Mill on Poverty, Population and Poor Relief
Out of Bentham by Malthus?

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Mill was usually generous in crediting the influences which had shaped his thought, and his acknowledgement of the influences of Bentham and Malthus demonstrates his generosity. In his autobiography, Mill writes:

The “principle of utility” understood as Bentham understood it, and applied in the manner in which he applied it through these three volumes, fell exactly into place as the keystone which held together the detached and fragmentary component parts of my knowledge and beliefs. It gave unity to my conception of things.

Mill also recalled the enthusiasm of the young Philosophic Radicals for Malthus:

Malthus’s population principle was quite as much a banner, and point of union among us, as any opinion specially belonging to Bentham. This great doctrine, originally brought forward as an argument against the infinite improvability of human affairs, we took up with ardent zeal in the contrary sense, as indicating the sole means of realizing that improvability by securing full employment at high wages to the whole labouring population through a voluntary restriction of the increase of their numbers.

This paper will attempt to investigate the avowed influence of these two thinkers upon Mill’s attitudes to poverty, population and poor relief.

1. Common assumptions and a shared problem

In seeking to compare the views of Mill, Malthus and Bentham, it is helpful to set out two essential commonalities between the views of all three writers on two subjects, which themselves defined the nature of the problem, and posed the conundrum to which each, in their different ways, proposed a solution.
1.1. Population, Subsistence, and Wages

The first assumption common to all three thinkers was that population was constrained by the availability or otherwise of the means of subsistence, and that, in general terms, the level of comfort or misery enjoyed by the labouring class, the vast majority of the population, was a consequence of the relation between the amount of capital available for the employment of labour, and the number of labourers available for hire. This is to say that Bentham, Malthus, and Mill all subscribed, with varying degrees of subtlety and differences in emphasis, for instance on the importance of agriculture versus manufacture in increasing national wealth, to the notion of the wages fund. With Bentham first: “The population is not limited by the desire of sexual intercourse, it is limited by the means of subsistence”.

For Malthus, the happiness of countries depended “on the proportion which the population and the food bear to each other”. Where agricultural labour provided the means of subsistence, the “wages fund” consisted of the agricultural surplus not directly consumed by the owners of land, while:

On the state of this fund, the happiness, or the degree of misery, prevailing among the lower classes of people, in every known state, at present chiefly depends; and on this happiness, or degree of misery, depends principally the increase, stationariness, or decrease, of population.

The entire point of Malthus’s attack on Godwinian communism concerned the manner in which it would give a stimulus to population growth which would inevitably outstrip, in fairly short order, any possible increase in food production, and thus present the community with the options of reintroducing property in land, limiting procreation by coercive means, or suffering the positive check to population provided by famine, or at least the threat of it.

Schwartz argues that Mill eventually rejected the notion of a ‘wages fund’, but points out that “his preoccupation with the danger of excessive numbers” remained at the forefront of his concern. In his early writings, Mill simply states that the price of labour depends upon the number of available labourers: “Is it possible to admit more explicitly than you do, that the lowness of wages is owing to the competition among the people, from which it is a necessary inference, that if the people were less numerous, the competition would be much smaller, and wages would not be so much reduced.” In his Principles of Political Economy, Mill repeatedly asserts the connection between high numbers of labourers in relation to available capital and low wages, and the assertion is made again in Chapters on Socialism. Mill certainly rejects the simplicity of the contrast between geometric and arithmetic progression drawn by Malthus in relation to increase in population and increase in the means of subsistence, but does emphasize repeatedly that since the most productive land is the easiest to cultivate, continued agricultural investment, in the absence of technological innovation, suffers from diminishing returns in a way that procreative sex does not.

All three thinkers declare themselves proponents of high wages, and on the same utilitarian basis, that is, that the labourers form the majority of the population, whilst money is a means to happiness.
1.2. The failure of the English Poor Laws

The second commonality between the views of Bentham, Malthus and Mill concerned the failure of the English Poor Laws as they existed before 1834 to provide relief with effective discrimination, with potentially devastating consequences.

For all three thinkers, the root of the problem lay in the manner in which indiscriminate relief severed the link between the desire for subsistence and the investment of labour. Bentham insisted that whilst indigence, that is, failure through whatever cause to secure the means of subsistence, could and should be relieved, poverty “the state of everyone who, in order to obtain subsistence, is forced to have recourse to labour”, was the unalterable general state of mankind, and that “as labour is the source of wealth, so is poverty of labour”. For Mill too, “While men are what they are, they can be induced to habitual labour by only two motives—reward and punishment.” Malthus attacks the manner in which the poor laws relieve labourers of the responsibility to provide for their offspring: “They may be said therefore, to create the poor which they maintain”.

To some extent, the three also agreed on the consequences of this breaking of the link between labour and subsistence. The first consequence was the demoralization of the independent poor, that is, the undermining of their motivation to labour if the alternative was subsistence in idleness at the expense of the ratepayers. Bentham laments the existence of places where the condition of the dependent poor is “more eligible” than that of the independent, and warns that “the destruction of society” would “be the inevitable consequence” of the generalization of this situation. Malthus points out that in the scarcity of 1800 the real sufferers were those independent poor whose purchasing power was eroded by the rising price of corn combined with the rate in aid of wages, while the quantity of provisions consumed in workhouses “diminishes the shares that would otherwise belong to more industrious and more worthy members, and thus […] forces more to become dependent.” Writing in 1833, Mill also regretted the demoralization of agricultural labour:

the agricultural population of the greater part of England has been pauperized: sunk from the condition and feelings of independent labourers subsisting upon the earnings of their own labour, to the state of mind of reckless sinecurists, whose grand object is to be supported in comfort for doing nothing

The poor laws’ second failure arose from the first, in that the status of dependent poverty provided no deterrent, which is to say that the conditions of relief were too lax. Insistence on the imposition of more exacting conditions was a recurrent theme in Bentham’s poor law writings. Interestingly, it is not Bentham but Malthus who first formulated the principle of less-eligibility which played such a central role in the 1834 Poor Law Amendment act, although the formulation occurs in discussion of private charity: “They should on no account be enabled to command so much of the necessaries of life as can be obtained by the worst paid common labour.” Malthus also insisted that: “Hard as it may appear in individual instances, dependent poverty ought to be held disgraceful.” Mill too connected lack of deterrence with pauperization, and expressed his fears are most clearly in discussion of proposals to extend outdoor relief to the able-bodied in Ireland, in response to the potato famine.

One conclusion which Malthus drew, and with which Mill concurred, was that the problems created by the poor laws could have been much worse but for the manner of
their implementation. The efforts of overseers to avoid granting settlements, and the refusal of the local gentry to permit the erection of cottages, thereby restricting the number of marriages, had helped to limit the damage. Bentham's view is more difficult to identify. Certainly, he believed that up to half the expenditure on relief was wasted on those with no proper entitlement to it, while no system which remained beset by so many local variations in administrative practice could be of any value.

For Malthus and for Mill, the real danger in non-deterrent relief lay in its encouragement of the production of children. A guarantee of subsistence to all not only promised an impossibility, but positively encouraged the poor to procreate irresponsibly. Mill followed Malthus in the assertion that rising wages were not stored away in increased comforts for the following generation, but expended, under a lax system of relief, in expanding population by having more children, which too often became the responsibility of others to maintain. Malthus's whole case against Godwin was that distributional equality would increase population faster than subsistence. In later editions of his Essay, Malthus attacked Robert Owen on the same basis, and claimed empirical support: “The fact of the tendency of population to increase beyond the means of subsistence may be seen in almost every register of a country parish in the kingdom.” He made the point that procreation usually dissipated any gain in wealth or productivity: “The tendency in population fully to keep pace with the means of subsistence must in general prevent the increase of these means from having a great and permanent effect in improving the condition of the poor.”

