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## The Irish Poor Law and the Great Famine

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One of the central problems in interpreting the British state response to the Great Irish Famine of 1845-50 remains the decision taken by the administration to place full responsibility for famine relief on the demonstrably inadequate structure of the Irish poor law. The decision was taken in the spring of 1847 and implemented in September of that year, and replaced other, temporary forms of crisis relief through the more direct means of employment on public relief works and the gratuitous distribution of cooked food rations. Despite manifest evidence that the poor law was grossly inadequate to the relief tasks placed upon it, no significant deviation from the policy of reliance upon it was permitted in the latter years of the famine (with the partial exception of a transfer of resources within Ireland through a rate-in-aid in 1849). This undeviating adherence to a failing policy has been judged by many historians the principal policy error of the state in this period and the cause of significant levels of unnecessary excess mortality. To more engaged, Irish nationalist, critics, it demonstrated genocidal intent rather than ineptitude or indifference.

This paper examines why a poor relief system which was ostensibly not designed to cope with the 'extraordinary' conditions of national famine, was resorted to and adhered to despite the evident mortality costs this entailed. Some of these reasons – political, fiscal and ideological – can be located in the specific crisis circumstances of 1847 and the responses these called forth from political and administrative agents and the 'public opinions' of both Britain and Ireland. These themes have been explored before, especially in the work of James S. Donnelly, Christine Kinealy and myself.<sup>1</sup> What I want to add to this discussion is a review of the extent to which developmental as well as welfarist ideas were inscribed into conceptions of an Irish Poor Law in the debates preceding the first enactment of such a measure in 1838, and the way in which themes established in these formative debates were revived and refashioned in the circumstances of famine a decade or so later.

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<sup>1</sup> Peter Gray, *Famine, Land and Politics: British Government and Irish Society 1843-1850* (Dublin, 1999), chaps 5-6; James S. Donnelly, "'Irish property must pay for Irish poverty': British public opinion and the Great Irish Famine", in C. Morash and C. Hayes (eds), *Fearful Realities: New Perspectives on the Famine* (Blackrock, 1996), pp. 60-76; Christine Kinealy, 'The role of the poor law during the famine', in C. Póirtéir (ed.), *The Great Irish Famine* (Cork, 1995), pp. 104-22.

As Ireland entered a third consecutive season of famine in late summer 1847 the 'temporary' expedient of food relief through soup kitchens was wound up and responsibility for relief transferred to the workhouse-based poor law system. This had been expanded in the previous parliamentary session to introduce elements consciously omitted from the initial (rather cautious) Irish Poor Law Act of 1838 – principally the grant of a statutory 'right' to relief making the locally elected boards of guardians legally responsible for relieving all adjudged to be 'destitute', and the legalization of relief outside the workhouse in cases where the central poor law commission in Dublin (now given a separate existence from the parent body in London) deemed this essential. What the extension act did not do was alter the localized fiscal structures typical of the poor law system. Relief was (as before) to be funded from locally-set and levied rates on landed property (equally divided in the first instance between owner and occupier), making, in the popular political adage of the time, 'Irish property pay for Irish poverty'. While some small public or quasi-public charitable funds were available to transfer top-up resources from the centre to the peripheral, famine-devastated, poor-law unions in the west (officially designated as 'distressed'), these were used to compel compliance in self-assessment by the local boards, and were mostly exhausted by mid 1848. No further transfers were forthcoming until the Irish 'rate-in-aid' was approved in spring 1849 and a small government advance made in lieu of its revenues. The consequence, especially in the winter of 1848-9, was extremely high crisis mortality in the west and south-west of Ireland (at a time of relatively low market prices following a massive influx of imported foodstuffs), and the collapse of many unions into bankruptcy and the suspension of their uncooperative boards in preference to appointed vice-guardians. Not surprisingly, many historians have considered the British government more fault for mass mortality in this rather than the earlier famine phase (1846-7) of country-wide failure of the subsistence potato crop, international food shortages and extremely high prices.

