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“You May Find Yourselves Changed in Unexpected Ways”

Literature and Poverty Law

Adam Gearey

“[I]n these times of dreary crisis, what is the point of emphasising the horror of being?” Julia Kristeva¹

Introduction

This paper outlines a tradition of Anglo-American literature that stretches from Jane Addams to Jack London and George Orwell. Locating poverty law scholarship in this tradition of poverty writing has important implications for how we understand lawyering for the poor and, indeed, for the very idea of law and literature.² Borrowing the idea of unlearning from Jane Addams, we will show how reading literature is central to the moral task of self-definition.³ It may be that poverty lawyering is best understood as peculiar continuation of a tradition of unlearning that defines the problematic of poverty writing.⁴ The argument concludes with comments on how the main themes of this essay can be framed as a kind of dialectics that pushes unlearning in the direction of a politics of poverty.⁵

Our argument begins with the encounter between the ‘middle classes’ and the poor that underpinned the settlement house movement in the latter 1800s. The settlement house movement had its origins in the response of churchmen and university scholars to the social and spiritual degradation of slum life wrought by the industrial revolution. Profoundly impressed with the work of the settlement movement, Jane Addams resolved to repeat the social experiment in Chicago. Addams founded Hull House with her partner Ellen Gates Starr in 1889. Addams saw Hull House as “an experimental effort to aid in the solution of the social and industrial problems which are engendered by the modern conditions of life in a great city.”⁶ Addams appreciated that the spiritual/educational mission of settlement could not be based on settlers imposing their understandings of morality on poor families. Those committed to working with the poor had to acquire a new understanding of morality. We will describe this process of revision as un-learning. Literature is central to un-learning as it provokes fundamental questions about one’s attitudes to others—particularly those who have fallen into poverty.⁷

Whilst Addams’ texts are exemplary of unlearning, questions remain about the extent to which she could confront her own fundamental assumptions. We will trace this theme into Jack London’s *The People of the Abyss*. What sense can we find in London’s commitment to socialism after his experiences in the East End? A great deal is left unexamined. With Orwell’s *The Road to Wigan Pier*, unlearning becomes somewhat more radical. From Orwell, we will turn to the new poverty law and focus on the work of Lucie White. Despite the very real differences between Orwell and White, we can use the latter’s critical voice to prompt critical questions about the former’s theory of poverty law. Whilst White’s concepts of honesty, self-criticism and poverty lawyering as ‘piece work’ carry forward elements of unlearning the engagement with poverty is not pushed far enough. One is left with the sense that poverty lawyering is based on respecting one’s client and confronting the power games that are inherent in the encounter between a lawyer and a poor person. Questions remain about the extent to which this understanding allows the work on the self to engage with the abjection of being down and out and the politics of socialism that it throws up.⁸

The Great Refusal

Jane Addams inherited from the British pioneers of the settlement house movement, a profound concern with the need to inculcate a “moral sensibility” in the poor through her own actions.⁹ She well understood the nature of moral education as a form of work on one’s self. Asking her Quaker father to explain his faith, he talked of ‘inner honesty.’ How one judges oneself is of fundamental importance. One must constantly interrogate one’s actions and “moral concerns” in the intricate “maze” of existence.¹⁰ In the drama of the self’s passage through the world, God is found through the honesty with which one questions one’s self. The guiding principle is “the desire to live in a really living world and [to refuse] to be content with a shadowy intellectual or aesthetic reflection of it.” This raises something of a tension that Addams appreciated: the attempt to engage with experience through the abstraction of writing. In order for writing to remain authentic it must constantly relate back to practices of living. For instance, Addams makes reference to Dante’s “the great refusal.” A Dantean reference is not simply a display of classical learning. The great refusal is read as a lesson in engagement and honesty. The relevant canto from *The Divine Comedy* presents the fate of those who- out of cowardice- refused to commit to a cause. The great refusal is invoked as a prompt to the self. Literature is a vehicle for working out the terms of one’s commitment.

Addams is carried towards her commitment by her experiences in the East End of London. She was haunted by a strange sense of “intellectual futility” and “paralysis” during her grand tour of Europe. Although she was dedicated to her studies of art in Italy and Cathedrals in France and Germany she was frustrated by a sense of disconnection.¹¹ Rather than abandon her work, Addams resorted to a process of unlearning. She becomes convinced that her education has separated her from an emotional life quicker and more vital than that found in the cloistered study of art history. The ‘active emotional life’ compels a response to the “suffering or helplessness” that could always break through the polite conventions of the middle class world. Addams reports that the sight of “heavy-laden market women and underpaid street labourers” confronted her with a sense of her own privilege and uselessness.”¹²

This is an important scene, and one that will take us towards our considerations of London and Orwell. It points towards Addams’ account of her initiation into the “the wretchedness of East London.” The hands of the poor form a lasting impression: “myriads of hands, empty, pathetic, nerveless and workworn, showing white in the uncertain light of the street, and clutching forward for food which was already unfit to eat.”¹³ This image is an allusion to George Eliot’s *The Spanish Gypsy* where ‘the clasp of hands’ expresses something like honesty. For Addams in this encounter with the East End- the spectacle of the hands, and, later the memory of this spectacle is the point of commitment to a cause. She speaks of the “despair and resentment which seized” her and lead to a question of what this experience might mean:

“I carried with me for days at a time that curious surprise we experience when we first come back into the streets after days given over to sorrow and death; we are bewildered that the world should be going on as usual and unable to determine which is real, the inner pang or the outward seeming.”¹⁴

This is perhaps the most significant articulation of the moral movement from outward experience to inward meaning and one that underlies the experience of settling amongst the

poor at Hull House. Settlement, in this sense, requires the breakdown of rigid class divisions (whilst being careful not to go too far in the direction of socialism). Addams notes that those who joined her:

“have been shut off from the common labor by which they live which is a great source of moral and physical health. They feel a fatal want of harmony between their theory and their lives, a lack of coördination between thought and action.”¹⁵

The settlers who joined Jane Addams feel isolated or ‘shut off’ - distanced from common life and crippled by an emotional or even spiritual dissonance between “thought and action.” To coincide with oneself is bring together deeds and inner life. One must act so as to make a difference in the lives of those that suffer. We can thus find in Addams an articulation of the settlement ethos: a commitment to be alongside the poor. This is related to a sense of social service or social duty- and- in keeping with a Christian spirit an awareness that salvation is a matter of work, quite literally a matter of social work.