For Mill too:

It is but rarely that improvements in the condition of the labouring classes do anything more than give a temporary margin, speedily filled up by an increase of their numbers. The use they commonly choose to make of any advantageous change in their circumstances, is to take it out in the form which, by augmenting the population, deprives the succeeding generation of the benefit.

For both Malthus and Mill, this wasted gain in comfort arises in part from the ignorance of the poor, and partly from the fraud perpetrated upon them by those in power, who promise them the impossible. With Malthus:

They are taught that there is no occasion whatever for them to put any sort of restraint upon their inclinations, or exercise any degree of prudence in the affair of marriage; because the parish is bound to provide for all that are born.

Mill repeats the allegation explicitly in defence of “hard-hearted” Malthusianism, and in opposition to the sentimentality prevailing in discussion of the condition of labour.

Again, Bentham appears be the odd man out, in that his poor plan absolutely depended upon the augmentation of the number of children bound apprentice to the National Charity Company. As will be seen, Bentham’s poor plan involved more the expansion of subsistence than the restriction of population, and it was a plan he never repudiated. However, Bentham was fully conscious in 1797 that among labourers “the disposition to engage in matrimony is always more than sufficiently abundant, and the indiscretion, which is so much the object of lamentation and legislation, is the fruit of it.”

The final assertion common to all three thinkers concerns the importance of education in improving the prospects of the poor. For Malthus, no poor man can be expected to make rational prudent decisions without improvement in his ability to predict the consequences of his actions, for himself and his fellows, which was itself dependent upon the extension of education. Of course, Malthus viewed dissemination of the knowledge of
the principle of population, and of political economy generally, as a central element in such education. Such dissemination would not only enhance the possibility that moral restraint would be adopted, but would also make political reform less alarming, and thus “promote the cause of rational freedom”.\textsuperscript{32} Mill echoed these sentiments repeatedly,\textsuperscript{33} and hoped that the spread of prudential reasoning would open the way for gains in comfort to be retained over generations.\textsuperscript{34}

Malthus and Mill further agreed that responsibility for providing such education lay ultimately with government. With Malthus first:

> The benefits derived from education are among those which may be enjoyed without restriction of numbers; and as it is in the power of governments to confer these benefits it is undoubtedly their duty to do it.\textsuperscript{35}

For Mill’s part, his assertion in \textit{On Liberty} that “the State should require and compel the education, up to a certain standard, of every human being who is born its citizen” had been made earlier in \textit{Principles of Political Economy}, with direct reference to the “children of the labouring class”.\textsuperscript{36} Of course, the differing attitudes of Mill and Malthus towards hierarchy versus distributional equality meant that they envisaged the results of such education differently.\textsuperscript{37}

For Mill, ignorance of the principle of population among the poor served the interests of the ruling class by provoking cut-throat competition among labourers, bidding down wages and extending working hours. Consequently, the poor were too exhausted to learn, and so trapped in a cycle of ignorance and exhaustion: “Education is not compatible with extreme poverty. It is impossible effectually to teach an indigent population”, while the poor were disqualified from “any but a low grade of intelligent labour.”\textsuperscript{38} Typically, Mill’s insistence was that what the poor required was honest, unpatronizing information, which facilitated their independence: “Whatever advice, exhortation, or guidance is held out to the labouring classes, must henceforth be tendered to them as equals, and accepted by them with their eyes open.”\textsuperscript{39}

For Bentham, lack of education amongst the poor issued in ignorance and irrationality: “The comparative weakness of their faculties, moral as well as intellectual, the result of the want of education, assimilates their condition in this particular, to that of minors.”\textsuperscript{40} In contrast, Bentham’s industry house apprentices would be taught literacy and numeracy, while Bentham intended to make their education available also to children and adults among the independent poor.\textsuperscript{41} Of course, the Bentham of the poor law writings, with his exaltation of the use of education as a tool of ensuring political quietude,\textsuperscript{42} makes Malthus look positively liberal, yet even Bahmueller, hardly an uncritical commentator, allows that, “At long last pauper children would receive at least a modicum of systematic education”.\textsuperscript{43}

\subsection*{1.3. A shared problem}

The shared assumptions outlined above led all three thinkers to frame the problem posed by the potential starvation of some people, assuming the absence of publicly funded poor relief, in very similar ways. For Malthus, the question was: “How to provide for those who are in want in such a manner as to prevent a continual accumulation of their numbers?”\textsuperscript{44} Perhaps Bentham’s finest expression of the problem is found thirty years after his poor law writings:
In his endeavour to provide a remedy against deficiency in regard to subsistence, the legislator finds himself all along under the pressure of this dilemma—forbear to provide supply, death ensues, and it has you for its author; provide supply, you establish a bounty upon idleness, and you thus give increase to the deficiency which it is your endeavour to exclude.

For Mill, “The claim to help [...] created by destitution, is one of the strongest which can exist”, and therefore the crucial question concerned not the validity of poor relief, but “how to give the greatest amount of needful help, with the smallest encouragement to undue reliance on it”.

2. Bentham’s Solution

2.1. Necessity of Relief

Throughout his career, Bentham remained committed to the necessity of entitlement to relief at public expense for two reasons: humanity and public security. On the one hand, given his exhaustive investigation into possible causes of indigence, he rejected any attempt to distinguish between the deserving and the undeserving indigent. Even where indigence was clearly the result of an agent’s irresponsibility, the pain of death outweighed the pain of taxation to fund its prevention. On the other, although the poor laws had many bad consequences, their abolition would undermine the security of all, by giving an incentive to those at risk of starvation to resort to violence in overthrowing a society which had abandoned them to their fate. Private charity simply could not be relied upon accurately to adjust the supply of relief to the demand for it, whilst the notion of admitting the principle of relief while capping the fund available for it was simply stupid, “pregnant … with profusion on one side, homicide on the other.”

2.2. Quantity and Quality of Relief

The poor laws were too generous in their provision, which should be limited to “the absolute necessaries of life”. Whilst every civilized society had a duty to preserve life, it had no duty to indulge the dietary preferences of the dependent poor: their diet under Bentham’s plan might extend to more than potatoes, but their drink would be water.

2.3 Conditions of Relief

Further, whilst relief should be guaranteed, the conditions attached to it should require residence in a house of industry and labour to the extent of ability. Outdoor relief was incompatible with the efficient extraction of labour, and was frankly too comfortable an option.

2.4. The administration of Relief

For Bentham, the multiplicity of authorities responsible for relief both prevented consistent adoption of any plan for the imposition of the conditions of relief, and abandoned the indigent to a “post code lottery”, distributing indulgence and starvation according to the parish in which the pauper happened to reside. The condition for the consistent administration of relief was unity of responsibility for provision of relief in one
authority, reinforced by systematic inspection, collection and dissemination of information.\textsuperscript{56} For Bentham that single authority should be a joint-stock company, the National Charity Company, motivated by the junction of its duty with its interest in lowering costs and boosting outputs.\textsuperscript{57} Since the possibility of its success in so doing depended crucially upon increasing the stock of apprentices available to it, full discussion appears in the next section.