The policy decision of 1847 appears particularly striking not least because it represented a reversal of the determined policy of the first year of the crisis (1845-6) that the poor law should be (so far as possible) kept strictly separate from the temporary relief mechanism, and policy that was to some extent maintained into the

second year. This determination was strongly associated with the Conservative administration of Sir Robert Peel, which vetoed suggestions from its own relief commissioners in late 1845 that the poor law mechanism be employed for structuring relief activities and more equitably distributing the burden of local fiscal contributions. Home Secretary Sir James Graham's angry response to the suggestion summarizes the rationale behind ring-fencing the poor law: '[T]he claim of the able-bodied for relief from the poor rate, when once admitted in Ireland, the locust will devour the land, and the concession once made can never be withdrawn'.<sup>2</sup> Graham's concern was as much developmental as it was related to the optimization of relief mechanisms. While there was a 'perilous uncertainty' that the resources of the rural unions would be sufficient alone to meet the strains of the season (a reasonable point, but not what his advisors were suggesting), the real danger was that any extension of the poor law to give a right to relief would be recognized as 'an agrarian law of the worst form', exploited for political effect by nationalist agitators, and that it would drain the investment capital of the wages fund from developmental projects into unproductive relief expenditure.<sup>3</sup>

A change of government in June 1846 brought little immediate change. The leading 'moderate' Whig economist Nassau Senior also insisted that the poor law remain isolated from the principal mode of famine relief – the public works administration begun under Peel and continued in modified form under his successor, Lord John Russell. Senior's principal concern was, like Graham's, that the poor law offered a temptation to radical and nationalist opinion (in both countries) to transfer the fiscal responsibility for relief onto those deemed 'guilty' of its causation – the Irish landlord class. Not only was this (generally 'improving') entity not collectively at fault, he asserted, the wages fund at their command was inadequate for the expectations of simultaneous relief and reconstruction now being placed upon it.<sup>4</sup> While not over-enthusiastic about relief transfers from the British exchequer to Ireland, Senior and his political allies believed that Ireland's economic recovery must not be compromised by an excessive mobilization of local capital for relief.

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<sup>2</sup> Graham to Sir T. Fremantle, 9 Dec. 1845, Graham Papers 25 IR.

<sup>3</sup> Graham to Lord Heytesbury, 15 Dec, 1845, *ibid.*, 96B; Graham to Heyesbury, 6 Feb. 1846, *ibid.*, 99.

<sup>4</sup> [Nassau Senior], 'Proposals for extending the Irish poor law', *Edinburgh Review*, 84 (Oct. 1846). Pp. 267-314.

While Senior and his landed allies in the Whig administration were able to stem the slide towards a poor-law based relief system for some time, with the rapid deterioration of the Irish crisis in late 1846-early 1847, circumstances were against them, and a coalition of more radical and 'moralist' government members, radical and liberal opinion in parliament, and much of British (and to some extent Irish Catholic) public opinion formed behind the idea of extending and placing greater reliance on the poor law. The view that the Irish landed class were directly responsible for the disaster attracted increasing popularity (fuelled by the perception of the 'unfair' transfer of relief costs to British taxpayers through the raising of extensive Irish grants and loans in 1846-7, and the more direct transfer of Irish distress to Great Britain through crisis migration), while growing anger at what was perceived to be a more general Irish 'ingratitude' and 'backwardness' was manifested in response to increasing reports of both agrarian unrest and political agitation in Ireland. Repeated claims of abuse of state relief in the British press also stoked a widespread belief that relief transfers involved an intense moral hazard.

By spring 1847 a behaviouralist interpretation of the causation of Irish distress was in the ascendant in Britain – one that stressed the necessity of introducing penal mechanisms in public policy that would oblige each social class to fulfil its just 'moral' obligations; the wealthy to relieve the distress of the poor – the products of their own previous neglect or exploitation, the labourers and small peasantry to adopt the habits of work discipline and abandon the agrarian conspiracies that had blocked praedial rationalization. This growing consensus was underpinned by a widespread perception that the famine was not the result of an ecological accident, but a divinely-willed providential intervention – sent not only to reform the behaviour of those subjected to its terrors, but to unlock what were believed by many to be the almost unbounded and untapped economic resources of the island. Against the Malthusian pessimism that inflected Graham's and Senior's (and most Irish landlords') views on the wages fund, was posited a much more 'optimistic', perhaps neo-Smithian, confidence in the ability of labour, properly directed, to create renewable capital. The converse of this 'optimism' was a readiness to attribute mass famine mortality in Ireland to the wilful immorality of the Irish, and to insist on the implementation of the penal mechanism of the poor law on all social classes. This, rather than any

unthinking adherence to *'laissez faire'* is what informed the doctrine of 'natural causes' in the latter stages of the Irish famine.