Reading *Twenty Years at Hull House* one is struck by Addams’ focus on the profound sense of personal mission. Compared, say, to Jacob Riis’s descriptions of the horrors of the teeming tenements of New York, Addams does not appear to be particularly engaged with the filth of lives lived in poverty.¹⁶ Certainly her approach avoids Riis’ sensationalism but compared to later poverty literature, it is as if there is no sense of the material abjection of poverty in *Twenty Years at Hull House*. Settlement life is a set of concrete tasks, running a kindergarten, organising boys’ clubs, sewing and reading groups. These are forms of social activity that decrease the distance between people and create a virtuous circle where good deeds breed good deeds. *Twenty Years at Hull House* remains a description of the personal struggle of a noble soul. Stressing the degraded filth of the poor might limit the terms of a philosophy which is focused on the construction of an inclusive community. Throughout her writings Addams wrestled with the unresolved tensions in her work. She was aware that her endeavours at Hull House both “challenged” and “reinforced the status quo.”¹⁷ Although increasingly committed to supporting working class struggles and causes, Addams tended to think that “ethical fellowship” and “moral revolution” would transcend the tensions between capital and the workers’ sense of “shared injury.”¹⁸ The wake of the Pullman Strike compelled further troubled reflections. We can indeed read the celebrated essay *The Modern Lear* as a work of unlearning. Literature provides a resource for critical thought. Addams argued that industrial conflict could be understood as a form of family tragedy. But was this approach adequate to the political realities of the strike? Addams continued to assert that social peace required spiritual rather than social transformation, but perhaps her very reluctance to move beyond a literary analysis limited her own critical perspective.¹⁹

Into the Abyss

If Addams attempted to bridge the gulf that separated the classes, then the title of London’s book suggests that the distances involved may be greater than Addams had calculated. It might indeed be interesting that London makes no real references or allusions to Dante. Certainly the frame of reference has shifted. London reverses Addams’ experiment. Instead of announcing his presence, his desire to help, he goes into the East End in disguise, like an “explorer.”²⁰ This simile is important. It suggests the social distance between the narrator and the experiences of those whose lives he narrates. London’s narrative is an account of a movement from disconnection to a measure of sympathy. This theme is caught up with other metaphors in the book and the general organisation of the text. The opening metaphor in *The*

Descent is that of the squalid crowds of the East End, the “miserable multitudes.” The slum houses “street upon street” were “so many waves of a vast and malodorous sea, lapping about me and threatening to well up and over me.”²¹ When, however, the narrator has dressed himself in old clothes and walked back into the East End, the “fear” was no longer there. Rather, he “slipped gently” into “the vast and malodorous sea.”²²

London describes the poorest of the poor in Spitalfields Gardens where the homeless doss on benches. Individuals and families, fathers asleep on their daughters, babies apparently abandoned. Repulsive bodies posed in grotesque postures- and as the narrator is told- the women will “sell themselves for thrupence, or tu'pence, or a loaf of stale bread.”²³ To be poor is to be deprived of privacy, to have lost the means that allows one to appear decently in public. Indeed, although the poorest of the poor are condemned to be visible in public places, they are also ‘moved on’ by the Police— prevented from coming to rest. But poverty is not just a public plight. It is a malady of the soul. The abyss of poverty “seems to exude a stupefying atmosphere of torpor... a “deadly inertia that precedes dissolution.” The time of the poor seems to repeat itself in cycles of deprivation and suffering: “[i]n their own lives they may only start to fall, leaving the fall to be completed by their children and their children's children.”²⁴ The abyss is internalised, it becomes a deadening to the self; the lowering of horizons that means that nothing changes and nothing develops: “[m]an always gets less than he demands from life; and so little do they demand, that the less than little they get cannot save them.” If we are no more than our circumstances, to live in a slum is to disappear from yourself or to want from life no more than “booze” – the intoxication that makes it bearable. Amongst the denizens of the slums the narrator encounters something else.

Disguised in the cheap clothes he bought on his first expedition to Stepney, London can no longer be identified as a member of the upper classes to be ‘fawned’ upon. He discovers a “comradship” that surprises him as he meets “the English lower classes face to face” in circumstances where they could be known “for what they were.” In these encounters the poor “talked with me, they talked as one man to another, and they talked as natural men should talk, without the least idea of getting anything out of me for what they talked or the way they talked.” This is a peculiar trope. The becoming poor is necessary for the re-discovery of the “natural man”- and a kind of honest talk where nothing is hidden (which is, of course, based on the narrator’s dishonesty- he is a ‘researcher’- a visitor from abroad- an American disguised as a poor man). No longer the explorer, he is now involved in the world of poor men. London cannot keep his distance. Like Addams, London wants to coincide with himself in honest talk with others. Honest talk is not aimed at signifying social authority or stressing the social gulf that exists between the rich and the poor.

At the same time London does not appear to be quite authentic to his experience. Whilst it would be hard to disagree with his concluding argument that “[c]ivilisation must be compelled to better the lot of the average man” he has not engaged in any detail with the peculiar dynamic of disguise and true identity.²⁵ Indeed, he cannot engage in honest talk without revealing his identity. On being turned away from Poplar Workhouse, and out of desperation, he chooses to spend his ‘emergency fund’ with his two companions. As soon as they know that he is a “social researcher” – the old comradship ends. Diffidence and “class consciousness” creep in. After a meal he leaves his companions on a street corner and departs thinking of “the washboard ribs over which I had run my hand.”²⁶ This is an interesting image- recalling that of the hands of the poor in Jane Addams’ writing. For London, it is very much an image of an encounter with reality; and of a witnessing (with distinct theological echoes).