\textbf{2.5. Population, Wages and the Poor Law}

31 Bentham asserted that the exploitation of the labour of minors, indentured to the company until the age of 21, could reduce, and eventually eliminate, the necessity of taxation for the relief of indigence. Explicitly, the basis of Bentham's plan lay in the transformation of the economic value of a child, from negative to positive.\textsuperscript{58} Crudely, children ate less and, especially as they approached the age of liberation, produced more than adults. Their productivity would easily subsidize the net loss involved in relief to the sick and the aged.

32 Bentham considered various schemes for boosting the number of children available to the Company, including encouraging early marriage between them, on the basis of course that the resultant offspring were immediately indentured to it.\textsuperscript{59} In discussing the advantages of the scheme of indenture, he waxed lyrical:

\begin{quote}
The comfort of a people does not depend upon the expensiveness of the diet they consume, but it does depend on the extent in which the comforts of matrimony are enjoy'd. The tendency, the certain effect of the institution is to encrease this extent to the highest pitch. All, all will marry: the restraints from marriage will, in their instance, vanish altogether. ... A fund too to receive their hoards, and a drain to carry off their children: the same institution to which they themselves are indebted for life, education and afluence.\textsuperscript{60}
\end{quote}

33 Bentham also went out of his way to facilitate marital sex in the pauper panopticons, though here the indenture of any consequent children is left merely implicit.\textsuperscript{61} The contrast with the anxious care taken under the New Poor Law of 1834 to prevent procreative sex among the dependent poor, a policy endorsed by Mill, is striking.\textsuperscript{62}

34 An obvious difficulty arises in so far as schemes to encourage population would appear to lead to the inevitable decline in wage rates. Bentham's responses to this difficulty were several. In the first place, too many of the dependent poor under existing arrangements did no work, and thereby contributed nothing to national resources. In Bentham's plan all who could work would work, and there were very few whose inability was total. Moreover their work would consist primarily in the direct production of their own subsistence: there was ample unexploited agricultural land available in England, while large scale agriculture, together with production of clothes, tools, and other needs would fulfill the principle of "self-supply".\textsuperscript{63} Population pressure simply was not, for Bentham in 1797, a pressing issue, while the Company would directly, and massively, boost the available matter of subsistence. In 1797, Bentham not only describes the current policy of statesmen as directed to increasing population,\textsuperscript{64} but describes the effect of the operation of the Company thus:

In a word, were a plan to be laid—by absolute power—by the exertion of the utmost power of the existing government—or by the institution of a new government for the purpose—if a plan were laid, for the screwing up of the population and the
wealth of a community both to this highest pitch [...] no other or more efficient plan than this could, as far as it goes, be devised.

In the long run, and in 1797 Bentham had no doubt that it would be a long run, the domestic supply of exploitable land would be exhausted. At that point, when the limits of agricultural productivity had been reached, and population threatened to exceed subsistence, the Company would “have turned its thoughts to colonization: and the rising strength of these its hives will by art, as in other hives by nature, have been educated for swarming.”

The adoption of the principle of self-supply brings in train its own difficulty, which is, in short, where do the Company’s profits arise? Part of Bentham’s answer lay in the continuation and transfer of the existing poor rates to the company, so that when he referred to the Company’s profits he was usually referring to dividends arising from reduction in those rates, which were to be shared between Company and ratepayers. He was aware of, and took pains to avoid, the crowding-out effect, as independent manufacturers were driven to the wall through economies of scale: hence self-supply. Yet insulation of the Company from the market via self-supply clearly implied the elimination of exchange, and thus the possibility of profit. The circle of how to eliminate the poor rate altogether, and how to make the Company truly profitable, was one which Bentham, despite his best efforts, never squared.

In the short term, the removal of several hundred thousand dependent poor to industry-houses would reduce the supply of labour, and thus increase wages. The accommodation of the surplus children of the independent poor for up to 21 years would prolong this effect, while if increased agricultural wages produced simply more children, the company would happily receive them. In the longer term, the liberated apprentices would carry into the community engrained habits of industry, sobriety, and frugality: “The gain to the public will be the getting per tanti a superior sort of population in exchange for an inferior: a population inured to producing much and consuming little.” Bentham may have favoured high wages for the independent poor, but consumption of luxuries would be completely alien to the Company’s apprentices: “It is by diminishing wants not by multiplying them that the capacity of population is increased.”

Just as Bentham was completing his poor law writings, Malthus published the first edition of Essay on the Principle of Population. While it is not certain when Bentham became aware of Malthus’s work, there is evidence that Bentham was conscious as early as 1798 of an unresolved tension between his own vision of a National Charity Company deliberately facilitating the growth in population, and the likely impact of the realization of that vision on the wages of the independent poor, although there is no direct evidence that he owed his awareness of the tension to Malthus. Bentham published “Outline” as a single volume in 1812, and was considering its re-issue in 1830. As Himmelfarb notes, the 1812 edition silently omitted the entire section on Apprentice Comforts, containing Bentham’s eulogy of early marriage among them. In fact, the omission dates from the 1798 reprint of “Outline”, from which both the English edition of 1812 and the French edition of 1802 were derived, so it does appear that Bentham perceived sufficient difficulties in this part of his plan to excise it, without acknowledgement, almost as soon as it was first published.
2.6. Birth Control

Himes claimed that Bentham had explicitly endorsed contraception in his poor law writings, though the evidence clearly endorses Poynter’s rebuttal of the claim. What is certain is that the Bentham of later years endorsed the principle of population, while the evidence indicates that privately he endorsed contraception much earlier. The issue is rendered less clear by the use of a single pejorative adjective, “unnatural”, in description of non-procreative sexual acts. The consensus throughout Bentham’s life was that both contraception and homosexual sex were “unnatural”, and should be restrained by sanctions. Bentham clearly believed that homosexuality, a harmless sexual practice between consenting adults, should be free of sanctions, although far too sensible to publish such an opinion. It seems equally clear that Bentham viewed the practice of contraception as not only equally harmless, but indeed, if population pressures were acute, as likely to prevent avoidable harms. As he puts it in his poor law writings:

Sooner or later the earth itself, if the play of the planets suffer it to last thus long, will have reached the same period of maturity and repletion. Thence will the policy of the statesman be directed to the arrestment of population, as now to its increase: and what is now stigmatized under the name of vice will then receive the treatment, if not the name, of virtue.

It might only be added that, from Bentham’s viewpoint, population pressure might also contribute to an easing of public hostility to homosexuality.

3. Malthus’s Solution

3.1. No right to relief

Malthus first proposed the abolition of the poor laws only in the second edition of Essay in 1803, while the proposal to remove entitlement to relief was retained in every subsequent edition: “we are bound in justice and honour formally to disclaim the right of the poor to support”. Malthus’s plan was not to remove relief from those already in receipt of it, or even from new adult claimants, but simply to serve one year’s due notice that no child born thereafter would be entitled to relief. The parents of innocent children who happened as a result to starve to death had only themselves to blame: “In the moral government of the world it seems evidently necessary that the sins of the fathers should be visited upon the children.”