Several developments in 1847-9 contributed to this political commitment to reliance on the unmediated operations of the poor law. Firstly, the potato blight was absent from the harvest of 1847 (and grain relatively good), allowing those who interpreted the crisis in providentialist terms to declare the period requiring 'extraordinary' relief measures over. This category confusion between 'failure' and 'famine' proved difficult to shift despite widespread evidence in 1847-8 that the exhaustion of Irish resources and entitlements were leading to the extension of famine conditions, and the return in 1848 and 1849 of regional but serious outbreaks of potato blight. Secondly, the British elections of summer 1847 (coming in the aftermath of the 'triumph' of the Anti-Corn Law League and its reinvention as a campaign for 'cheap government') saw the return of a bloc of middle-class radical MPs who held a parliamentary balance of power and engaged in a politics of class-war against what they perceived as the weakest element of the landed aristocracy – the Irish landlords. This group also took a predominantly developmental position on Irish distress, pressing for 'free trade in land' as the panacea for that country's backwardness. The British commercial and industrial crash of autumn 1847 and the short but deep recession that followed accentuated this confrontational politics, and rendered, as Russell reluctantly admitted, further borrowing for Irish relief politically impossible. The brief and minor Young Ireland nationalist rising of summer 1848, although highly unrepresentative, further added to the growing antagonism towards its plight in Great Britain.

All this I think is now well established, and doesn't need further elaboration here. What I want to do in the rest of the paper is examine the extent to which the 'developmental' potential of the poor law was prefigured in the debates that preceded its introduction in 1838, and which proved so quick to revive in the (admittedly heated) context of 1846-7.

The idea of a poor law Ireland was fought over with some ferocity in both Ireland and Britain between the later 1820s and 1838. Unlike England and Scotland, Ireland had no national statutory provision for poor relief, although a network of grant-aided medical institutions (infirmaries, dispensaries and fever-hospitals) had been created in

stages from the mid 18<sup>th</sup> century. A number of urban municipal institutions, including ‘houses of industry’, ‘poorhouses’ and ‘mendicity institutions’ had also emerged in the wake of enabling legislation from the 1770s onwards, but were in widely varying conditions, and suffering from generally parlous financial crises by the early 19<sup>th</sup> century. Travellers, commentators and official investigators were of one view in post-1815 Ireland in identifying a widespread and endemic ‘problem of poverty’, but widely at odds in identifying its causation and suitable remedial measures.

In general, the ‘orthodox’ view of Irish poverty, drawing on the writings of the classical economists and shared by the majority of the political elite in Britain (of liberal or liberal-tory allegiance), as well as the bulk of Irish landowners, was that Ireland’s poverty was rooted in the Malthusian consequences of an imbalance between population numbers and the country’s productive capacity. The solution to the problem lay in rebalancing this ratio, through reducing the population by emigration (by the 1820s Malthus himself had come to believe this vital for Ireland), while removing the incentives to population growth and bolstering the wages fund available for the productive employment of the remainder. The latter required an anglicization of Irish agrarian structures – the replacement of the cottier peasantry with larger-scale capitalist farmers employing proletarianized agricultural wage-labourers. For most orthodox thinkers, from Malthus and Ricardo to Senior and Richard Whately, the principal author of the fundamental restatement of the orthodox stance in the 1836 Poor Inquiry Commission report, this ruled out any grant of poor relief to all but the most ‘helpless’ categories of poor – the crippled, blind and diseased. In a poor country such as Ireland, a poor law (especially on the despised lines of the old English poor law) would unproductively drain the wages-fund and maintain the backward peasant classes in possession of the land. Following the evangelical Thomas Chalmers’ critique of the English law (and its undermining of the traditionally much less generous Scottish poor law), Senior and Whately insisted that the moral superiority of self-help and private charity in the absence of an inclusive poor law would prove the foundation of self-sustaining development along orthodox lines in Ireland, so long as some pump-priming stimulus was provided by the state in the form of assisted emigration and infrastructural public works.

The opposing campaign for an Irish poor law was multifaceted and the measure that was finally enacted in 1838 essentially a compromise, falling short of the expectations of many of its advocates, but politically probably the strongest measure that could have been carried through parliament at that time. The motives behind it were mixed. The role of the British labour-protectionist lobby, agitating for an Irish poor law principally to curb labour migration across the Irish Sea and to equalize taxation burdens on Irish agricultural producers with those of Great Britain, cannot be discounted – although this appears to have peaked in 1832-3 and to have been in part undermined by the falling rate burden in England after the introduction of the English poor law amendment act of 1834. This English campaign overlapped with the anti-Malthusian popular-radical campaign for an Irish poor law associated in the early 1830s with Michael Sadler and William Cobbett, itself as much concerned with protecting the ‘old’ English law from reform as in promoting its extension to Ireland.