What does London make of this experience? What does it mean to have run his hands over a starving man's ribs? Writing some two years after finishing *People of the Abyss*, London produced a text that went beyond the rather abstract final chapter of his earlier book. *The People of the Abyss* concluded with some extended political meditation on the poor as the victims of a system over which they have no influence. The poor are a kind of vague mass for which one can retain an oceanic sympathy. In the later text, the image of the pit or the abyss returns but now in the context of a profound personal change. London mixes together the secular and the spiritual to explain how he was 'reborn' as a socialist. Elaborating the story of his transformation he recounts how he "ran to" books in an attempt to understand what he was going through, only to dismiss reading as a rather secondary way of understanding what had already happened. He unlearned himself:

"[s]ince that day I have opened many books, but no economic argument, no lucid demonstration of the logic and inevitableness of Socialism affects me as profoundly and convincingly as I was affected on the day when I first saw the walls of the Social Pit rise around me and felt myself slipping down, down, into the shambles at the bottom."²⁷

The experiences that remain rather abstract in *The People of the Abyss* are now linked to a much more profound sense of personal change. The abyss, the social pit, is a striking metaphor of a dizzying fall into the horrific chaos of poverty. Yet, *How I Became A Socialist* is a strangely disappointing text. London gives no real sense of how his experience in the "shambles" of other people's lives confronted him with a real political problem. To get a grip on this theme, we will turn to George Orwell.

The Misery of Others

We can read Orwell's work as an engagement with a problem inherited from London: what chance is there for sympathy and fellowship between people of different classes? If one is even vaguely acquainted with Orwell's writing, his peculiar habit of 'tramping' will be familiar. It is a direct borrowing from London as Orwell himself acknowledged. But, there is a much greater reflexivity in Orwell's writing than there is in London's work. Orwell quickly became impatient with the idea of being disguised. Indeed, the key text on which we will focus is 'mature' to the degree that Orwell had cast off whatever residual sense of adventure lead him to follow London's example. Orwell sees the necessary work on the self as long term and serious: "I have got to alter myself so completely that at the end I should hardly be recognisable as the same person."²⁸ This line, which strangely echoes the conclusion of Coetzee's *Disgrace*, describes Orwell's desire to be erased and made new....ultimately to "abolish part of the self" - to start again.²⁹

Authentic writing is related to this problematic. Orwell has a fear that words cannot get at the real awfulness of human suffering. Commenting on the notes that he took in Wigan, Orwell writes:

"....as I read them they bring back what I have seen, but they cannot in themselves give much idea of what conditions are like in those fearful northern slums. Words are such feeble things. What is the use of a brief phrase like 'roof leaks' or 'four beds for eight people'? It is the kind of thing your eye slides over, registering nothing. And yet what a wealth of misery it can cover!"³⁰

How can writing stop the reader's eyes sliding over the 'misery' that is out there. Most importantly, the point of Orwell's writing is to stop the eye becoming blind to other people's misery: "[h]ousing shortage' is a phrase that has been bandied about pretty freely since the war, but it means very little to anyone with an income of more than £10 a week, or even £5 a week for that matter."³¹ 'Shortage' means so much more than a lack of supply. To use the word authentically, one cannot 'bandy' the term around. For Orwell this starts with detailed description but good writing is more than simply description. Good writing comes from the arrested eye of the true witness. We might even say that good writing is a moral exercise in working out how and why one has 'slid' over the misery of others. This involves something like a politics, or, at least an understanding of the effects of 'the industrial system' on people.

We can examine this theme in relation to two essential concerns: the 'housing question' and unemployment. Homelessness – or living in reduced circumstances- is a major register of the experience of being poor. This concern runs through Orwell's work, from the early publications such as *How the Poor Die*- to the first descriptions of his 'tramping' in *The Spike* and *The Common Lodging House*. In *The Road to Wigan Pier*, the common lodging house re-appears and is the locus of a particular kind of filth, stagnation and paralysis. Consider the first chapter of *The Road to Wigan Pier*.

We are in a bedroom in a filthy tripe shop and lodging house ran by the complaining and mean spirited Brookers and populated by a caste of derelicts. The chapter evokes a very particular sense of waste, boredom and decay. First of all, there are "generally" four lodgers whose beds are crammed together in what was "still recognisably a drawing room." The point is that this is not "shabby genteel." Nor is it the filth of the tramps with whom Orwell had spent time on the road. The filth and broken down furniture that fills the room is the correlative of a particular working class type. Their quality is summed up in details. Mrs Brooker "lay permanently ill, festooned in grimy blankets"³² although "her only real trouble was over-eating." Her husband- who runs both the lodging house and the tripe shop, is full of "brooding resentment" as if there was "fermenting in him... a kind of bitter juice."³³ What stands out is that he is "astonishingly dirty."³⁴ He left his dirty fingerprints all over the food that was served up in the filthy, frusty kitchen which smelt "dreadfully."³⁵ Despite the filth and "the dusty flyblown air"³⁶ of the shop, neither Brooker can understand why they have no customers and spend their time in resentful criticisms of their lodgers and "self-pitying"³⁷ reflections on situation of their lives with the repeated phrase "it does seem 'ard, don't it now."³⁸

The Brookers are not particularly poor by local standards and are probably reasonably well off. Orwell is clearly drawing attention to some broader failing of character:

"The most dreadful thing about people like the Brookers is the way they say the same things over and over again. It gives you the feeling that they are not real people at all, but a kind of ghost for ever rehearsing the same futile rigmarole... But it is no use saying that people like the Brookers are just disgusting and trying to put them out of mind. For they exist in tens and hundreds of thousands; they are one of the characteristic by-products of the modern world."³⁹

The entire cast of this first chapter are ghosts or non-persons rehearsing futile and wasted lives. *The Road to Wigan Pier* pits the sensibility of the writer against what is revolting and meaningless. People are trapped in poverty, unable to develop- unable- in a real sense- to become an object of their own thoughts and to criticise themselves in any meaningful way. This degradation cannot be put 'out of mind.' Poverty is a problem of modern civilisation- a

phrase that comes in for criticism from Orwell for its own deadness. It's a pat phrase, a stock expression that performs an attitude and repeats endlessly what others say. Go back to the details.