Winch argues that Malthus himself, as opposed to “the caricature called Malthusianism”, rowed back from his abolitionist position in recognition of census data which threw into doubt the causative link between poor relief and population increase. It is true that Malthus added an appendix to 1806 edition of Essay, conceding that it might just be possible to reform the poor laws in a manner which did not threaten to overwhelm subsistence, but the plan for abolition was retained in the body of the work. It is further true, that in his final publication on population, Malthus conceded that:

If it be generally considered as so discreditable to receive parochial relief, that great exertions are made to avoid it, and few or none marry with a certain prospect of being obliged to have recourse to it, there is no doubt that those who were really in distress might be adequately assisted, with little danger of a constantly
increasing population of paupers; and in that case a great good would be attained without any proportionate evil to counterbalance it.\footnote{43}

However, immediately before this passage, Malthus repeated his insistence on the incompatibility of “a right to full support to all that might be born” and “a right to property”.\footnote{49} Malthus did not define “full support”, which is unhelpful. If it meant confining relief to the necessaries of life, his position does come very close to Bentham’s, and to the less-eligibility provisions of the New Poor Law. He did state that the reconciliation of any public poor relief with the security of property “depends mainly upon the feelings and habits of the labouring classes of society”.\footnote{90} It is clear from the passage cited above, and from the alternative scenario describing the disastrous effects of the concession of a “a right to full support”, which Malthus takes to be embodied in the existing poor laws, that the feelings and habits in question concern respectively the discredit or otherwise of receiving relief, and the consequent reluctance or readiness to engage in imprudent marriage. Malthus concluded with a warning that the attempt to reconcile relief, in any degree, with property, is fraught with danger:

But whatever steps may be taken on this subject, it will be allowed, that with any prospect of legislating on the poor with success, it is necessary to be fully aware of the natural tendency of the labouring classes of society to increase beyond the demand for their labour, or the means of their adequate support, and the effect of this tendency to throw the greatest difficulties in the way of permanently improving their condition.\footnote{91}

Winch acknowledges that in the final edition of Essay seen through the press by Malthus, two years after the first publication of the text of Summary View, the commitment to withdrawal of any right to relief, whether full or less than full, was retained. Malthus had clearly come to entertain doubts on the issue of whether the right to relief, in and of itself, must encourage irresponsible procreation, but, equally clearly, those doubts were insufficient for him to excise the proposal for its abolition from Essay.\footnote{92}

3.2. Relief and Employment in Short Term Crisis

Malthus did accept that common humanity could justify public assistance in the short term. One form such assistance could take was distributing either substitutes for fine white bread or information about them.\footnote{93} In a crisis, public employment of the poor could also be legitimate, so long as it was understood to be a short term, crisis measure, “as may not encourage, at the same time, their increase”.\footnote{94} Any sustained effort to employ the indigent risked increasing their numbers, both by procreation and by driving the independent poor out of employment.\footnote{95} In 1817 Malthus endorsed short-term employment on public works of all descriptions, such as:

the making and repairing of roads, bridges, railways, canals, &c; and now perhaps, since the great loss of agricultural capital, almost every sort of labour upon the land, which could be carried on by public subscription.\footnote{96}

“Labour upon the land” would directly boost subsistence, but the maximization of agricultural production, in the manner envisaged by Bentham, was currently beyond the power of government, while any attempt to bring it within its power would threaten the liberty of the subject.\footnote{97}
3.3. Marriage, Population and Birth Control

Malthus clearly believed that producing children established complete parental responsibility for their survival. However, despite the possibility of the arrival of children in the world whose prospects of survival were minimal, he resolutely refused to consider legal restraint on marriage, even after the abolition of the entitlement to relief:

if any man choose to marry, without a prospect of being able to maintain a family, he ought to have the most perfect liberty so to do. Though to marry, in this case, is in my opinion clearly an immoral act, yet it is not one which society can justly take upon itself to prevent or punish.

Famously, the preventive check to population favoured by Malthus was moral restraint, or “a restraint from marriage from prudential motives, with a conduct strictly moral during the period of this restraint”, since it constituted neither vice nor misery, but, if widely adopted, would not only prevent population from outstripping subsistence, but would have the effect of raising wages.

The abolition of poor relief would foster moral restraint, by rewarding those who married late with relative prosperity, while condemning those who married and procreated early to the chance of relief from private charity. Malthus was also cautiously optimistic that the extension of education would improve the chances of the adoption of moral restraint by the poor.

Of course, another possible preventive check to population was offered by contraception. All commentators agree that Malthus adamantly opposed contraception within marriage, but Hollander argues that its use before marriage, while doubtless a vice, was one which Malthus advocated in order to prevent the greater evil of starvation. As Winch points out, Malthus explicitly condemns birth control as unnatural, immoral, unchristian, and degrading to women, and thus, always and everywhere, a vice.

Malthus’s discussions are ambiguous in that he asserts that incidence of moral restraint (i.e. delay in marriage with strict celibacy in the period of sexual maturity before marriage) is not directly measurable, while the incidence of the broader category of prudential restraint (i.e. simply delay in marriage “when the degree of irregularity to which it may lead cannot be ascertained”, that is, regardless of the character of sexual behaviour in that period) is measurable, simply by reference to the frequency of marriage. Prudential restraint thus encompassed both moral restraint and vice, in the form of promiscuous sexual practices before marriage, whether or not accompanied by “improper arts to prevent the consequences of irregular connections”.

Any assessment of the prevalence of moral restraint thus depended upon inference from the indicators of the prevalence of prudential restraint, which might just as easily be associated with vice.

Whilst condoning neither pre-marital sex, clearly a breach of Christian duty, nor contraception, an unnatural vice, Malthus recognized that to expect universal male celibacy before marriage was unrealistic, while

in the practical application of my principles I have taken man as he is, with all his imperfections on his head. And thus viewing him, and knowing that some checks to the population must exist, I have not the slightest hesitation in saying that the prudential check to marriage is better than premature mortality.

Malthus the Christian minister does here seem to take advantage of the morally ambivalent nature of prudential restraint. Presumably conscious of the possibility that he might be interpreted as condoning vicious habits, as a lesser evil than starvation, Malthus immediately argued that the reduction in the proportional incidence of marriage
did not appear to have been associated with an increase in immoral sexual practices before marriage. If the vicious components of prudential restraint showed no increase, it might plausibly be inferred that its virtuous component, moral restraint, had increased. “This surely is quite enough for the legislator. He cannot estimate with tolerable accuracy the degree in which chastity in the single state prevails. His general conclusions must be founded on general results, and these are clearly in his favour.”

4. Mill’s Solution: Out of Bentham by Malthus?

4.1. Necessity of Relief

Despite his enthusiasm for Malthus arguments, Mill never appears to have explicitly endorsed the abolition of public relief, though other members of Bentham’s circle did. Mill was certainly an enthusiastic supporter of the work of the Royal Commission on the Poor Laws, and a friend of its Secretary Edwin Chadwick, who had himself worked and lived with Bentham in the final years of his life, and was later to edit a portion of his poor law writings. Further, the Commission’s Report contained large elements which could have been lifted directly from those writings.

53 Mill himself sounds positively Benthamic in relation to the necessity of relief, arguing that “the fate of no member of the community needs to be abandoned to chance; that society can and therefore ought to insure every individual belonging to it against the extreme of want.” He goes on to repeat Bentham’s rejection of the lottery of private charity, and his refusal to discriminate between the deserving and undeserving poor.

4.2. Quantity and Conditions of Relief

Mill viewed the principle of less eligibility as the magic ingredient in divorcing the right to relief from the dire consequences which Malthus feared its continuation would produce. He believed that the new poor law was compatible with Malthusianism, though as Poynter comments: “Less eligibility was an answer to Malthus’s objections to the Poor Law rather than a development of them”. In opposition to Malthus, Mill’s view was that dependent poverty should not be rendered “shameful”, but simply “undesirable”.

If, consistently with guaranteeing all persons against absolute want, the condition of those who are supported by legal charity can be kept considerably less desirable than the condition of those who find support for themselves, none but beneficial consequences can arise from a law which renders it impossible for any person, except by his own choice, to die from insufficiency of food.