In my view a more significant lobby in terms of influencing the administration was that of the Catholic clergy in Ireland, initially under the leadership of Bishop Doyle of Kildare (until his death in 1834), and subsequently a number of Doyleite priests, including the radical Father Thaddeus O’Malley of Dublin. The Irish Catholic case, paralleling that of French liberal Catholicism, was principally for public welfare relief as a social entitlement, a moral bonding agent which would create equitable relationships in a fractured society by imposing fiscal responsibilities on the propertied, while offering the destitute poor an alternative to self-defeating agrarian or trade-unionist violence. Although Doyle himself called only for state relief for the ‘helpless’, aged and young, it seems clear that he regarded this as an initial rather than final step to a fully equitable welfare system.

The Catholic case appealed to the reformist faction in the British Whig party around Lord John Russell, which seized control over Irish policy in 1835; a poor law could be construed as forming part of the political strategy of ‘justice to Ireland’ – aimed at undermining nationalist politics by offering ‘popular’ reforms to the majority in that country. Despite the government’s efforts to locate the 1838 poor law within the rhetorical strategy of ‘justice to Ireland’, this failed for two reasons: firstly, the constriction of what was on offer (at least in the first instance) to what was considered ‘safe’ by the Benthamite administrator George Nicholls, and the failure to carry

promised ‘auxiliary measures’ (principally the national railway-construction project approved by the administration in 1838), and secondly, the erratic but ultimately destructive opposition of the nationalist leader Daniel O’Connell.

The ‘justice to Ireland’ case made for an Irish poor law by Irish Catholics, reformers and British Whigs, was principally welfarist and political. The moral case for reducing the suffering of the destitute through state intervention was combined with a political demand for an equitable transfer of the burden of relief from the poor themselves to the negligent landowners and larger property owners. At the same time, it was anticipated that the measure would promote the moral improvement of the poor as well as the rich by rendering mendicancy illegitimate and subject to prohibition (although in practice this was postponed in 1838 until such time as a statutory ‘right to relief’ could be added to the measure).

Nevertheless, a series of strongly developmental rationales were also developed to support the proposal of a poor law, predicated on the idea that the behavioural changes the poor law would promote would have a beneficial impact on the economic life of the country. These had in common a view of a poor law as a developmental instrument, but varied significantly in their vision of both the optimal developmental modes and goals best suited to Ireland, and the form of poor law best calculated to promote these. This ambiguity in the period of the poor law debates would be revived during the later 1840s.

A ‘classical’ position on the developmental potential of a poor law was initially developed in reaction to Whately’s report by George Cornwall Lewis, who submitted his critique to the administration in July 1836.<sup>5</sup> Lewis concluded that rather than acting as a barrier to investment in agricultural improvement, an effective poor law would serve as a stimulus to the socio-economic ‘transition’ that Ireland must undergo. The cottier system of peasant agriculture must be swept away and replaced by an anglicized social structure of waged labour, substantial capitalist tenant farmers and improving landowners. Given that the principal obstacle to this transition rested

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<sup>5</sup> *Remarks on the Third Report of the Irish Poor Inquiry Commissioners; drawn up by the Desire of the Chancellor of the Exchequer, for the Purpose of being submitted to His Majesty’s Government. By George Cornwall Lewis*, PP 1837 [91], li.

in the alienation between landlord and peasant – which gave rise to exploitation and indifference to suffering on one hand and to the retributive violence of Whiteboyism on the other – a mechanism was required to compel them to pursue their common interest. This *deus ex machina* would take the form of the poor law, loosening the peasant's desperate hold on the soil by granting him a security against starvation, while at the same time restoring to the landlord both the interest and the power to improve his estates and the people on them. This self-acting poor-law mechanism, rather than the complex and interfering improvement boards suggested by the Whately report was most likely to drag Ireland into modernity. This argument owed something to J.R. McCulloch's revised opinions on an Irish poor law made in 1828-30, but the case was stated much more aggressively and pointedly by Lewis.<sup>6</sup>