It is not just the condition of common lodging houses that confront us with the reality of poverty:

“[A]s you walk through the industrial towns you lose yourself in labyrinths of little brick houses blackened by smoke, festering in planless chaos round miry alleys and little cindered yards where there are stinking dust-bins and lines of grimy washing and half-ruinous w.c.s”

Again we come across the metaphor of the labyrinth- here serving to point up the ‘planless’ chaos. This metaphor is a long way from Addams’ sense of the moral challenges that the world provides and that can be overcome. The poor that Orwell describes seem to have fallen much further than those that Addams tried to save. The poor have become almost inhuman:

“... some [houses] were so appalling that I have no hope of describing them adequately. To begin with, the smell, the dominant and essential thing, is indescribable.”⁴⁰

Words might fail, but these ‘miry alleys’ and yards are dwelling places. These are houses without individuality- too small, lacking in facilities, badly built, unhealthy and overcrowded: a complex that feeds into the metaphor of filth. This is the ‘index’ of these various failings. Filth describes both the houses and the people who live in them. But, there are different forms of filth. There is the miner covered in coal dust who has to wash in a tin bath in the ‘front parlour’ (the builder saved “perhaps ten pounds on each house”⁴¹ by not installing a “hot water system”). Then there is the filth and untidiness occasioned by overcrowding (Orwell blames children for this squalor-“the determining factor is perhaps the number of children”). There are also ‘bugs.’ Most of the houses that Orwell investigates and reports on have infestations and the first thing that the corporation does when it demolishes property and moves the tenants to a flat is to fumigate them and their belongings. Bugs are a different kind of ‘filth’- partly because they have their own agency. Despite one’s best efforts, a house can become infested and a person lousy. Dirt, then, is poverty.

Orwell writes:

“The dirt and congestion of these places is such that you cannot well imagine it unless you have tested it with your own eyes and more particularly your nose.”⁴²

Being amongst the poor allows Orwell to witness their condition. The truth of his witness is the record of his own senses. We can trace these themes into Orwell’s consideration of unemployment. To understand mass unemployment one has to understand a ‘system’ where a loss of markets puts millions of people out of work- and – this fact is then either ignored or downplayed. Orwell is primarily interested in these systemic effects of industrial production⁴³ not however, at the expense of engaging with the individual, qualitative experiences of being out of work. Many people experience unemployment for periods so extended as to make it seem unlikely that they will work again, the experience of poverty becomes general. The horizons of life are those of life on the dole.

Orwell contrasts this culture, this death in life, with his own work: writing. He notes that:

“[T]o write books you need not only comfort and solitude- and solitude is never easy to obtain in a working class home- you also need peace of mind. You can’t settle to anything, you can’t command the spirit of hope in which anything has got to be created, with that dull evil cloud of unemployment hanging over you.”⁴⁴

To write, to stand back and think. If daily life is spent keeping warm then one cannot ‘think’ a way out of the circumstances in which one finds oneself. A long time before Loïc Wacquant, Orwell was investigating poverty as an ethos, and the great division in social life. The settlement movement had not mended this social divide. It had produced a great deal of empty rhetoric (especially amongst left wing middle class intellectuals) and the kind of “yearly summer camp” where “public school boys and boys from the slums are supposed to mix on exactly equal terms.”⁴⁵ Unlearning requires a much more profound examination of the assumptions that one makes about the worlds of the poor. It is a theme bound up with the moral work of a writer. Writing is not only the figure of faithful record—it is a metaphor for honest self-examination.

Orwell goes further than Addams or London. This is perhaps why the latter sections of *The Road to Wigan Pier* have been found so difficult to read, in particular the extended meditations on the smell of the poor. We can now see them as exercises in unlearning – a working through a set of received attitudes and unexplored assumptions. What is the use a disguise to ‘pal’ up with the poor? Certainly, Orwell can see that travelling into the world of the poor is a journey into the self. He writes that witnessing poverty was a way of testing himself. He presents himself with a profound moral challenge: “...how one could sell everything, give everything away, change one’s name and start out with no money and nothing by the clothes one stood up in...”⁴⁶ How could one unlearn oneself?

Whilst this is perhaps for most a somewhat strange endeavour, the more we reflect upon it we begin to identify a very peculiar feature of Orwell’s text. Could we perhaps refer to the pleasure/pain couplet at work in Orwell’s writing? *The Road to Wigan Pier* is just that, a passage from North to South, from a poverty invisible to the stockbrokers of Surrey to Orwell’s personal engagement and witnessing of the awful reality of the Great Depression. Orwell finds himself in a situation that repels him. His pain, repulsion and disgust are bound up with the peculiar pleasure of beginning a work that is at the same time the discovery of his voice as a writer, and indeed, the beginning of his commitment to a certain kind of politics. Having been with the poor, Orwell feels that he can make authentic political decisions. For instance, the Brookers remain symbols of a kind of person surrendered to poverty. There is no sentimentality in Orwell’s attitude towards them. The poor are not objects to be saved by the middle classes. His contempt for the filth into which they have fallen contrasts, for example, with his admiration for the work of the “ragged men” of the National Unemployed Workers' Movement who organised the poor and helped to restore at least a semblance of dignity to the lives of the long term unemployed.

Orwell’s “guilt....drop[ed] from” [him]⁴⁷ because he worked out a way to make it creative. Orwell’s own transformation, his ‘becoming a socialist’, took him from Wigan to Spain. The complexity of this theme means that we cannot explore it in the present essay. In the terms of this essay, we need to see Orwell’s work as something of a mediating point between poverty writing and our encounter with the theory of poverty lawyering— this most recent version of the moral difficulties of being with the poor. The main point for the moment is that poverty writing reaches a peculiar intensity with Orwell. After Orwell the settlement house movement and London’s adventuring have to be read in a different way. This opens an interesting

tension in poverty writing, and takes us to a particular ‘sub-genre’ of the field: the writings of poverty lawyers.

The Ethics of the Dust

Of all the scholars of the new poverty law, White appears to be closest to the tradition that we have been outlining above. There are, of course, major differences between White’s descriptions of her work as a poverty lawyer in the “Jim Crow” America of the 1980s and 1990s and the poverty of the 1920s or the 1930s. It is also significant that White’s work is divided from Orwell’s by the profound historical experience that have seen the general compromise (if not collapse) of the diverse political initiatives that lead to the post war invention of the European welfare state and the American quasi welfare state. In more immediate terms, White’s writing is rooted in the failure of the War against Poverty and the grass roots welfare rights movement. However, it is also important to see that White is carrying forward central themes from poverty writing. White’s work attempts to articulate an account of poverty law from the perspective of an honest poverty lawyer.⁴⁸ This sensibility is, at least in part, informed by lessons learned by reading and studying literature. Admittedly, neither George Eliot nor Dante appear in White’s work. There is, however, an engagement with literature. Literature is fundamental to the articulation of White’s belief in “critique as the grounds of moral action.”⁴⁹ It is worth thinking in some detail about what this claim.