There are echoes here of Bentham’s demand that relief should be limited to the necessaries of life. The undesirability of dependent poverty further depended on the imposition of the obligation to labour, which itself required the abolition of outdoor relief for the able-bodied, and confinement of the mass of the poor to workhouses, itself a significant disincentive to dependence: “pauper labour anywhere but in the workhouse is merely a particular kind of idleness.”
4.3. Administration of Relief

Mill provided a further echo of Bentham in approving of the element of centralized administration introduced by the Act of 1834. The central Poor Law Commissioners should make detailed annual reports to Parliament, and should have the power of “applying general rules [...] and of enforcing one uniform system of accounts”.

In On Liberty, Mill returned to the powers of the Commission with Benthamic concern for collection and dissemination of information in the drive for efficiency, asserting that it “should have a right to know all that is done, and its special duty should be that of making the knowledge acquired in one place available for others”, though its powers should be limited to “compelling local officers to obey the laws laid down for their guidance”.

There was one aspect of Bentham’s poor plan which Mill, along with the Royal Commission, rejected utterly, namely the provision of relief by a private company, motivated by the desire for profit. While Mill was prepared to accept that the use of pauper labour in agriculture was preferable to the rate in aid of wages, since it directly contributed to the matter of subsistence, he was adamant that the point of pauper labour was deterrence not profit, since it was impossible to derive profit from such labour, for two reasons. First, since the most productive land had already been appropriated, diminishing returns in agriculture made the prospect of “home colonization” hopeless. Second: “to extract real work from day-labourers without the power of dismissal, is only practicable by the power of the lash”. Mill believed that the poor rates could be cut, and population pressure eased, by making the receipt of relief sufficiently unattractive. To expect the dependent poor to fund their own support, given the different levels of ability, age, and health among them, was extremely optimistic. To expect pauper labour to generate profits, and without impacting negatively on private concerns, and thus defeating the object, was simple fantasy.

4.4. Marriage, Population and Birth Control

As already noted, Mill defended Malthus’s principle of population against its sentimentalist critics. However, he had little faith in the efficacy of Malthusian moral restraint, especially given the low state of education among the poor. In contrast to Bentham’s desire to facilitate marriage and marital sex in his poor houses, Mill’s concern about breeding a new class of paupers led him to support the strict separation of the sexes in workhouses under the new poor law:

The higher and middle classes might and ought to be willing to submit to a very considerable sacrifice of their own means, for improving the condition of the existing generation of labourers, if by this they could hope to provide similar advantages for the generation to come. But why should they be called upon to make these sacrifices, merely that the country may contain a greater number of people, in as great poverty and as great liability to destitution as now?

For a secular utilitarian, the obvious alternative to moral restraint was contraception, and Mill was certainly associated with Francis Place in his campaign in the 1820’s to advocate the practice, and to publicize a means for its achievement. Mill himself had pseudonymously written three articles arguing in favour of birth control, and was briefly arrested for involvement in distributing handbills providing practical instruction.
Thereafter, discretion showed itself the better part of valour, and Mill publicly recommended “prudence”, both before and after marriage. Prudence, as seen with reference to Malthus’s discussion, embodied a very useful ambiguity, referring simply to restraint in procreation, itself achievable through either celibacy or contraception. Place alone had the courage (or foolhardiness) to go unambiguously public, though Mill’s accordance with his general view is all but certain, whilst the odium heaped upon Place for advocating such immoral measures, in addition to his own youthful brush with the law, goes a long way to explaining Mill’s reticence.

Simply put, improvement of the economic and intellectual condition of labourers depended on restriction of their numbers, and almost all moral progress depended upon the improvement of the condition of labourers. In parts of mainland Europe, prudence could be expected because the system of peasant proprietorship brought home to the landowning labourer the need to restrict the number of his children, but no such alternative existed in England.

Another option was for the state to assume responsibility for supplying employment to all in return for legal restraint on procreation. The young Mill had, like Malthus, opposed such restraint: “I am far from wishing to regulate population by law, or by compulsion in any shape.” For the mature Mill however, legal restraint was a legitimate option:

The fact itself, of causing the existence of a human being, is one of the most responsible actions in the range of human life. To undertake this responsibility—to bestow a life which may be either a curse or a blessing—unless the being on whom it is bestowed will have at least the ordinary chances of a desirable existence, is a crime against that being. And in a country either over-peopled, or threatened with being so, to produce children, beyond a very small number, with the effect of reducing the reward of labour by their competition, is a serious offence against all who live by the remuneration of their labour. The laws which, in many countries on the Continent, forbid marriage unless the parties can show that they have the means of supporting a family, do not exceed the legitimate powers of the State: and whether such laws be expedient or not (a question mainly dependent on local circumstances and feelings), they are not objectionable as violations of liberty. Such laws are interferences of the State to prevent a mischievous act—an act injurious to others, which ought to be a subject of reprobation, and social stigma, even when it is not deemed expedient to superadd legal punishment.

In other words the production of children was an other-regarding act, and to protect those others, both the children and, in certain circumstances, the generality of labourers, from its consequences, the moral sanction was likely to be called for, and there was a plausible case for backing it up with the legal sanction, dependent upon local circumstances. Hollander sees such legal restraint, coupled with guaranteed employment at a living-wage, as Mill’s preferred option, with the deterrent nature of the new poor law a second best alternative, given that opinion in England was quite unready for legal restraint on marriage: “Mill himself favoured in principle direct state ‘interference’ in population decisions, although this need not mean that he would have agreed to a government riding rough-shod over public opinion in this regard”, However, this conclusion seems too quick. Other regarding acts are liable to state intervention depending upon circumstances, while such intervention in Mill’s eyes is typically a last, rather than a first, resort. Mill’s faith in the new poor law as a deterrent to irresponsible procreation may have faltered somewhat after his enthusiasm of 1834, and his fear of opprobrium may have prevented him from publicly recommending birth control in the interests of high wages, but he did believe in the growing prudential capacities of the
labouring classes, and in their ability to apply the moral sanction to their too virile fellows. Finally, he did publicly advocate the removal of gender inequality, which he trusted would play a key role in empowering women in decisions about childbirth, elevating their status above that of passive receptacles for male lust:

It is seldom by the choice of the wife that families are too numerous; on her devolves (along with all the physical suffering and at least a full share of the privations) the whole of the intolerable domestic drudgery resulting from the excess. To be relieved from it would be hailed as a blessing by multitudes of women who now never venture to urge such a claim, but who would urge it, if supported by the moral feelings of the community.

It would clearly be absurd to assert that Mill’s views on poor relief were derived solely from the twin influences of Bentham and Malthus. However, there are striking similarities and differences between the three thinkers. All three emphasised the danger involved in severing the necessary connection between the investment of labour and the acquisition of subsistence. Bentham and Mill alike, but emphatically unlike Malthus, consistently supported the maintenance of the right to relief, funded by taxation, and on the same utilitarian ground that the state should assume responsibility for the prevention of avoidable starvation. Malthus and Mill alike, but emphatically unlike the Bentham of the poor law writings, viewed the operation of the principle of population as a clear and present danger, which threatened to wipe out any possibility of progress in the living standards of the poor. For Mill, the tightening of the conditions of relief by means of the workhouse test, the insistence on labour, and the principle of less eligibility, all found both in Bentham’s poor law writings and in the New Poor Law of 1834, reconciled the recognition of a right to relief with such progress. For Mill, that reconciliation would be cemented by the adoption of contraceptive methods to prevent excessive growth in population, a view which would have been happily endorsed by Bentham at any time, but especially in circumstances of population pressure. For his part, Malthus remained too fearful of the effect on population growth of conceding legislative entitlement to relief to be confident of such a reconciliation, and was quite unable, as a Christian moral scientist, to embrace its reinforcement by the endorsement of birth control.