The idea of a poor law as providing the essential 'social security' for economic change was shared by others, although with rather different emphases. In 1831 the then junior minister (and son of the premier) Lord Howick has asked Senior to investigate the possibility of an Irish poor law. Evidently dissatisfied with Senior's negative response, Howick became one of the most vocal supporters of the measure within the government, as a cabinet minister after 1835. Reflecting his generally 'optimistic' perspective on Ireland's potential for economic development, Howick endorsed the 1837 bill by pointing to the ample opportunities for the profitable employment of its existing labour force, if only obstacles to the safe investment of private capital could be removed, and quoted Lewis on the indispensability of a poor law in stimulating this process. It would be the moral fact of the existence, rather than the physical capacity and occupancy, of the workhouses that would turn Ireland around, he argued. Some auxiliary measures might also be necessary, but the growth of self-funded emigration from Ireland over recent years raised questions about the necessity and wisdom of any state interference on this head.<sup>7</sup> As the third earl Grey from 1845, Howick would figure as one of the leading 'moralist' ministers of the 1846-52 government, a fanatical adherent to the idea of using the poor law as a penal

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<sup>6</sup> Ibid, pp. 17-19, 27-31. McCulloch had broken ranks with the other orthodox economists in the late 1820s in declaring the pre-1795 English poor law not to have promoted excessive population growth, and hence to be 'safely' transferable to Ireland in some modified form, 'Poor Laws', *Edinburgh Review*, 47 (May 1828), pp. 303-30; 'Sadler on Ireland', *ibid.*, 49 (June 1829), pp. 300-17.

<sup>7</sup> *Hansard*, 3<sup>rd</sup> ser., xxxvi, cols 492-7 [13 Feb. 1837].

instrument to force Irish development, and ultimately a hard-line opponent of remedial assistance in the form of assisted emigration or developmental aid.<sup>8</sup>

A rather different perspective on Ireland's developmental trajectory was offered by 'heterodox' Whig-radical commentators. In 1836 the administration was offered a significantly different plan for an Irish poor law prepared (with the support of Dublin administrators) by the estranged secretary of the Whately commission, John Revans.<sup>9</sup> In his uncompromising adherence to a compulsory provision for the able-bodied destitute of Ireland and emphasis on the instrumental value of a poor law for transforming Irish rural society, Revans shared much with G.C. Lewis. However, in both the tone adopted and the details of his social vision, Revans deviated in significant ways. Like Lewis, he identified the dependence of the labouring poor on access to land for their subsistence and the extortionate rents extracted for this as lying at the root of Ireland's malaise and disorder. However, for Revans it was the specific plight of the casual labouring families dependant on conacre lettings, rather than that of the equally poor but less vulnerable small tenant farmers and cottiers, that lay at the crux of the problem. The conacre-labourers lacked adequate employment to sustain the necessities of life, especially during the unavoidable 'hunger months' of the summer when the previous season's potato crop was exhausted and agricultural labour was scarce, and were obliged to resort for survival to seasonal vagrancy (on the part of the women and children) and labour migration or theft (on that of the men). Despite the social stigma against beggary in Irish rural society, the aged, sick and helpless were also often driven to vagrancy and dependence on the charity of the marginally less badly-off. Some able-bodied men and women (a minority), demoralised by acute poverty, also took to vagrancy as a more regular source of sustenance.

Revans admitted that agrarian crime was endemic throughout the lower classes of Irish rural society, and arose from their absolute determination to maintain their holdings, but concluded that this would best be curbed by removing the pressure from

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<sup>8</sup> See Peter Gray, *Famine, Land and Politics: British Government and Irish Society, 1843-50* (Dublin, 1999), pp. 24-6; Peter Gray, "'Shovelling out your paupers": The British state and Irish Famine migration 1846-50', *Patterns of Prejudice*, 33:4 (1999), pp. 47-65.

<sup>9</sup> John Revans, *Evils of the State of Ireland: Their Causes and Remedy – A Poor Law* (2<sup>nd</sup> edn, London, 1837).

below that underpinned the vicious circle of desperation and violence. Revans deviated from Lewis's more economically orthodox position in denying that Ireland was necessarily overpopulated and rejecting the idea that the small tenant farmers and cottiers were intrinsically an impediment to viable agriculture and capital accumulation. Remove the pressure placed upon these 'peasant' classes to offer extortionate rents by the cut-throat competition for holdings fuelled by the desperation of the casual labourers, he asserted, and the invidious system of 'nominal rents' would collapse. Incremental self-improvement and small-scale accumulation would follow from the diffusion of social security in the countryside. No sweeping agricultural revolution was necessary; an effective poor law would forestall rather than facilitate it. This 'small farm' vision of the Irish agricultural future predated that articulated by John Stuart Mill and W.T. Thornton in the 1840s; like them, Revans saw Belgium more than England as a model for Irish social development and placed greatest emphasis on peasant rather than capitalist-farmer agency in this process, but unlike the sceptical Mill, in this vision the poor law would act as the principal engine of change.<sup>10</sup>