First of all, the use of the word ‘moral’ relates White back to the tradition of poverty law writing. An honest sensibility is engaged with the “difficulty” of working for the poor. White rejects the idea that poverty law can be understood as ‘serving’ a class of people who need some kind of missionary help (whether or not White escapes from certain elements of the settlement ethos is a question to which we will return). The acknowledgement of difficulty, the importance of being honest with oneself, takes us to the ideas of theory and critique. She confesses that “[w]hen I was working at Legal Aid, I used to read critical thinkers like Foucault and Derrida.”⁵⁰ However, this is not to fetishize names. Reading sharpens up what one does:

“Theory is the ongoing practice of reflection among the communities of poor people and their allies that are constituted by the work they come together to do. This kind of theoretical practice.... is enacted in those elusive moments of insight that mark good conversations, or in those tactical innovations that work.”⁵¹

Suffice to say that theory provides a form of auto-analysis: a way of confronting and thinking about how one plays a social and professional role. Theory, in this sense, is learned from Barthes, feminist legal thinking and Rosa Parks’ reflections on her civil rights activism. It compels White to a central question.

How do we become open to experience rather than trapped in rehearsed social roles? The whole point is that this kind of examination can only be done by examining the self. The language of faith that guides Addams is not useful to White. We could say that theory helps her to understand her subject position as a white middle class woman in a way that builds on Orwell’s investigations of class. Theory, is thus something of an approach to unlearning as it de-centres professionalism. White argues that it is necessary to step out of “everyday routines” to engage with how you think of yourself.⁵² Working through this complex means identifying some sense of character that can resist “subtle, internalised voices of obligation.” These inner voices repeat a script of “fear” about what “our parents, teachers, peers, or the

larger society will think about the work we do.”⁵³ White’s guiding question is “[w]hat kinds of activity give you the sense of being the person you want to become?”⁵⁴ How one can construct an honest version of oneself that seems the most authentic or least compromised?

One needs a guiding intimation of what one should be:

“For me, it has taken over ten years of post-law school experimentation to pull the many threads of my own vocational identity into a coherent lawyering job. Perhaps the most prominent of these diverse threads has been a puzzling need to listen hard as people seek to make sense of their troubles and their lives.”⁵⁵

The guiding intimation is the difficult ‘puzzling need’ to listen to others and to ‘make sense’ of their lives. The puzzle is a variation on the theme of the moral labyrinth introduced to us by Jane Addams. Even in committing oneself to ‘a calling’ there is no real sense of certainty that one is doing the right thing. Is there ever any way in which we can make sense of the lives of other people? This statement opens onto the same complex that we found in poverty writing. How does one cross a boundary and shake up one’s sense of self? There are no easy fixes. As we know nothing comes out of ‘paling up’ with the poor. One has to be aware, in White’s terminology, that there is a professional and biographical distance that separates the lawyer from her poor client- a theme that clearly resonates in a general way with our thinking about both London and Orwell.

White develops a practice of listening to others as a way of navigating these hazards. It is a technique based on a principle of Martin Luther King: understand those with whom you are working before you devise plans and programmes together. Applied to a lawyer’s work, this principle requires some engagement with the social context of one’s client. One must “[g]et involved in the life of the community.”⁵⁶ Anyone familiar with the ‘hurt and pain’ of organising will realise that acting on this principle demands hard work and personal resilience. The practice of poverty law involves:

“...a willingness to let what one hears from the other disrupt one's own perspective and revise one's commitments. It is a practice toward the other that seeks first of all simply to perceive the other's certainty in its own terms, and then to allow that certainty to challenge one's own.”⁵⁷

It is important to listen to others so that one’s own view is “disrupted.” However, is the “certainty” of the other quite the right way of thinking about this disruption? As Orwell might suggest, one would want to argue with the likes of the Brookers. Surely it would be better not to fetishize any emotional register that limits one’s response to the other. We need to follow White “deeper and deeper” into the mysteries of our relations with others:⁵⁸

“We must seek, in our encounters with others, not just to map the power or read the text, but also to recognize, in all its alterity, the other's face”⁵⁹

We need to engage with the unique-ness of the other- as exemplified in the face of the person to whom one is listening. The other person’s uniqueness is their infinite difference and distance from us. White seeks the authority of philosophy to justify her practice.⁶⁰ However, whilst this might be a compelling way of thinking about ethics, but it is the best way of understanding unlearning?

The philosophical or ethical tendency in White's work exists alongside a more explicitly political analysis.⁶¹ Reading White after Orwell leaves one with the sense in which such practical, pragmatic political tasks are a long way from an ethics orientated to being "held hostage by the other." It is as if we come across a similar tension to the one that we have found in Addams. To what extent does White's commitment to a philosophy of the noble soul prevent unlearning? At what point does White need to make the kind of distinction that Orwell made between the likes of the Brookers and the ragged political activists of the NUWM? White's notion of moral action as "situated piece work"⁶² presents itself as an idea that could obtain purchase on such concerns. Piece work is rooted in 'what works.' 'What works' is found in "elusive moments of good conversation" and tactical innovation where people work together. Practices of listening to others and self-examination militate against the piece worker confusing convivial ways of working with imposition of his or her own class power. Whilst this may be important, it seems too polite- something like the well-meaning efforts of the settlement summer schools denounced by Orwell.⁶³

Just as Orwell had to work through his class position to reach a kind of authenticity, White works at her own professional status. There is some peculiar dialectic in these experiences- and one perhaps better realised (if it can be realised at all) by Orwell rather than White. In becoming down and out, abject, and with the poor Orwell encounters something primordial. It is certainly bound up with voice, writing and identity. Un learning means becoming a new object for oneself whilst sustaining a negation of one's self. Redemption, for Orwell, means getting as close as possible to what disgust you: the smells, dirt and shit of the poor: bad grammar, bad breath, poor reading habits, the toleration of boredom and poor teeth. This seems to go beyond the career choice to become a poverty lawyer. The poverty lawyer is ultimately shielded from the grimness of poverty by his/her professional role and frustrated by the limits which enable the engagement with the lives of the poor in the first place.