NOTES

1. A draft of this paper was delivered at the 9th Conference of the International Society for Utilitarian Studies at UCL in April 2006. I am grateful to my colleagues at the Bentham project, Ms. Catherine Fuller and Mrs. Catherine Pease-Watkin, and to Professor Fred Rosen for comments and criticisms on the draft.
5. “Manual of Political Economy”, in W. Stark (ed.), *Jeremy Bentham’s Economic Writings*, 3 vols., London, 1952, i, p. 272. This passage was composed around 1795, clearly pre-dating Mathus’s *Essay*. See also ibid., i, p. 273: “The quantity of capital depositive to industry remaining given, population cannot be had but at the expence of wealth, nor wealth but at the expence of population: the more people there are, the poorer they will be: the fewer, the richer.” In 1797, Bentham argued in his poor law writings, University College collection of Bentham manuscripts (henceforth UC) cxxxiii 93: “The wages of labour—meaning that of which there is most and which is the lowest paid—labour in husbandry—are commonly spoken of as too low. That they are so low is the result of the multitude of hands, compared with the quantity of employment calling for them: that is with the quantity of money in readiness, or money’s worth in store, to pay them for employing themselves. But the quantity of money to be disposed of in this way remaining the same, the more marriages you produce among the labouring class, the greater the number of employment-seeking hands you produce by the end of a certain time: and the more Hands, the greater the competition and the less the wages—and this, both because the quantity of work for each is less, and because, in order to supplant one working they are willing to take the less for the work they have.”

6. An Essay on the Principle of Population; or A View of its past and present Effects on Human Happiness; With an Inquiry into our Prospects respecting the future Removal or Mitigation of the Evils which it occasions, ed. D. Winch (using the text of the 1803 edition, Cambridge, 1992) (henceforth Essay), p. 42. In short, comfort, or lack of anxiety about subsistence, encouraged procreation, which multiplied numbers too quickly for increases in food supply to keep pace. By 1803 Malthus had reacted to the notoriety of his enumeration to the checks to population as consisting of misery and vice, by adding “moral restraint”, which, while it would doubtless cause temporary unhappiness, was resolvable into neither misery or vice.

7. Ibid., p. 66.


16. *Writings on the Poor Laws: I* (CW), p. 39, and see also pp. 171–2 for discussion of the consequences of out-allowances unaccompanied by obligation to labour, as they could not but be, on the morality of their recipients, and of the temptation they offered the independent to join the number of those recipients.


18. Ibid., p. 100.

19. “Conduct of the Ministry with respect to the poor laws”, *Examiner*, 27 October 1833, (CW) xxiii, p. 635. For similar comments in other newspaper writings see ibid, p. 538 and p. 709.

21. Essay, p. 287. To be exact, Bentham’s principle, which he had originally developed as the principle of severity in his Panopticon writings, was “no greater eligibility”: see “Panopticon: Postscript; Part II”, (Bowring iv, pp. 122–3), Writings on the Poor Laws: I (CW), pp. 39, 267 n.

22. Essay, p. 101. Bentham, though rather more sensitive than Malthus to the variety of causes of indigence, was certainly prepared to revive an old statute which had prescribed “badging the poor”: see Writings on the Poor Laws: I (CW), pp. 286–8.


24. For Malthus’s views on the blessing constituted by the failure of overseers to supply relief in accordance with the law, and for his recognition that the law of settlements had helped to prevent further increases in poor rates and in population, see Essay, pp. 105 and 356 respectively. For Mill’s opinion see “Condition of Ireland”, Morning Chronicle, 19 December 1846, CW xxiv, p. 1006: “until near the end of the eighteenth century the provisions of the law were administered with extreme rigidity; […] every effort was used by magistrates and gentry to prevent the rates from increasing, and the population from multiplying, which accordingly increased very slowly”, and also Principles of Political Economy (CW), ii, p. 158.

25. See Writings on the Poor Laws: I (CW), pp. 179 and 190 respectively.


27. Ibid., p. 185.

28. Principles of Political Economy, (CW) ii, p. 159. Mill repeats the point later in the same work: “Hitherto this and no other has been the use which the labourers have commonly made of any increase of their means of living: they have treated it simply as convertible into food for a greater number of children.”, (CW) iii, p. 728; see also (CW) ii, p. 346, and “Newman’s Political Economy”, (CW) v, p. 450.

29. Essay, p. 120.


31. Writings on the Poor Laws: I (CW), p. 84 (emphasis added).

32. Essay, p. 254; and see also p. 307, where Malthus argued in favour of: “whatever has a tendency to increase the prudence and foresight of the labouring classes”.


34. Ibid., p. 159.

35. Essay, p. 279 n.

36. See (CW), xviii, p. 301, and ii, p. 374 respectively.

37. For Himmelfarb, Malthus’s desire to disseminate the truths of political economy served a quietist agenda: “It taught the poor […] that they were fated to remain poor. […] that poverty was a fact of life on the order of such other natural facts as food and sex, indeed, an inevitable consequence of those natural facts.”: The Idea of Poverty, p. 130. This interpretation underestimates Malthus’s Whig commitment to moderate political reform, but it was an interpretation found in contemporary critics, both Tory and Radical. See J.R. Poynter, Society and Pauperism: English Ideas on Poor Relief, 1795–1834, London, 1969, pp. 171–7. Poynter’s discussion remains the finest introduction to this period of the debate on the poor laws.

38. Principles of Political Economy, (CW) ii, p. 375 and p. 107 respectively. On the lack of intelligence among the labouring classes as a barrier to progress, see also Principles of Political Economy, (CW) ii, p. 374. As early as 1823, Mill had made the point repeatedly that hungry and tired people cannot learn, that the ruling classes knew this, and that this circumstance made dissemination of information on birth control essential: see ‘Question of Population [1, 2] Black Dwarf, 27 November 1823, 10 December 1823, CW xxii, p. 84 and 89.

39. Principles of Political Economy (CW), iii, p. 763; see also “The Monthly Repository for December 1833”, Examiner, 15 December 1833, CW xxiii, p. 653. One famous example of Mill’s honesty in addressing the working class whilst seeking their votes for election to parliament is related in his
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Autobiography. Challenged with having written that the working classes were generally liars, Mill answered “I did”, receiving in response applause for his frankness: see CW i, pp. 275–6.

40. Writings on the Poor Laws: I, p. 85, and see also p. 100.

41. See UC cxlix. 69, where in discussion of the dissemination of useful knowledge Bentham envisages both “Admitting non-adults and others among the self-maintaining poor to be present at the instructions given to the apprentice stock”, and “Taking advantage of the stock of information obtained as above, by making it serve as a basis for courses of instruction to be administered expressly for the benefit of persons without doors.” See also “Outline of a work entitled Pauper Management Improved” (henceforth “Outline”), (Bowring viii, pp. 369–439, at 427).

42. See UC cliii. 132: “To propose that Law in general and Constitutional Law in particular should be admitted into the system of instruction allotted to the lowest class of the Poor, is a proposition that at first mention might seem full of absurdity and extravagance. But when the system of instruction on this head is understood to mean neither more nor less than a sermon, and that a short one, on the text, Study to be quiet and mind your own business, the supposed absurdity may appear not altogether untinctured with a spice of reason.”