For Revans, the most important impact of the introduction of a workhouse-based poor law into Ireland would be in enforcing a minimum wage for agricultural labour: generous relief of the destitute in local establishments (Revans favoured the less offensive terms 'asylum' or 'house of refuge') would have the beneficial effects of setting a lower limit on wages (as he claimed it had always done in England), of banishing the fear of starvation that underlay the cut-throat competition for conacre and cottier plots, and removing the justification for vagrancy and hence the financial burden this placed on the peasantry. The abhorrence of confinement would ensure the operation of the less-eligibility principle among the able-bodied; workhouse diet and conditions should be comfortable enough to avoid degradation, while not greatly exceeding the levels attainable to an independent labourer on prevailing rates of wages. The standard of workhouse relief could be raised incrementally 'to force an

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<sup>10</sup> For Mill's citation of Revans as an authority on the cottier economy, see John Stuart Mill, *The Principles of Political Economy*, Book 2, Chapter 9: 'Of Cottiers'. See also Peter Gray, 'The peculiarities of Irish land tenure, 1800-1914: from agent of impoverishment to agent of pacification', in Donald Winch and Patrick K. O'Brien (eds), *The Political Economy of British Historical Experience 1688-1914* (Oxford, 2002), pp. 145-9.

improving rate of earnings', in line with agricultural recovery, until the conditions of Irish rural labourers approached those of England.<sup>11</sup>

The fears of those who opposed such a measure were summarily dismissed. The Irish wages-fund already supported the destitute albeit through the distorting and demoralising medium of alms to vagrants; despite annual 'hungry months', starvation was rare and a Malthusian crisis seemed unlikely. A regularised poor law would redirect that wages-fund into more beneficial channels, while removing the existing obstacles to the incremental growth of that fund to the mutual benefit of all classes. The number of persons cited as 'destitute' in the Whately report was dismissed by Revans as the result of a series of calculating errors, which included classifying the conacre-labourer as 'destitute' when out of work, whereas he and his family only became so when their stock of potatoes ran out. It followed that the 'able-bodied' requiring relief were mostly the victims of seasonal or accidental rather than continuous destitution, requiring short-term rather than extended assistance. Moreover, it was not necessary for large numbers to enter the workhouses for social conditions to change, as the moral effect of the certainty of admission in extremis, arising from a legal right to relief, would act as a preventive factor.

Despite some support from the ministerial team in Dublin, however, Revans more radical (and politically contentious) proposals were shelved in preference for the much less ambitious (and politically – in England) more palatable proposals of George Nicholls. He did, however, strongly influence the thought of Thaddeus O'Malley, and through him the Catholic clerical group that continued to pursue the idea of an extended and more equitable poor law during and after the Great Famine.<sup>12</sup>

Revans also collaborated with and was paralleled by the Whig-radical lobby for an Irish poor law most prominently represented by the heterodox economist and MP George Poulett Scrope. Scrope had first engaged with the issue in 1831, and proved to be the most industrious and consistent promoter of a 'full' poor law providing both

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<sup>11</sup> Revans, *Evils*, pp. 133-4.

<sup>12</sup> See Thaddeus O'Malley, *An Idea of a Poor Law for Ireland* (2<sup>nd</sup> edn, London, 1837). O'Malley, like most Irish pro-poor law Irish radicals, identified waste-land reclamation and colonization as an integral part of the poor-law (on the model of the 'poor colonies' of the Low Countries) as the key mode of both relief and economic regeneration.

outdoor relief to the ‘helpless’ and employment relief (ideally through waste-land reclamation) before and during the Famine. His justification for such a poor law was eclectic, but featured a developmental argument. In his earlier contributions, Scrope stressed that the Malthusian paradigm was particularly at fault in exaggerating the extent and ignoring the resolvability of the problem of overpopulation.<sup>13</sup> This he held to be most evident in commentary on the poor laws, which had neglected the central question of whether the happiness of the population tended to increase alongside the aggregate wealth of the country. A broader vision of political economy revealed, Scrope assured his readers, that both interests could be reconciled: an unprejudiced review of poor laws demonstrated not only that they secured the interests of the poor, but that they prevented ‘the waste of the great and principal instrument of all production, *labour*’, and thus promoted reproductive capital formation. Despite his evident unhappiness with the government’s bill of 1838, Scrope accepted it as a stepping stone and continued to lobby for this in and after 1847.<sup>14</sup>