What does seem clear is that unlearning begins with desiring to be otherwise. However, just because one might be able to negate one's own class position, doesn't mean that one single individuals' poverty has become any easier to bear. Unlearning opens a more profound dilemma, the difficult passage from the engagement with poverty to a political position. The whole experience is overwhelming- exorbitant- a "delirium that stops one going mad."⁶⁴ It is indeed intriguing that the image of the abyss, central to poverty law writing, figures as the central metaphor of the passage to the delirium of politics in the theory of abjection. The passage through the abyss, the engagement with the poverty of others, might thus offer itself as the thematic of poverty writing. To the extent that this is a question of writing, and, ultimately literary writing rather than reflection on law, it directs us towards the political challenge of a kind of hybrid text: a peculiar hybrid of reflection, theology, social science, field notes and memory work. Such troubled texts do not act as a handmaiden to the law or to lawyers who want to understand their experiences helping the poor. They force us to go elsewhere.

Conclusion

Unlearning, with its dialectical negation of forms of identification, retains the abject as it is an open ended delirious project.⁶⁵ The delirium is the dizziness of the subject attempting to steady his or her own ego in commitment to a political cause: a "security blanket" no doubt- but a course of action which at least gives the comforting sense that you are trying to do something about the "senseless abyss."⁶⁶ The comfort blanket is also the blanket issued to the POUM volunteers in the trenches above Huesca, the road from Wigan Pier led Orwell

directly to the volunteering for the Republican cause in the Spanish Civil War. To unlearn, in this sense, is to find a form of personal redemption in a political delirium. We have, in this way, been following the general contour of a particular form of becoming political. Perhaps – for all the theoretical sophistication of the various definitions of poverty law⁶⁷ – the truth is both simpler and more dreadful. The engagement with poverty is a working through of one’s own disgust with one’s self and with ‘the system.’ If not the journey to the end of the night, then the road from Wigan Pier.

¹ Julia Kristeva, *Powers of Horror, An Essay on Abjection* (New York: Columbia University Press, 1982), 208.

² Our primary point of reference is the new poverty law scholarship linked to the writings of Anthony V. Alfieri, Lucie E. White, Gerald P Lopez and others. Representative publications are Anthony V. Alfieri, “Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative,” 100/ 7 *Yale Law Journal* (1991), 2107-2148; Gerald P. Lopez, “Living and Lawyering Rebelliously,” 73/5 *Fordham Law Review* (2005), 2041-2054 and the articles considered by White in this essay. The new poverty law scholarship can be seen as an engagement with the difficult realities of poverty lawyering in the period after the defeat of the National Welfare Rights Organisation in the mid 1970’s and the long retreat from the War on Poverty. The new poverty law scholarship is characterised by theoretically sophisticated approaches to the practical tasks of lawyering and has, in turn, produced both its champions and its detractors. See Louise Trubek, “The Worst of Times . . . and the Best of Times: Lawyering for Poor Clients Today,” 22/4 *Fordham Urban Law Journal* (1994), 1123-1140 and Gary Blasi, “What’s a Theory For: Notes on Reconstructing Poverty Law Scholarship,” 48/5 *University of Miami Law Review* (1994), 1063-1098. The “law and organising movement” that flourished in the late nineties and the early years of the new millennia is perhaps distinct from the new poverty law scholarship. See Scott L Cummings and Ingrid V. Eagly, “A Critical Reflection on Law and Organizing,” 48/3 *UCLA Law Review* (2001), 443-518.

³ The concept of morality that informs this paper describes a form of thought and action that is based on self-examination. It can be rooted in Christianity, as in the case of Jane Addams, Orwell’s democratic socialism Jack London’s understanding of socialism or Lucie White’s practice of poverty lawyering. One of the preconditions of moral action is a notion of an inner life. Inner life is defined by reflection on one’s acts and their meaning. Moral action is not necessarily based on carrying out a consistent moral code, although the moral actor will be engaged with examining his/her reasons for action, and will test them against some sense of value. Bound up with this self-interrogation is unlearning. Unlearning describes the way in which the moral actor reviews his beliefs and values in the light of experience. Rather than carrying one’s values into action at all costs, the moral actor is open to their radical revision. Literature, or the reading of literature seems important in the development of this faculty. The moral actor may even find a certain virtue in difficulty: new experiences force a re-thinking of what had seemed certain. Why use the term morality rather than ethics? Clearly there are etymological differences between Greek *ethos* and Latin *mores*. This theme is writ large in Levinas’ work. Levinas argues that ethics are prior to morality. However if one remains sceptical of the notion of the priority of The Other and finds oneself ‘at home’ in the neutral ‘il y a’ of the world, then it would seem wrong to insist on the priority of ethics to morality. For a brief elaboration of this argument, see footnote 54 below. We also need to clarify some points in relation to Foucault’s ethics. If one accepts that writers like Addams, London and Orwell were concerned with a ‘style of existence’ then Foucault’s distinction between ethos and moral code becomes less cogent. See Paul Rabinow’s introduction in *Michel Foucault Essential Works 1954-1984 Ethics*, ed. Paul Rabinow, (Penguin: London, 1994), xxix. In explaining their reasons for being alongside the poor, Orwell, Addams and London would probably refer to a moral or an ethical sense of what they should do and how they should live. In further distinction to Foucault’s work, one’s pleasures are not at stake, at least not directly. This takes us to the psychoanalytic elements of the argument. One point of reference is Julia Kristeva’s notion of the abject. From at least one perspective, it would be possible to argue that the abject is related to the *jouissance* of the ethical subject, enjoying the repulsion of his/her ethical or moral difficulties. There is a very strong sense of the abject in the unlearning that Orwell experiences is becoming a socialist. Finally, Addams, London and Orwell are engaged not so much with the question of ‘know thyself’ or ‘take care of thyself’ - but- the problematic question of how to live well with others. Thus, we make no claim to be working in a Foucauldian tradition. Our sources for this way of thinking are primarily to be found in the work of Louis Wolcher, and, in a

more distant sense, John Dewey. See Louis Wolcher, *The Ethics of Justice Without Illusions* (London: Routledge/Glasshouse 2016) and John Dewey and James Tufts *Ethics* (New York: Holt, 1908).