44. Essay, p. 300. The question is repeated almost verbatim at ibid., p. 302.

45. Constitutional Code, (Bowring, ix, p. 13)


47. Ibid., (CW) iii, p. 961.

48. Bentham justified relief at public expense in “Principles of the Civil Code”, Bowring, i, p. 314–6, written in the 1780s, while that justification is repeated in Writings on the Poor Laws: I (CW), pp. 10–38. The existence of such relief is assumed in Bentham’s late constitutional writings: see First Principles preparatory to Constitutional Code, Oxford, 1989 (CW), p.157, Constitutional Code, vol. I, ed. F. Rosen and J.H. Burns, Oxford (CW), Ch. IX, § 9, p. 278.Bentham republished “Outline”, which explicitly assumes the transfer of the poor rates to the National Charity Company, as Pauper Management Improved: particularly by means of an application of the Panopticon Principle of construction, in 1812, and was considering its republication in the last years of his life. For a further defence in 1810, which adds the condition that profit must arise from pauper labour, thus implying that only on Bentham’s plan could the public provision of relief be justified, see n. 68 below.

49. Bentham made the point most succinctly in Principles of the Civil Code, (Bowring, i, p. 314): “the title of the indigent, as indigent, is stronger than the title of the proprietor of a superfluity, as proprietor”. For a defence of the claim of the indigent to relief in the poor law writings, see Writings on the Poor Laws: I (CW), pp. 10–11. For a later formulation, see “Legislator of the World”: Writings on Codification, Law and Education, eds. P. Schofield & J. Harris, Oxford, 1998 (The Collected Works of Jeremy Bentham), p. 195.

50. See Writings on the Poor Laws: I (CW), pp. 10, 19.

51. See Ibid., pp. 12–18.

52. See Ibid., p. 152.

53. See Ibid., p. 40.

54. See Ibid., p. 273, and “Outline”, (Bowring, viii, pp. 387–8).


59. For early marriage see “Outline”, (Bowring, viii, p. 437): “Comforts of matrimony allowed at the earliest period compatible with health’. For a range of expedients for ‘apprentice augmentation’ see UC cli. 290–1, clii. 317.

60. UC cliv. 525. The possibility that physically unattractive apprentices might be left unattached made Bentham loth to leave the selection of partners to mutual attraction. See UC cliii. 261: “In the exercises of the dance, it seems better that the sexes should not intermingle: at least at an age approaching that of marriage. The most beautiful of each sex would attract a circle of admirers from the other: hence the whole tribe of rivalships, jealousies, vain regrets, disappointments and enmities: for a single happy lover, unhappy ones by dozens. The remedy seems to be this—option, but not selection: the couples matched, by choice of guardians, or by lot. Liberty of rejection to either party: but on condition of waiting till another turn: so many weeks or months longer. […] On this plan the Company’s Wards will, it must be confessed, be inferior in point of felicity to the most fortunate of their fellows without doors. But this first ingredient of felicity will be universal: for on these terms none need want a mate.”


62. For Mill’s position see § IV, iv below.

63. See ‘Outline’, (Bowring, viii, pp. 382–3 and 389), UC cli. 479–81; UC cliv. 282–4, 293.

64. UC cli. 108. See also UC cli. 290, where Bentham described the Company’s role in reducing neo-natal mortality as an advantage to the state “in respect of the chance of an addition to its wealth and population”.

65. UC cliv. 541.

66. UC cli. 108. On 28 March 1830, in a letter to Robert Peel in which he claimed to be about to republish “Outline”, Bentham recalled his poor plan through something of a Malthusian filter: “Of the pauper population the juvenile part, after giving them an appropriate preparatory education directed to the contemplated end and taking its commencement from birth, I should have sent to colonize in wedlock”. Peel Papers, BL Add. MS. 40, 400, fos. 134–7. Malthus endorsed emigration to colonies as a “useful and proper” “temporary expedient” in the face of population pressure, but was clear that “with any view to making room for an unrestricted increase of population, emigration is perfectly inadequate” (Essay, p. 87). Writing in 1820, James Mill was more positive: “When the population of a country is full, and its increase cannot go on at its most rapid pace, without producing the two evils of redundancy, a portion of the people, sent off to another country, may create a void, and till this is filled up, population may go on as rapidly as before, and so on for any number of times.” See The Article Colony, reprinted from the Supplement to Encyclopædia Britannica, London, [1820?], p. 13.

67. See UC cli. 481.

68. In “Defence of Economy against Rose”, written in 1810, Bentham repeats his defence of the public provision of relief, on condition that it should be provided at a profit: “Against provision of even the scantiest kind, an objection that by many has been regarded as a peremptory one is, that it operates as a provision for idleness and extravagance. By myself … it has never been regarded in that light; not seeing that so long as it is confined to what is absolutely necessary to keep a person alive and free from disease, and given on condition of working, where work can be made profitable (and beyond this I undertake not for the defence of it) subsistence is capable of acting to any preponderantly formidable extent in that character;”, Official Aptitude Maximized; Expense Minimized, ed. P. Schofield, (CW), Oxford, 1993, p. 104 (emphasis added).

69. “Considered in its relation to the state of the self-maintaining poor, the system will act as a constant and exactly proportioned drain, carrying off the superfluous stock, and nothing but the superfluous stock, of children””, UC cxxviii. 95. For Bentham’s admission that this effect may be balanced by increased procreation on the part of the independent poor, see UC cliv. 528.

70. UC cliii. 150.
71. UC cliii. 260. For Malthus’s diametrically opposed view, on the grounds that such a policy would not only threaten liberty, but be self-defeating, see Essay, pp. 104–5.

72. Ogden stated that Bentham was “converted by Malthus in 1802”, but provided no source for this information: see The Theory of Legislation, ed. C.K. Ogden, London, 1931, pp. 474, 519 n. In Scotch Reform, written between 1806 and 1808, Bentham made a single sardonic allusion to Malthus’s “inflexibility and his bitter remedy” (Bowring, v. 21). By the time of the drafting of “Pannomial Fragments” towards the end of his life, Bentham’s acceptance of the principle of population is much clearer: see Bowring, iii, p. 227–8.

73. For Bentham’s intentions in 1830, see n. 360 above.


75. The excision of the final section did not quite remove all references to the positive benefits of the deliberate fostering of population growth from ‘Outline’. The following survives in the reprint of 1798, the translation of 1802, and the edition of 1812: “To give a positive value to an average child—is a problem, the solution of which would be an inexhaustible source of wealth, population, and happiness, to the state.—The proposed system bids fair to be—and it is the only one that, in the nature of things, could be—equal to the task.”, “Outline”, (Bowring, viii, p. 390 n.).


77. For Bentham’s critique of the indictment of sexual acts on the ground of their unnaturalness, the imputation being “senseless”, see Theory of Legislation, p. 479.


80. UC cli. 108.

81. The Latin footnote at the end of “Manual of Political Economy” which defends non-procreative sex could apply equally to homosexuality and contraception: see Jeremy Bentham’s Economic Writings, i, p. 272–3. In MSS on sex written between 1814 and 1816, Bentham’s focus seems to be more clearly on contraception: “From the excess of population flows no small part of the misery with which the civilized part of the globe is affected. By any circumstance, if circumstance there were other than human suffering, by which a check could be applied to the effect of this tendency, the balance on the side of happiness would be encreased.” (Theory of Legislation, 486)

82. As Poynter notes, the first edition contained both a plea for “the total abolition of all the present parish laws”, and a proposal for the establishment of a system of county workhouses, funded by a national rate, and open to all. See Society and Pauperism, p. 156 and n.