A number of more ‘popular’ Irish Whigs took a similar line in 1838 and subsequently. Like his fellow Connacht MP A.H. Lynch, Lord Clements located the poor law within a developmental programme that recognized that the existing socio-economic condition of the Irish countryside was unsustainable, while rejecting the Lewis-Nicholls vision of a transition to an anglicized model of capitalist agriculture. He argued that Blacker’s experiments in Armagh and his own experience as an improving resident proprietor in Leitrim proved that, under favourable tenancy arrangements, small-scale mixed farming could be profitable and draw out the many small capital sums hoarded within the countryside. Successful implementation of the poor law would promote an incremental consolidation of holdings without the violence and alienation associated with mass clearances for pastoral farming. Despite the bill’s limitations, he still believed that the imposition of poor-rates would act beneficently, if gradually, to wean farmers away from granting rundale and conacre lettings to labourers, and to give instead cash wages sufficient for the labouring family’s annual subsistence. At the same time it would identify to landlords the real monetary costs of evictions through ‘the apprehension of a direct tax’, and signify the preferable

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<sup>13</sup> [G. Poulett Scrope], ‘The political economists’, *Quarterly Review*, 44 (Jan. 1831), pp. 1-52. This was applied to Ireland in [G. Poulett Scrope], ‘Poor laws for Ireland’, *Quarterly Review*, 44 (Feb. 1831), pp. 511-54.

<sup>14</sup> Gray, *Famine*, pp. 238-9, 277-9.

alternative of requiring ‘fair rents’ and giving profitable employment to their small tenants.

The author of the government’s ‘official’ blueprint for the 1838 measure, was much more circumspect in his vision. Although later denounced for adopting a reductively narrow view of the question of Irish poverty, George Nicholls was careful not to present his proposal as a panacea or to rule out auxiliary measures. ‘A system of Poor Laws’, he insisted, ‘must not be expected to work miracles. It would not immediately give employment or capital; but it would, I think, serve to help the country through what may be called its *transition period*; and in time, and with the aid of other circumstances, would effect a material improvement in the condition of the Irish people.’<sup>15</sup> Poor laws could not be expected to cope with conditions of famine (although they might serve to address the underlying causes of such crises).<sup>16</sup> A subsidiary memo prepared with Edwin Chadwick’s assistance stressed that the system would be both relatively cheap and manageable in numbers in ‘ordinary’ seasons.

While officially committed to this rather low-key perspective, the ministerial sponsors of the original poor law bill also tended to stress a larger developmental dimension to the measure. The Irish ministers, charged with dealing with the regular western subsistence crises of the 1830s, explicitly connected it with eradicating this. During a tour of the famine-ravaged districts of Donegal in 1835, the lord lieutenant Lord Mulgrave explicitly rejected the orthodox political-economic explanation for Ireland’s poverty, at least so far as it applied to the northwestern districts he had just observed:

The North West coast of that county is as you are aware a district where the wretchedness and want of the people have most often reached the point of periodical destitution and starvation. It is rather curious that this lamentable effect has been here produced by distinct if not opposite causes from those which in the desire to generalize have been usually cited as the universal [origin] of the misery of the Irish people. Excess of population with absence of capital producing a demand for land disproportioned to the reward for labour has in other parts of Ireland directly caused most of the wretchedness and

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<sup>15</sup> *Report of George Nicholls ... on Poor laws, Ireland*, PP 1837 [69], li.201, p. 9

<sup>16</sup> *Ibid.*, p. 21

indirectly most of the crime of the population. But in Donegal there is no excess of population, nor any scarcity of very fine rich (though hitherto uncultivated) land. Nor is there in consequence any serious competition for it nor any disposition on the part of the landlords to let it nominally for much more than they know they can ever receive. They are nevertheless principally to blame for the wretched uncivilized state of a fine country of which so much might be made. But their faults here are all [passion?] but action and consist of an utter neglect of their own interests as well as those of their tenants ... It happens unfortunately that almost all the land here is in the hands of great absentee proprietors no one of whom depends upon his Donegal property.<sup>17</sup>

He expressed a degree of personal shock at the conditions he had witnessed – ‘the condition of the people in all these parts as to subsistence partakes more of the precarious nature of the savage state than I had previously supposed existed in any portion of the civilized world’ – before passing on to discuss possible remedies. Immediate aid was needed, but so was a mechanism that would compel landowners into both taking responsibility for ‘their’ poor and employing them on developing the dormant resources of the land.