⁴ As there is a great deal of literature on the new poverty law scholarship, this paper will not attempt to exhaustively engage with all the work produced by writers linked to this movement. New poverty law scholarship can be understood as an attempt to provide an intellectual grounding for poverty law in the period after the historical failure of the welfare rights movement of the later 1960 and early 1970s. The new poverty law scholars responded to the ongoing nature of poverty law in a period marked by an ascendant right, limited public funding and the absence of a mass popular movement. The new poverty law scholars showed a pronounced interest in making use of the insights of ‘postmodern’ theory, narrative theory, feminism and hermeneutics to make sense of their condition. The reasons for engaging with White are given in the main text of the essay. A statement of Alfieri’s position can be found in “Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative,” 100/7 *Yale Law Journal* (1991), 2107-2148. A useful starting point for Lopez’s work is “Shaping Community Problem Solving around Community Knowledge” 79/1 *New York University Law Review* 2004, 59-114. References to White’s work are given below.

⁵ The understanding of abjection in this essay is a creative appropriation of Kristeva’s work. See Julia Kristeva, *Powers of Horror, An Essay on Abjection* (New York: Columbia University Press, 1982). It is interesting that the argument of this essay requires Orwell’s ‘discovery’ of abjection to be articulated through a critique of Addams and White. The authentic male political voice thus emerges from a kind of rejection and incorporation of two female voices. The theory of the abject also sets up a strange encounter between literature and psychoanalysis. A proper development of a real psychoanalytic investigation of poverty law writing- and indeed a study of George Orwell’s sensibility- would have to take this theme seriously. At very least, the writers considered in this essay – and especially Orwell’s commitment to a style- would require different thinking about the abject. Orwell is both quite close to and very different from Céline’s literature of abjection. Suffice to say that as this essay flirts with psychoanalysis, rather than adopt it as a framework certain liberties have been taken with abjection. Kristeva’s fundamental question is that of a politics of poverty: “in these times of dreary crisis, what is the point of emphasising the horror of being?” (208)

⁶ Jane Addams, *Twenty Years at Hull House* (New York: The MacMillan Company, 1912), 125. Addams admitted that the term ‘settlement’ was not quite apt. She was sensitive to the fact that the word ‘settlement’ rang very differently to an American ear. To our ears the word ‘settlement’ has different problems- especially connotations of colonialism. To us, it might seem that the endeavour to ‘civilise’ the poor is inseparable from a broader politics. We might even think that the settlement ‘mission’ was compromised by its failure to appreciate its own complicity with structures of power and privilege. In varying degrees, poverty writing does engage with these concerns. Orwell, for one, was well aware of his own part in the colonial project and, as we will see from the text of this essay, carried an acute sense of guilt. Addams’ writings record her debates with communists and anarchists and suggest a critical awareness of the tensions in her own position. The critical sense of moral action is acute in White’s work. She has a keen sense of issues of gender, class and privilege. Moral action is very much concerned with the examination of one’s own assumptions, social position and view of the world. It is also worth, at this point, dealing with inherent problems with the use of terms like ‘the poor’ and ‘poverty’. These generalisations appear to suggest that poverty transcends the specific ways in which it is constructed- that there is some core to the experience of poverty. This is a difficult debate. Although we touch on issues of generalisation and abstraction in the text of the essay we do not claim to go into detail on the historical/cultural construction of poverty. We feel that this approach is justified as our main concern is with a response to poverty. Whilst this response to poverty is embedded in different contexts it does appear to define a certain sensibility that, whilst specific to each writer is also part of a tradition of writing. So, the concept of moral action locates poverty lawyering in a tradition of action and reflection.

⁷ At the same time literature was important to the settlement mission. One of the first activities that Starr and Addams engaged in on setting up Hull House was promoting a reading group dedicated to the novels of George Eliot. This is a complex theme but our concern is not with the ‘voices’ of the poor nor with some empirical assessment of whether or not reading literature successfully encouraged moral reflection in poor people.

⁸ In psychoanalytic terms, the abject is strictly something that cannot be named but has to be reconstructed from an account of psycho-sexual development. The abject ‘is’ at first experienced as the child’s relationship with the maternal body. In order for the development of an ego to take place, the child must be separated from this dark, intimate relationship. This is the function of the law and the father: the prohibition of incest. Whilst this imposition allows the entrance into the symbolic order of language and culture, it also gives rise to an ongoing relationship with a forbidden thing that cannot be named and stirs a deep sense of want that is not strictly the need of an object. This is because the relationship with the abject pre-dates the point at which the child can invest his/her desire in objects. Perhaps this explains how the abject returns as something that both can and cannot be put into words. It also helps explain why the abject is a complex of fascination and repulsion. The narcissistic stage of development is also caught up with abjection. The child must take him/herself as his/her

own object in order to continue on the path towards mature being. However, this sense of creating a self that can be recognised by others also carries traces of the abject. In other words, and shifting the theoretical focus a little, the dialectic of recognition is both enabled and interrupted by the abject at its core. Thus, it might be said, that abjection provides something of a structure for poverty writing and the concept of unlearning. Poverty writing is a deliberate attempt to create a new sense of self out of a fascination/repulsion of human beings degraded by poverty. Unlearning suggests the confrontation with the abject that is bound up with the desire to change the self. Addams, London, Orwell and White have different relationships with unlearning. It is perhaps only Orwell who achieves a viable form of unlearning through his confrontation with the abjection of poverty.

⁹ Addams, *Twenty Years*, *supra* note 6, at 357

¹⁰ *Id.* at 1.

¹¹ *Id.* at 76.

¹² *Id.* at 73.

¹³ *Id.* at 68.

¹⁴ *Id.* at 68-9.

¹⁵ *Id.* at 115-6.

¹⁶ Jacob Riis, *How the Other Half Lives* (New York: Charles Scribner, 1890).

¹⁷ Louise W. Knight, *Citizen: Jane Addams and the Struggle for Democracy* (Chicago: University of Chicago Press, 2005), 171.

¹⁸ Jane Addams, "Settlement as a Factor in the Labour Movement" in Jean Bethke Elshtain, *A Jane Addams Reader* (New York: Basic Books, 2002) 57, 53.

