of possibilities and constraints within which policy choices were made. Welfare systems pool and redistribute wealth. The funds for this transfer have been raised in part or in their entirety by taxation. It is easy to understand, therefore, why parishes and their ratepayers and the state and its taxpayers have sought to place limits on their financial responsibility for the poor. One way they have done so has been by ruling that 'strangers' are not eligible for support. The fiscal incentive for them to do this, however, has been weakest where the cost of supporting these 'strangers' has been diffused through the nation as a whole and has not fallen on particular localities. This was the situation so far as the benefits provided by national government were concerned. As the Treasury pointed out in 1961, the impact of immigration upon the benefit system was negligible.[87]

At a local level, of course, the situation could be very different. This was particularly the case since immigrants and migrants have never been evenly distributed across the country. For example, the impact of the Irish in Liverpool, of Russian Jews in the East End of London or

[87] PRO, DO 175/54, Report to Ministerial Committee, 5.

of Asians and West Indians in Birmingham was greater than their representation in the population as a whole. For welfare that was funded locally, therefore, immigration and internal migration could have a significant impact upon local welfare services and local taxation – above all upon changes in the rate of local taxation. For instance, even after the famine crisis years the Irish accounted for a large part of the cost of the poor in some northern cities. In Liverpool in 1854 the Irish poor added 3 5/8d in the pound to the rates, whereas the English poor cost 7 7/8d; in Manchester the equivalent figures were 5 1/2d and 8 3/4d, and in Bradford 5 5/8d and 1s 2 1/2d in the pound in the same year.[88] Similarly, we can point to the enormous stress borne by the local tax base in the post-1945 period. While the proportion of local authority expenditure drawn from the rates fluctuated mildly between 1950–1 and 1970–1 from 48 per cent to 41 per cent, the total sum being raised from the rates increased more than five fold in the same period.[89] These are circumstances in which the additional demands on local services presented by immigrants could be made to appear especially unwelcome. The fiscal system presented a structure within which individuals made choices concerning the extent of collective solidarity. These issues were not faced in an intellectual and cultural vacuum. This essay has highlighted the moral disdain for the migrant poor in the eighteenth century, the passion for justice and uniformity expressed by poor law inspectors, as well as the narrow and racially inflected circle of community erected by some local politicians and officials in post-war Britain. These ideas, and others, gave shape to the problems of governance. They also provided a vocabulary which could be utilised by politicians and officials to persuade themselves and others that their actions were necessary and just. But if we look at the tendency of policy in the long run, fiscal and institutional considerations exerted a powerful influence, both on decisions which diminished the entitlements of migrants and immigrants and on those which extended them.

As we have seen the mid-1980s, there has been a change of direction. This requires an explanation, for these same years did not witness any reduction in central fiscal and institutional controls; rather, the reverse was the case. The historic shift of policy in these years, however, can be explained in part by the changing composition of benefits within the welfare state and to the changing political language of the immigration debate. In this way, the deterioration in immigrant entitlements can be placed in the context of wider changes introduced by Con-

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[88] PP 1854–5 xiii, *Appendix to the Report of the Select Committee on Poor Removal*, 349–53; see too F. Neal, *Black '47: Britain and the Famine Irish* (Basingstoke, 1998), 256–62.

[89] P.G. Richards, 'The Recent History of Local Fiscal Reform', in *The Reform of Local Government Finance in Britain*, ed. S.J. Bailey and R. Paddison (1988), 32.

servative governments after their electoral victory in 1979. For in these years governments engineered a major shift in the balance between different sorts of benefit within the welfare state. Whereas in 1979 just 4.4 million people received supplementary benefit in 1995 9.8 million – one sixth of the population – were on income support.[90] Accordingly fewer benefits were distributed on the contributory principle and thus received as the proper receipt for social insurance in which all pooled their risks, and more people received benefits as a system of handouts. The emphasis of the benefit system moved from a contractual one, in which the boundaries of collective solidarity were porous – anyone could benefit, so long as they contributed – to one that was more limited in conception because it depended more heavily on handouts raised by taxation. In this circumstance it was possible to draw the boundaries of collective solidarity more tightly. As Douglas Hurd, the home secretary, told parliament in support of his Immigration Bill in 1988, 'It is no service to community relations here if they [dependants] are then homeless or destitute. It is fair and reasonable that people should not come here without having somewhere to live and some means of support without recourse to public funds.'[91] A fundamentally similar point was made by Teresa Gorman MP when she expressed her sympathy 'with the feelings of the citizens of this country who believe that people can arrive here and climb on to a raft of welfare benefits for which the indigenous population has already paid out of its earnings'.[92]

Having surveyed four centuries of history, we can now return to our more general starting point. Does this history confirm the claim that 'distributive justice presupposes a bounded world within which distributions take place'?[93] If this were so, the recent erosion in Britain of the welfare entitlements of asylum seekers would appear as the culmination of an historical trend. This argument could be supported, perhaps, by the contrast between the treatment of the unsettled and settled poor in the eighteenth century. The vulnerability of strangers and outsiders may have been a counterpart to relative generosity towards those who were acknowledged to 'belong' to the parish.[94] But in other respects, the evidence produced here suggests that the opposite

[90] A. Walker, 'The Strategy of Inequality', in *Britain Divided: The Growth of Social Exclusion in the 1980s and 1990s*, ed. A. Walker and C. Walker (1997), 3.

[91] *Parliamentary Debates*, 1987–8 (122), 705.

[92] *Ibid.*, 837. Over the twentieth century as a whole, it has been the contributory components of the welfare system which have been most open to immigrants. Thus in 1908 aliens were not allowed non-contributory age pensions but three years later they were included within the scheme for national insurance.

[93] See n. 1

[94] Hindle, 'Power, Poor Relief and Social Relations in Holland Fen'.

of Walzer's claim may be closer to the truth. For example, improvements in the welfare entitlements of the Irish arose in the nineteenth century when there was a complete absence of state controls on their entry to the country. Similarly, immigration law was more relaxed between 1948 and 1966, when immigrants gained their greatest welfare entitlements, than in the subsequent decades, during which time entitlements have been questioned and removed. A historical perspective, therefore, suggests the novelty, not the inevitability, of recent developments. The current moment is distinguished by the combination of an unprecedentedly energetic attempt to regulate entry to the country, alongside its humiliating failure to do so. Asylum seekers, who entered Britain at the rate of 4,000 per year between 1985 and 1988, do so at the time of writing at a rate of 100,000 per year. The contemporary assault on the welfare entitlements of asylum seekers will be misunderstood if we regard it as a culmination of an historical trend or as an exemplification of a philosophical truth. In this case, history underscores the novelty, as well as the moral and political challenge, of the present.