83. Essay, p. 261 (This version of the renunciation of society’s obligation to relieve indigence was introduced in the 1806 edition, after the deletion of the notorious “nature’s feast” metaphor, which contained the disclaimer, in 1803, ibid., p. 249).

84. Ibid., p. 261. Bastards were treated twice as indulgently, the cut-off point for their claim to relief being two years after the passage of the necessary legislation, rather than one.

85. Ibid., p. 267. See also pp.226, and 263: “the laws of nature, which are the laws of God, had doomed him and his family to starve for disobeying their repeated admonitions” (In 1806 “starve” was replaced by “suffer”).

87. Essay, p. 360. See also p. 358 n., added in 1807 and altered slightly in 1817, where Malthus recognized that the new census data did not seem to confirm the hypothesis that the poor laws encouraged irresponsible marriage.


89. Summary View, p. 73.

90. Ibid.

91. Summary View, p. 74.

92. In 1806 Malthus echoed Bentham in his condemnation of systems which capped the amount of money made available for poor relief: see Essay, p. 347, although by 1817 he was prepared to countenance such limitation: see ibid, p. 311.

93. See ibid., p. 99.

94. Ibid, p. 108; and, for the short term nature of such measures, p. 112.

95. See ibid., pp. 107, 308.

96. Ibid., p. 113.

97. See ibid., pp. 128, 145–6. Malthus also rejected any sustained effort to lower the quality of the diet of the poor, since one good thing about their expensive preference for white bread was that it allowed them a margin for retrenchment in hard times.

98. See ibid., p. 264–5. For the remote effect on other labourers constituted by the future lowering of the price of labour, see ibid., p. 229.

99. Ibid., p. 262.

100. Ibid., p. 23 n.

101. See ibid., p. 121.

102. See ibid., p. 117–18.


106. Summary View, p. 45.


109. To describe Malthus as a model of clarity with regard to the distinction between moral restraint and prudential restraint, and to his attitude to the potentially vicious aspects of the latter, would clearly be something of an overstatement. See the similar discussion in Essay, pp. 325–6, where Malthus recognized that the duty of celibacy before marriage had never, and would never, be completely fulfilled, and goes on to argue that, in relation to the duty of moral restraint, “The part which has been affected by the reasonings of this work is not, therefore, that which relates to our conduct during the period of celibacy, but to the duty of extending this period till we have a prospect of being able to maintain our children. And it is by no means visionary to indulge a hope of some favourable change in this respect; because it is found by experience that the prevalence of this kind of prudential restraint is extremely different in [...] the same countries at different periods.” Here, the crucial distinction between virtue and vice in the period before marriage is simply defined out of existence by reference to the simple
extension of the "period of celibacy". Now any sexual activity during the "period of celibacy" is, for Malthus the Christian minister, vicious. Further, sexual activity during a period of celibacy renders it, definitionally, not a "period of celibacy". On one reading, the distinction between prudential restraint and moral restraint collapses: both refer to the celibate delay of marriage, while Malthus is content to assume what he has just denied, that prudential delay in marriage is typically associated with celibacy. On another, the distinction remains, but the crucial check to population is provided not by moral restraint, but by prudential restraint, that is, delayed marriage, and thus procreation, regardless of the degree of sexual activity, or lack of it, during the period of the delay.


111. For instance David Ricardo, see The Works and Correspondence of David Ricardo, eds. P. Sraffa and M.H. Dobb, Cambridge, 1951–73 (henceforth CW), i, pp. 105–7. Francis Place had been converted to abolition of relief for the able-bodied by 1827: see D. Mills, Francis Place: The Life of a Remarkable Radical, Brighton, 1988, pp. 147–8, and 156. James Mill’s position is less more complex. In his article "Beggar", Mill describes the existing poor laws as “most prolific of all the causes of beggary”, and as “holding out a premium for worthlessness, and for that excessive multiplication of the people, to which a state of wretchedness is attached”. However, he also assumes that the incapable should not be left to starve, and, in discussing methods of eliminating mendicity, advocates a system of reformatories, ending with what looks like a recommendation of Bentham’s poor plan: “We know, hoever, only one good plan, and that is before the world already, in Mr. Bentham’s Panopticon. Apply this, with the system of management which he has contrived for it, and if you do not extinguish the evil of pauperism … you will undoubtedly reduce it to its lowest terms.” See Supplement to the fourth, fifth and sixth editions of the Encyclopædia Britannica, ii, pp. 231–48, at 240, 242–3, 247.

112. Mill credited the commission with reconciling “a right to relief … with the permanent interests of the labouring class and of posterity”: Principles of Political Economy (CW), ii, p. 360.

113. Chadwick had a friend of Mill since 1824, and was employed as a secretary by Bentham in 1830, moving into Bentham’s home in 1831. In 1838 Chadwick edited Bentham’s “Observations on the Poor Bill” (Bowring, viii, p. 440–61).

114. See, for instance, the definition of poverty as dependence on labour for subsistence; the insistence on the impossibility of relieving poverty, as opposed to indigence; the insistence on indoor relief for the able-bodied; the notion of unconditional relief as a bounty on indolence; the principle of less eligibility; and the demand for systematic professional management. The New Poor Law was doubtless the child of many fathers, and it is not the purpose of this paper to argue for Bentham’s pre-eminence among them. However, Poynter seems typically acute in arguing that the similarities between Bentham’s proposals and the Commission’s report are such that “the onus of proof is surely on those who would deny Bentham’s influence on the act which created the new poor law.” Society and Pauperism, p. 327; and see ibid., pp. 316–29 for discussion of the work of the Commission in relation to Bentham’s poor law writings.

115. Principles of Political Economy (CW), ii, p. 360, and, for a like statement, iii, p. 962. For the assertion that taxation of superfluities is justified to supply subsistence to the indigent, see ibid., ii, p. 357.

116. See ibid., iii, p. 962.

117. See “The Poor Laws”, Examiner, 9 March 1834, CW xxiii, p. 687.

118. Society and Pauperism, p. 326.


120. Principles of Political Economy (CW), iii, p. 961.

121. "Walter on the Poor Law Amendment Bill", Morning Chronicle, 12 May 1834, CW xxiii, p. 712; see also “The Proposed Reform of the Poor Laws”, Monthly Repository, May, 1834, CW vi, p. 204,

122. See “First Report of the Poor Law Commissioners”, Globe and Traveller, 8 September 1835, CW xxiii, p. 776–8, at 778.

123. CW xviii, p. 309.


133. See Principles of Political Economy (CW), ii, p. 359.

134. See Principles of Political Economy (CW), iii, pp. 714, 767.


139. Ibid., p. 372.

ABSTRACTS

This paper analyses the views of Bentham, Malthus, and Mill, on poverty, population, and poor relief, in order to investigate the influence of the two former on the latter. It argues that all three shared two basic assumptions which led them to frame a similar problem. Mill, like Bentham, and unlike Malthus, defended the public provision of relief to indigence on utilitarian grounds, while his position on the conditions of that relief was impeccably Benthamic. However, Bentham’s poor plan was itself premised, in the absence of perceived population pressure, on deliberate
expansion of both population and of subsistence, while Mill had absorbed Malthus’s lesson that restriction on growth of population was the pre-requisite for improvement in the material condition of the labouring poor. For Mill, the legislative imposition in 1834 of the conditions of relief envisaged by Bentham as deterrents to unjust claims, served to rescue the poor laws from Malthus’s fears of their effect in encouraging irresponsible procreation.

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