Certainly, sympathetic observers in Dublin concluded not only that the Irish ministers were genuinely concerned with alleviating the western food crisis, but that they had made an explicit connection between the annual near-famine of the summer months and the necessity of a permanent and extensive poor law. The *Dublin Freeman’s Journal* editorialist claimed that sources close to the Castle had revealed that:

the Lord Lieutenant and the Chief Secretary feel the absolute necessity of ministers’ and the legislature’s turning their attention speedily to the consideration of some permanent plan of protection for the poor, which will prevent the recurrence of these scenes. They must perceive the absolute futility, if not the pernicious tendency of temporary schemes of alleviation of

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<sup>17</sup> Mulgrave to Russell, 27 Aug., 13 Sept. 1836, Russell Papers, PRO30/22/2B fols 324-5, 2C fols 114-19. The viceroy’s interpretation of the causes of destitution in Donegal was strikingly different from the conventional political-economic reading later voiced by Nicholls, although their prescription – a compulsory poor law to compel landed ‘interest’ in improvement – was identical, see *Second Report of Geo. Nicholls, esq., to His Majesty’s Principal Secretary of State for the Home Department, on Poor Laws, Ireland*, PP 1837-8 [104], xxxviii. 657, pp. 12-13.

constantly recurring distress. It would afford us much pleasure if either of these noble lords would openly declare his approbation of a well regulated system of poor rates.<sup>18</sup>

In introducing the government bill Russell (then home secretary) endorsed the case that had been made for equitability. A poor law was, he declared, an instrument of social concord whereby the state and the community demonstrated their concern for ‘the welfare of all classes’, and more specifically property-owners were placed under an obligation to concern themselves with the interests of their tenants and neighbours.<sup>19</sup> At the same time, he was keen not to promote the illusion that the poor law would prove a panacea. During the period of social ‘transition’ the act would initiate some assistance would be necessary from additional public employment schemes and assisted emigration – although Russell was quick to reject any Malthusian justification for the latter: the present eight million of Ireland could, he claimed, be sustained with good and sufficient means from the soil of Ireland, although the pre-existing social system had rendered a portion of this number temporarily and locally ‘superabundant’.<sup>20</sup> While the bill would prove no ‘royal road to prosperity’, it nevertheless marked a step in the right direction.

The Irish secretary, Lord Morpeth, defended the bill principally along ‘justice to Ireland’ lines.<sup>21</sup> In stressing the moral argument for a poor law, however Morpeth had not neglected to mention his hope for its indirect operation in inducing the poor to seek work and the rate-payers to provide it. But this emphasis on the poor law as a mechanism for social engineering was taken much further by the president of the board of trade, Poulett Thomson. His recent visit to Ireland had, he asserted, convinced him both of the wide extent of ‘imposition’ on the part of mendicants evading honest employment, and the wholesale evasion by the wealthy of their social responsibilities that had caused the great increase in pauperism. The poor law involved, for him, principally the imposition of a system of compulsion – forcing these classes to help themselves through self-exertion.<sup>22</sup> This looked forward to the

<sup>18</sup> *Freeman's Journal*, 29 June 1835.

<sup>19</sup> *Hansard's Parliamentary Debates*, 3<sup>rd</sup> ser., xxxvi, cols 454-5 [13 Feb. 1837]

<sup>20</sup> *Hansard*, xxxvi, cols 473-4

<sup>21</sup> *Hansard*, xlii, cols 684-9, 702-3 [30 Apr. 1838].

<sup>22</sup> *Ibid.*, cols 708-12.

transformative expectations placed upon the Irish poor-law in the later 1840s by moralists such as his close associates Howick and Charles Wood.

The 1838 bill passed into law with the ambiguities about the role and purpose of the Irish poor law unresolved. While Russell and his associates remained attached to the idea that the poor law could serve a developmental role (principally as a stimulus to landlord activity) only with the assistance of state auxiliary measures (in 1838-40 an abortive railway construction plan, in 1846-7 and equally abortive waste-land reclamation scheme, followed by an assisted emigration initiative), others within their loose political alliance (particularly 'moralist' Whigs like Howick and Wood, middle-class radicals such as Hume, Cobden and Bright), and the most vociferous mouthpieces of English public opinion, either already held, or developed in the strained conditions of the famine, an image of the poor law as a penal instrument for forcing modernization against the resistance of the irresponsible classes in Ireland. This, rather than the mixed approach of Russell, or in a rather different fashion of Scrope and the 'Doyleite' Irish clergy, would prove triumphant in 1847-50.