¹⁹ For instance, Addams was well aware of her own "aristocratic attitude[s]" and tendency to moral absolutism (Knight *supra* n. 16 at 400, citing Jane Addams, *Democracy and Social Ethics*, 177.) In *Democracy and Social Ethics*, she argued that it was necessary to move beyond the sense of duty and "personal effort" and address the "demands" of the time for "social adjustment" – illustrated by the "stern test" of the soul on judgement day: "did you visit the poor?" (Jane Addams, *Democracy and Social Ethics*: New York: Macmillan, 1902). Those equal to this challenge experience a sharp tension between an inherited sense of morals and a democratic reality. Democratic reality requires a "rule of living" amongst one's equals. In particular, it is necessary to reject the "conviction" that one is "more sensitive or more refined" than other people and throw in one's "identification with the common lot" —to be in the "heat and jostle of the crowd" but can "a quick sense of human fellowship" provide a way of grounding an account of ethical transformation in the cause of the poor? (Addams, *Twenty Years*, *supra* note 6, at 117)

²⁰ Jack London, *The People of the Abyss* (New York: Archer, 1963), 11.

²¹ *Id.* at 20.

²² *Id.* at 24.

²³ *Id.* at 48.

²⁴ *Id.* at 38-9.

²⁵ *Id.*

²⁶ *Id.* at 62.

²⁷ Jack London, 'How I Became A Socialist' in Philip F. Foner, *American Rebel: A Collection of Jack London's Social Writings*, (New York: Citadel Press, 1947).

²⁸ George Orwell, *The Road to Wigan Pier* (London: Penguin, 1986), at 150.

²⁹ *Id.* at 148.

³⁰ *Id.* at 52.

³¹ *Id.* at 47.

³² *Id.* at 4.

³³ *Id.* at 10.

³⁴ *Id.* at 5.

³⁵ *Id.* at 13.

³⁶ *Id.* at 10.

³⁷ *Id.* at 14.

³⁸ *Id.* at 10.

³⁹ *Id.* at 14.

⁴⁰ *Id.* at 54.

⁴¹ *Id.* at 46.

⁴² *Id.* at 57.

⁴³ *Id.* at 78.

⁴⁴ *Id.* at 75-6.

⁴⁵ *Id.* at 150-1.

⁴⁶ *Id.*, at 140.

⁴⁷ *Id.* at 140.

⁴⁸ Lucie E. White, "In the Interests of Justice," 70 *Fordham Law Review* (2002), 1923.

⁴⁹ *Id.*, at 1923.

⁵⁰ *Id.*, at 1923.

⁵¹ Lucie E. White "Paradox, Piece-Work, and Patience," 43 *Hastings Law Journal* (1992), 855.

⁵² Lucie E. White, "From a Distance: Responding to the Needs of the Other Through Law," 54/1 *Montana Law Review* (1993).

⁵³ *Id.* at 3.

⁵⁴ *Id.* at 4.

⁵⁵ *Id.* at 5.

⁵⁶ *Id.* at 16.

⁵⁷ *Id.* at 17.

⁵⁸ *Id.* at 17.

⁵⁹ White "Paradox, Piece-Work, and Patience" *supra* note 45, 1511.

⁶⁰ At least on one reading of Levinas, the interpellation of the Other would lift us out of any impersonal embedding context of the "il y a"- the world of history and time. One consequence of this rupture with everyday experience is that (contrary to White's ethic of sociability) the 'experience' of the encounter destroys or exceeds any possible "story" that one could tell of it (1992 859). This is a variation of Derrida's critical reading of Emmanuel Levinas' *Totality and Infinity* (Martinus Nijhoff: The Hague, 1979) in "Violence and Metaphysics" – an essay found in *Writing and Difference* (Chicago: Chicago University Press, 1978), 79-154. See also Jacques Derrida *The Gift of Death* (Chicago: Chicago University Press, 1996).

⁶¹ For example, in analysing the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, White draws attention to the various 'logics' that lie behind 'bad law.' On its surface, the Act was designed to encourage poor people, particular women with children, to take up jobs – to improve their productive capacity. Further study suggests that the Act's 'hidden' logic was to further the institution of "nuclear marriage" by forcing "poor single mothers to form households with men." Limiting the kind of benefits that were available to single mothers created pressures to marry men who were in employment. A second 'logic' shows how the 1996 Act furthers low waged work and to ensure a cheap supply of labour. White's response to the logics of bad law, is to think of poverty lawyering as embedded in forms of community organisation—an expressly political orientation to "collaborative lawyering in the field" that draws on traditions of social activism that are "participatory and emancipatory." See 'Facing South: Lawyering for Poor Communities in the Twenty-First Century', *Fordham Urban Law Journal*, 25/4 (1998), pp. 813-830.

⁶² White "Paradox, Piece-Work, and Patience" *supra* note 58, 859.

⁶³ Given the importance of Jane Addams, any proper development of this theme would require an engagement with her philosophical legacy. This cannot be tempted in this short paper. However, it would be fair to say that it would be necessary to investigate a line of pragmatist thinking that passes through Addams to White, see Charlene Haddock Seigfried. *Pragmatism and Feminism: Reweaving the Social Fabric* (Chicago: University of Chicago Press, 1996).

⁶⁴ *Supra* n.5, at 208.

⁶⁵ A brief glance at the etymology of the word 'learning' takes us back to root senses in Proto-Germanic and cognate languages of following a track or furrow and to German and Old English words for the sole of the foot. Learning, then, carries with it the sense of the paths walked by working men and women- the dirt engrained on the sole of the foot if one walks without shoes because one is poor. Reading these meanings into our argument, it might be that for the writers we have chosen to read, unlearning is just such a disgusted fascination with common life- the dismal shit of the everyday.

⁶⁶ Kristeva *supra* n.5, at 137.

⁶⁷ There are a number of dominant interpretations. For instance, Alfieri's articulations of "critical consciousness". See Anthony V. Alfieri, "The Antinomies of Poverty Law and a Theory of Dialogic Empowerment," *New York University Review of Law & Social Change*, Vol. 16, Issue 4 (1987), pp. 659-712. The "community problem solving" approach of Lopez. See Gerald P Lopez, Shaping Community Problem Solving around Community Knowledge 79/1 *New York University Law Review* (2004), 59-114. Piomelli's ideas of critical democracy. See Ascanio Piomelli, "The Challenge of Democratic Lawyering," 77/4 *Fordham Law Review* (2009), 1383-1408.